

HOUSE BILL 1269

E1, E2
HB 1321/08 – JUD

0lr2859

By: **Delegates Sophocleus, Beidle, Dwyer, Kipke, Love, and Schuh**
Introduced and read first time: February 18, 2010
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Criminal Gang Participation – Sentencing**

3 FOR the purpose of altering a provision of law to require that a certain sentence for a
4 violation of the prohibition against participation in a criminal gang under
5 certain conditions be separate from and consecutive to a sentence for the
6 underlying crime; and generally relating to sentencing for criminal gang
7 participation.

8 BY repealing and reenacting, without amendments,
9 Article – Criminal Law
10 Section 9–804(a) and (b)
11 Annotated Code of Maryland
12 (2002 Volume and 2009 Supplement)

13 BY repealing and reenacting, with amendments,
14 Article – Criminal Law
15 Section 9–804(c)
16 Annotated Code of Maryland
17 (2002 Volume and 2009 Supplement)

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

20 **Article – Criminal Law**

21 9–804.

22 (a) A person may not:

23 (1) participate in a criminal gang knowing that the members of the
24 gang engage in an ongoing pattern of criminal gang activity; and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



1 (2) knowingly and willfully direct or participate in the commission of
2 an underlying crime, or act by a juvenile that would be an underlying crime if
3 committed by an adult, committed for the benefit of, at the direction of, or in
4 association with a criminal gang.

5 (b) A person may not commit a violation of subsection (a) of this section
6 involving the commission of an underlying crime that results in the death of a victim.

7 (c) (1) (i) Except as provided in subparagraph (ii) of this paragraph, a
8 person who violates this section is guilty of a felony and on conviction is subject to
9 imprisonment not exceeding 10 years or a fine not exceeding \$100,000 or both.

10 (ii) A person who violates subsection (b) of this section is guilty
11 of a felony and on conviction is subject to imprisonment not exceeding 20 years or a
12 fine not exceeding \$100,000 or both.

13 (2) A sentence imposed under this section [may] **SHALL** be separate
14 from and consecutive to [or concurrent with] a sentence for any crime based on the act
15 establishing a violation of this section.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 October 1, 2010.