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March 3, 2020

To: The Honorable William C. Smith, Jr.  
Chair, Judicial Proceedings Committee

From: Office of the Attorney General

Re: SB 745 Criminal Organizations - Penalties, Procedure, and Elements (**SUPPORT WITH AMENDMENT**)

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Senate Bill 745 proposes changes to the current laws regarding the prosecution of criminal gangs, found in Sections 9-801 through 9-807 of the Criminal Law Article of the Maryland Code. This bill is mostly a result of the Task Force to Study Maryland's Criminal Gang Statutes (hereinafter, the Task Force), which was created by Governor Hogan pursuant to Chapter 145 of 2018 (Senate Bill 1137).

The Task Force unanimously agreed to submit legislation proposing changing the term "gang" to "organization" throughout the relevant sections. These changes are worked by text included in SB 745. We fully support these changes and contend that they constitute a useful reworking of the law. This will prevent an individual from unfairly being labeled a "gang member," while still allowing the government to prosecute individuals who violate these laws.

However, we do not support the addition of Section 9-808 in SB 745. This text was not raised as a proposal to the Task Force and was therefore not vetted or voted upon. Additionally, the spirit of this section is already addressed in the existing sections (9-801 and 9-804, in particular) of the current law. This section unnecessarily creates a confusing additional element to an already complex statute made up of several different elements.

We understand that the bill sponsors do not oppose striking Section 9-808 in its entirety. If the Committee elects to strike Section 9-808, we support a favorable report on SB 745.

cc: Members of the Senate Judicial Proceedings Committee

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Amendments

On page 7, strike in their entirety lines 22 through 30, inclusive.