

HB0756/412614/4

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 756

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Walker” and substitute “Walker, Waldstreicher, Simmons, Barnes, Carter, Lee, McConkey, Rosenberg, Love, Costa, George, King, Kipke, Schuh, Sophocleus, and Smigiel”; in line 5, strike “a”; in the same line, strike “list of”; strike beginning with “defining” in line 6 down through “purposes;” in line 7; strike beginning with “provide” in line 9 down through “crime” in line 13 and substitute “repeal the requirement that a pattern of criminal gang activity be ongoing; requiring a sentence imposed for a second or subsequent offense of participation in criminal gang activity to be separate from and consecutive to a certain other sentence; requiring a sentence imposed for participation in criminal gang activity that results in the death of a victim to be separate from and consecutive to a sentence for a certain other sentence; specifying that a certain consecutive sentence shall not be mandatory unless the State makes a certain notification at a certain time; prohibiting a person from organizing, supervising, financing, or managing a criminal gang; establishing penalties; requiring a certain sentence to be separate from and consecutive to a certain other sentence; providing that a certain provision of law may not be construed inconsistently with certain other provisions of law; making clarifying changes”; and after line 18, insert:

“BY adding to

Article – Criminal Law

Section 9-805 and 9-806

Annotated Code of Maryland

(2002 Volume and 2009 Supplement)”.

AMENDMENT NO. 2

On page 2, in lines 5, 6, 20, and 23, in each instance, strike the bracket; strike beginning with “**COMMIT,**” in line 6 down through “**INCIDENT**” in line 9; strike

(Over)

beginning with the colon in line 13 down through “(II)” in line 15; and strike beginning with the semicolon in line 16 down through “ENTERPRISE” in line 19.

On pages 2 and 3, strike in their entirety the lines beginning with line 24 on page 2 through line 10 on page 3, inclusive.

On page 3, strike beginning with “§ 3-701” in line 14 down through “WEAPONS),” in line 15; in line 16, strike “§ 6-301 (MALICIOUS DESTRUCTION),”; in line 19, after “JUROR),” insert “§ 11-303 (HUMAN TRAFFICKING),”; in the same line, after “PROSTITUTE),” insert “OR”; in the same line, after “§ 11-306” insert “(A)(2), (3), OR (4)”; in line 20, strike “, OR § 12-102 (GAMBLING)”; in line 21, after the second closing bracket, insert “§ 3-701 (EXTORTION),”; strike beginning with the comma in line 24 down through “PROPERTY)” in line 25; in line 29, strike the second set of brackets; in the same line, strike “(B) OR (C)”; and in line 32, strike the bracket.

AMENDMENT NO. 3

On page 4, in lines 1 and 3, in each instance, strike the bracket; in line 1, strike “ACTIVELY”; in line 2, strike “an ongoing” and substitute “A”; in line 3, strike “the commission of”; in line 7, strike “commit a violation of” and substitute “VIOLATE”; in line 8, strike “involving the commission of an underlying crime”; in line 15, after “(2)” insert “(I)”; in the same line, after “under” insert “PARAGRAPH (1)(I) OF THIS SUBSECTION”; in the same line, after “section” insert “FOR A FIRST OFFENSE”; in the same line, strike the brackets; in the same line, strike “SHALL”; in line 16, strike the brackets; and after line 17, insert:

“(II) A SENTENCE IMPOSED UNDER PARAGRAPH (1)(I) OF THIS SUBSECTION FOR A SECOND OR SUBSEQUENT OFFENSE, OR PARAGRAPH (1)(II) OF THIS SUBSECTION SHALL BE SEPARATE FROM AND CONSECUTIVE TO A SENTENCE FOR ANY CRIME BASED ON THE ACT ESTABLISHING A VIOLATION OF THIS SECTION.

(III) A CONSECUTIVE SENTENCE FOR A SECOND OR SUBSEQUENT OFFENSE SHALL NOT BE MANDATORY UNLESS THE STATE NOTIFIES THE PERSON IN WRITING OF THE STATE’S INTENTION TO PROCEED AGAINST THE PERSON AS A SECOND OR SUBSEQUENT OFFENDER AT LEAST 30 DAYS BEFORE TRIAL.”.

AMENDMENT NO. 4

On page 5, after line 2, insert:

“9-805.

(A) A PERSON MAY NOT ORGANIZE, SUPERVISE, FINANCE, OR MANAGE A CRIMINAL GANG.

(B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 20 YEARS OR A FINE NOT EXCEEDING \$100,000 OR BOTH.

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

9-806.

NOTHING IN THIS SUBTITLE MAY BE CONSTRUED INCONSISTENTLY WITH THE PROVISIONS RELATING TO JURISDICTION OVER JUVENILE CAUSES CONTAINED IN TITLE 3, SUBTITLE 8A OF THE COURTS ARTICLE.”.