

SENATE BILL 639

D1, E1

8lr1680

By: **Senators Jacobs, Klausmeier, Mooney, Munson, and Stone**
Introduced and read first time: February 1, 2008
Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Courts – Evidence – Existence of or Membership in a Criminal Gang**

3 FOR the purpose of establishing that certain evidence is probative of the existence of
4 or membership in a criminal gang; authorizing the admissibility of certain
5 evidence in a civil or criminal proceeding to prove the existence of or
6 membership in a criminal gang; and generally relating to the admissibility of
7 evidence relating to a criminal gang.

8 BY adding to

9 Article – Courts and Judicial Proceedings
10 Section 10–922
11 Annotated Code of Maryland
12 (2006 Replacement Volume and 2007 Supplement)

13 BY repealing and reenacting, without amendments,

14 Article – Criminal Law
15 Section 9–801(a) and (c)
16 Annotated Code of Maryland
17 (2002 Volume and 2007 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
19 MARYLAND, That the Laws of Maryland read as follows:

20 **Article – Courts and Judicial Proceedings**

21 **10–922.**

22 (A) IN THIS SECTION, “CRIMINAL GANG” HAS THE MEANING STATED IN §
23 9–801 OF THE CRIMINAL LAW ARTICLE.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (B) FOR THE PURPOSE OF ESTABLISHING, IN A CRIMINAL OR CIVIL
 2 PROCEEDING, THE EXISTENCE OF A CRIMINAL GANG OR A PERSON'S
 3 MEMBERSHIP IN A CRIMINAL GANG, ANY COMPETENT EVIDENCE THAT IS
 4 PROBATIVE OF THE EXISTENCE OF OR MEMBERSHIP IN A CRIMINAL GANG IS
 5 ADMISSIBLE, INCLUDING THE FOLLOWING:

- 6 (1) SELF- PROCLAMATION;
- 7 (2) A COMMON NAME, INSIGNIA, FLAG, OR MEANS OF
8 RECOGNITION;
- 9 (3) COMMON IDENTIFYING HAND OR BODY SIGNS, SIGNALS, OR
10 CODE;
- 11 (4) A COMMON IDENTIFYING MODE, STYLE, OR COLOR OF DRESS;
- 12 (5) AN IDENTIFYING TATTOO OR BODY MARKING;
- 13 (6) A QUALIFICATION OR CHARACTERISTIC OF MEMBERSHIP
14 SUCH AS AGE OR ETHNICITY;
- 15 (7) CREED OR BELIEF;
- 16 (8) AN OVERT OR COVERT ORGANIZATIONAL OR COMMAND
17 STRUCTURE;
- 18 (9) A DE FACTO CLAIM OF TERRITORY OR JURISDICTION;
- 19 (10) AN INITIATION RITUAL;
- 20 (11) A CONCENTRATION OR SPECIALTY OF CRIMINAL ACTIVITY; OR
- 21 (12) A METHOD OF OPERATION OR CRIMINAL ENTERPRISE.

22 Article - Criminal Law

23 9-801.

24 (a) In this subtitle the following words have the meanings indicated.

25 (c) "Criminal gang" means a group or ongoing association of three or more
 26 persons whose members:

- 27 (1) individually or collectively engage in a pattern of criminal gang
 28 activity;

1 (2) have as one of their primary objectives or activities the commission
2 of one or more underlying crimes, including acts by juveniles that would be
3 underlying crimes if committed by adults; and

4 (3) have in common an identifying sign, symbol, name, leader, or
5 purpose.

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 October 1, 2008.