

SB0517/733022/3

BY: Senator Zirkin

AMENDMENTS TO SENATE BILL 517, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

Strike the Judicial Proceedings Committee Amendments (SB0517/248170/1) in their entirety.

AMENDMENT NO. 2

On page 1 of the bill, in the sponsor line, strike “and Jacobs” and substitute “, Jacobs, Forehand, Mooney, and Simonaire”; strike line 2 in its entirety and substitute “Maryland Gang Prosecution Act of 2010”; 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 14 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 20, insert:

“BY adding to

Article – Criminal Law

Section 9-805 and 9-806

Annotated Code of Maryland

(Over)

(2002 Volume and 2009 Supplement)”.

AMENDMENT NO. 3

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

On page 3 of the bill, 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; and in the same line, strike “**(B) OR (C)**”.

AMENDMENT NO. 4

On page 4 of the bill, 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”; strike beginning with the semicolon in line 6 down through “**GANG**” in line 8; in line 9, strike “commit a violation of” and substitute “**VIOLATE**”; in line 10, strike “involving the commission of an underlying crime”; in line 17, 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 18, strike the brackets; and after line 19, 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. 5

On page 5 of the bill, after line 5, 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.

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ZIRKIN

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**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.”**