



THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

Privileged & Confidential

MEMORANDUM

March 10, 2023

Re: Proposed Amendments to Maryland's Organized Crime Statutes
MD Crim Law Article § 9-801 and 9-804.

Adding suggested Amendments to Organized Crime Statutes as follows:

Adding Civil Forfeiture language as MD Crim Law Article § 9-804(k)

(A) AN AGGRIEVED PERSON OR THE STATE MAY FILE A COMPLAINT IN CIRCUIT COURT TO ENJOIN A VIOLATION OF § 9-804 OF THIS SUBTITLE.

(B) A COURT MAY, AFTER MAKING DUE PROVISIONS FOR THE RIGHTS OF INNOCENT PERSONS, GRANT A COMPLAINT FILED UNDER SUBSECTION (A) OF THIS SECTION BY ISSUING APPROPRIATE ORDERS AND JUDGMENTS, INCLUDING:

- (1) ORDERING A DEFENDANT TO DIVEST ANY INTEREST IN AN ENTERPRISE, REAL PROPERTY, OR PERSONAL PROPERTY;

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- (2) IMPOSING REASONABLE RESTRICTIONS ON THE FUTURE ACTIVITIES OR INVESTMENTS OF A DEFENDANT, INCLUDING PROHIBITING THE DEFENDANT FROM ENGAGING IN THE SAME TYPE OF ENDEAVOR AS THE ENTERPRISE IN

WHICH THE DEFENDANT WAS ENGAGED IN VIOLATION OF § 9-902 OF THIS SUBTITLE;

(3) ORDERING THE DISSOLUTION OR REORGANIZATION OF AN ENTERPRISE;

(4) ORDERING THE SUSPENSION OR REVOCATION OF A LICENSE, PERMIT, OR PRIOR APPROVAL GRANTED TO AN ENTERPRISE BY A STATE AGENCY; AND

(5) ORDERING THE FORFEITURE OF THE CHARTER OF A CORPORATION ORGANIZED UNDER STATE LAW, OR THE REVOCATION OF AUTHORIZATION FOR A FOREIGN CORPORATION TO CONDUCT BUSINESS IN THE STATE, ON A FINDING THAT:

(I) THE BOARD OF DIRECTORS OR A MANAGERIAL AGEN ACTING ON BEHALF OF THE CORPORATION, IN CONDUCTING AFFAIRS OF THE CORPORATION, HAS AUTHORIZED OR ENGAGED IN CONDUCT IN VIOLATION OF § 9-902 OF THIS SUBTITLE; AND

(II) FOR THE PREVENTION OF FUTURE CRIMINAL ACTIVITY, THE PUBLIC INTEREST REQUIRES THAT THE CHARTER OF THE CORPORATION BE FORFEITED AND THAT THE CORPORATION BE DISSOLVED OR ITS AUTHORIZATION TO CONDUCT BUSINESS IN THE STATE BE REVOKED.

(C) (1) IN AN ACTION UNDER THIS SECTION, THE COURT SHALL GRANT RELIEF IN CONFORMITY WITH THE PRINCIPLES THAT GOVERN THE GRANTING OF INJUNCTIVE RELIEF FROM THREATENED LOSS OR DAMAGE IN OTHER CIVIL CASES, IF NO SHOWING OF SPECIAL OR IRREPARABLE DAMAGE TO THE PLAINTIFF IS MADE.

(2) ON THE EXECUTION OF PROPER BOND AGAINST DAMAGES FOR AN INJUNCTION IMPROVIDENTLY GRANTED AND A SHOWING OF IMMEDIATE DANGER OF SIGNIFICANT LOSS OR DAMAGE, THE COURT MAY ISSUE A TEMPORARY RESTRAINING ORDER AND A PRELIMINARY INJUNCTION BEFORE A FINAL DETERMINATION ON THE MERITS.

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(D) A PERSON WHO IS INJURED AS A RESULT OF A VIOLATION OF § 9-902 OF THIS SUBTITLE:

(1) HAS A CIVIL CAUSE OF ACTION AGAINST THE VIOLATOR FOR THREE TIMES THE ACTUAL DAMAGES SUSTAINED AND, WHERE APPROPRIATE, PUNITIVE DAMAGES; AND

(2) IS ENTITLED TO RECOVER ATTORNEY'S FEES IN THE TRIAL AND APPELLATE COURTS AND COSTS OF INVESTIGATION AND LITIGATION REASONABLY INCURRED.

(E) THE PLAINTIFF OR DEFENDANT MAY DEMAND A JURY TRIAL IN ANY CIVIL ACTION BROUGHT UNDER THIS SECTION.

(F) A CRIMINAL CONVICTION FOR A VIOLATION OF § 9-902 OF THIS SUBTITLE SHALL ESTOP THE DEFENDANT IN ANY SUBSEQUENT CIVIL ACTION UNDER THIS SUBTITLE OR CIVIL FORFEITURE PROCEEDING UNDER TITLE 13, SUBTITLE 6 OF THE CRIMINAL PROCEDURE ARTICLE AS TO ALL MATTERS PROVED IN THE CRIMINAL PROCEEDING.

(G) (1) THE APPLICATION OF ONE CIVIL REMEDY UNDER THIS SECTION SHALL NOT PRECLUDE THE APPLICATION OF ANY OTHER CIVIL OR CRIMINAL REMEDY FOR A VIOLATION OF § 9-902 OF THIS SUBTITLE.

Expanding Underlying Crimes Section of MD Criminal Law Article § 9-801(g) as follows:

(2) CIVIL REMEDIES UNDER THIS SECTION ARE SUPPLEMENTAL AND NOT MUTUALLY EXCLUSIVE.

SUBTITLE 4 OF THE REAL PROPERTY ARTICLE;

(14) FRAUD AND RELATED CRIMES UNDER TITLE 8 OF THIS ARTICLE;

(15) BRIBERY UNDER SUBTITLE 2 OF THIS TITLE;

(16) FALSE STATEMENTS UNDER SUBTITLE 5 OF THIS TITLE;

(17) IMPERSONATING A POLICE OFFICER UNDER § 3-502 OF THE 21 PUBLIC SAFETY ARTICLE;

(18) OBSTRUCTING JUSTICE UNDER SUBTITLE 3 OF THIS TITLE;

(19) PERJURY UNDER SUBTITLE 1 OF THIS TITLE;

(20) THREAT OF MASS VIOLENCE UNDER TITLE 3,
SUBTITLE 10 OF THIS ARTICLE;

((22) UNLAWFUL GAMING UNDER TITLE 12 OR TITLE 13 OF
THIS ARTICLE;

(23) INDECENCY AND OBSCENITY UNDER TITLE 11,
SUBTITLE 1 OR SUBTITLE 2 OF THIS ARTICLE;

(25) INSURANCE FRAUD UNDER TITLE 27, SUBTITLE 4 OF
THE INSURANCE ARTICLE;

(26) THE MARYLAND CONSUMER PROTECTION ACT
UNDER TITLE 13 OF THE COMMERCIAL LAW ARTICLE;

(27) REMOVAL OR FALSIFICATION OF VEHICLE
IDENTIFICATION NUMBER UNDER § 14–107 OF
THE TRANSPORTATION ARTICLE;

(28) ABUSE OR NEGLECT OF A VULNERABLE ADULT UNDER § 3–
604 OR 16 § 3–605 OF THIS ARTICLE;

(29) ANY ACT OR THREAT INVOLVING MURDER, KIDNAPPING,
GAMBLING, ARSON, ROBBERY, THEFT, RECEIPT OF STOLEN
PROPERTY, BRIBERY, EXTORTION, OBSTRUCTION OF
JUSTICE, DEALING IN CONTROLLED DANGEROUS SUBSTANCES, OR
DEALING IN SECURITIES THAT IS:

(I) CHARGEABLE UNDER THE LAWS OF
THE UNITED STATES, A TERRITORY OF THE UNITED STATES, OR ANY
STATE; AND

(II) PUNISHABLE BY IMPRISONMENT FOR MORE THAN 1 YEAR;

Increasing Penalty

Increase maximum sentence to 20 years for first offense.

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Changing definitions to make it easier to prosecute less organized groups – “street crews” etc.

MD Crim Law § 9-801(c) “Criminal Organization” means an enterprise ,[INCLUDING STREET CREWS] whose members:

- (1) Individually or collectively engage in a pattern of organized crime activity.
- (2) Have as one of their primary objectives or activities the commission of one or more underlying crimes, including acts by juveniles that would be underlying crime if committed by adults; and
- (3) Have in common an overt or covert organizational or command structure.