

SENATE BILL 641

E1

8lr1678

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 **Criminal Gang Activity – Financial Transactions – Penalty**

3 FOR the purpose of prohibiting a person from receiving certain proceeds and using or
4 investing a certain amount of those proceeds in the acquisition of certain
5 property or establishment or operation of a criminal gang; prohibiting a person
6 from directly acquiring, maintaining an interest in, or asserting control of a
7 criminal gang through a pattern of criminal gang activity; prohibiting a person
8 from engaging in a certain money transmission with certain proceeds;
9 establishing certain penalties; providing that a person sentenced for a violation
10 of certain provisions of this Act is not eligible for parole; requiring that a
11 sentence imposed under this Act be separate from and consecutive to a sentence
12 for any crime based on the act establishing the violation; and generally relating
13 to criminal gang activity.

14 BY adding to
15 Article – Criminal Law
16 Section 9–805, 9–806, and 9–807
17 Annotated Code of Maryland
18 (2002 Volume and 2007 Supplement)

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

21 **Article – Criminal Law**

22 **9–805.**

23 (A) **A PERSON MAY NOT:**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (1) RECEIVE PROCEEDS THAT THE PERSON KNOWS OR SHOULD
2 KNOW ARE DIRECTLY DERIVED FROM A PATTERN OF CRIMINAL GANG ACTIVITY;
3 AND

4 (2) USE OR INVEST AN AGGREGATE OF \$10,000 OR MORE OF THE
5 PROCEEDS IN:

6 (I) THE ACQUISITION OF TITLE TO, OR A RIGHT, INTEREST,
7 OR EQUITY IN, REAL OR PERSONAL PROPERTY; OR

8 (II) THE ESTABLISHMENT OR OPERATION OF A CRIMINAL
9 GANG.

10 (B) (1) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A
11 FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT FOR NOT LESS
12 THAN 5 YEARS AND NOT EXCEEDING 40 YEARS OR A FINE NOT EXCEEDING
13 \$1,000,000 OR BOTH.

14 (2) EXCEPT AS PROVIDED IN § 4-305 OF THE CORRECTIONAL
15 SERVICES ARTICLE, A PERSON SENTENCED UNDER THIS SECTION IS NOT
16 ELIGIBLE FOR PAROLE.

17 (C) A SENTENCE IMPOSED UNDER THIS SECTION SHALL BE SEPARATE
18 FROM AND CONSECUTIVE TO A SENTENCE FOR ANY CRIME BASED ON THE ACT
19 ESTABLISHING THE VIOLATION OF THIS SECTION.

20 **9-806.**

21 (A) A PERSON MAY NOT DIRECTLY ACQUIRE, MAINTAIN AN INTEREST
22 IN, OR ASSERT CONTROL OF A CRIMINAL GANG THROUGH A PATTERN OF
23 CRIMINAL GANG ACTIVITY.

24 (B) (1) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A
25 FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT FOR NOT LESS
26 THAN 5 YEARS AND NOT EXCEEDING 40 YEARS OR A FINE NOT EXCEEDING
27 \$1,000,000 OR BOTH.

28 (2) EXCEPT AS PROVIDED IN § 4-305 OF THE CORRECTIONAL
29 SERVICES ARTICLE, A PERSON SENTENCED UNDER THIS SECTION IS NOT
30 ELIGIBLE FOR PAROLE.

31 (C) A SENTENCE IMPOSED UNDER THIS SECTION SHALL BE SEPARATE
32 FROM AND CONSECUTIVE TO A SENTENCE FOR ANY CRIME BASED ON THE ACT
33 ESTABLISHING THE VIOLATION OF THIS SECTION.

1 **9-807.**

2 (A) A PERSON MAY NOT ENGAGE IN A MONEY TRANSMISSION AS
3 DEFINED IN § 12-401 OF THE FINANCIAL INSTITUTIONS ARTICLE WITH
4 PROCEEDS THAT THE PERSON KNOWS OR SHOULD KNOW ARE DERIVED FROM
5 OR TRACEABLE TO A PATTERN OF CRIMINAL GANG ACTIVITY.

6 (B) (1) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A
7 FELONY AND ON CONVICTION IS SUBJECT TO:

8 (I) IMPRISONMENT NOT EXCEEDING 5 YEARS;

9 (II) A FINE NOT EXCEEDING THE GREATER OF:

10 1. \$250,000; OR

11 2. THREE TIMES THE VALUE OF THE PROCEEDS
12 INVOLVED IN THE MONEY TRANSMISSION; OR

13 (III) BOTH IMPRISONMENT AND A FINE.

14 (2) A PERSON CONVICTED OF A SUBSEQUENT VIOLATION OF THIS
15 SECTION IS SUBJECT TO:

16 (I) IMPRISONMENT NOT EXCEEDING 10 YEARS;

17 (II) A FINE NOT EXCEEDING THE GREATER OF:

18 1. \$250,000; OR

19 2. FIVE TIMES THE VALUE OF THE PROCEEDS
20 INVOLVED IN THE MONEY TRANSMISSION; OR

21 (III) BOTH IMPRISONMENT AND A FINE.

22 (3) EXCEPT AS PROVIDED IN § 4-305 OF THE CORRECTIONAL
23 SERVICES ARTICLE, A PERSON SENTENCED UNDER THIS SECTION IS NOT
24 ELIGIBLE FOR PAROLE.

25 (C) A SENTENCE IMPOSED UNDER THIS SECTION SHALL BE SEPARATE
26 FROM AND CONSECUTIVE TO A SENTENCE FOR ANY CRIME BASED ON THE ACT
27 ESTABLISHING THE VIOLATION OF THIS SECTION.

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