

HOUSE BILL 1028

E4, E3

9lr2074

By: **Delegate Washington**

Introduced and read first time: February 8, 2019

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety – Criminal Gangs – Database**
3 **(Fair and Accurate Gang Database Act)**

4 FOR the purpose of requiring a certain law enforcement agency to provide certain notice in
5 order for the law enforcement agency to designate a certain person as a certain
6 criminal gang member or criminal gang associate; requiring that a certain notice
7 contain certain information; providing that a certain person may submit a certain
8 request regarding criminal gang status; requiring a certain law enforcement agency
9 to provide certain information except under certain circumstances; requiring a
10 certain law enforcement agency to respond to a certain request within a certain
11 period of time; providing that a certain person may submit certain documentation
12 contesting a certain determination by a certain law enforcement agency; requiring a
13 certain law enforcement agency to take certain actions in response to certain
14 documentation within a certain period of time; providing that, if a certain law
15 enforcement agency does not provide certain documentation within a certain period
16 of time, a certain request shall be considered denied; providing that a certain person
17 may petition a certain court to review a certain denial under certain circumstances;
18 requiring a certain petition to be filed at a certain time; requiring a certain petition
19 to be filed with a certain court; requiring a copy of a certain petition to be served in
20 a certain manner; providing that a certain proceeding is a civil action; limiting the
21 evidentiary record for a certain ruling; requiring a certain court to order a certain
22 law enforcement agency to remove a certain person from a certain database under
23 certain circumstances; establishing the Gang Database Advisory Committee;
24 providing for the membership of the Committee; providing for the composition and
25 chair of the Committee; prohibiting a member of the Committee from receiving
26 certain compensation, but authorizing the reimbursement of certain expenses;
27 providing for the term of an appointed member of the Committee; providing for a
28 quorum for the Committee; requiring the Committee to meet a certain number of
29 times each year at certain times and places; requiring the Attorney General to adopt
30 certain regulations on or before a certain date; requiring the Attorney General to
31 instruct each law enforcement agency to review certain records for a certain purpose;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 requiring the Attorney General to instruct each law enforcement agency to purge
 2 certain records under certain circumstances; providing that the Attorney General is
 3 responsible for overseeing certain discipline and conformity; authorizing the
 4 Attorney General to enforce a certain violation in a certain manner; requiring the
 5 Attorney General to temporarily suspend or revoke a certain access for a certain
 6 individual; requiring the Attorney General to ensure that a certain account is
 7 disabled under certain circumstances; requiring the Attorney General to annually
 8 publish a certain report on or before a certain date; requiring a certain report to
 9 include certain information; requiring a certain report to be posted on the Attorney
 10 General's website; requiring the Attorney General to invite certain public comment;
 11 requiring the Attorney General to summarize certain comments and actions;
 12 defining certain terms; and generally relating to criminal gangs.

13 BY adding to

14 Article – Public Safety

15 Section 3–801 through 3–805 to be under the new subtitle “Subtitle 8. Fair and
 16 Accurate Gang Databases”

17 Annotated Code of Maryland

18 (2018 Replacement Volume)

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

21 **Article – Public Safety**

22 **SUBTITLE 8. FAIR AND ACCURATE GANG DATABASES.**

23 **3–801.**

24 **(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS**
 25 **INDICATED.**

26 **(B) “CRIMINAL GANG” MEANS A GROUP OR ASSOCIATION OF THREE OR**
 27 **MORE PERSONS WHO:**

28 **(1) INDIVIDUALLY OR COLLECTIVELY ENGAGE IN A PATTERN OF**
 29 **CRIMINAL GANG ACTIVITY;**

30 **(2) HAVE AS ONE OF THEIR PRIMARY OBJECTIVES OR ACTIVITIES THE**
 31 **COMMISSION OF ONE OR MORE UNDERLYING CRIMES, INCLUDING ACTS BY**
 32 **JUVENILES THAT WOULD BE UNDERLYING CRIMES IF COMMITTED BY ADULTS; AND**

33 **(3) HAVE IN COMMON AN OVERT OR COVERT ORGANIZATIONAL OR**
 34 **COMMAND STRUCTURE THAT MAY INCLUDE A COMMON IDENTIFYING SIGN, SYMBOL,**
 35 **OR NAME.**

1 (C) "CRIMINAL GANG ASSOCIATE" MEANS A PERSON WHO:

2 (1) ADMITS TO INVOLVEMENT WITH A CRIMINAL GANG; OR

3 (2) MEETS A SINGLE CRITERION FOR BEING A CRIMINAL GANG
4 MEMBER UNDER SUBSECTION (D) OF THIS SECTION.

5 (D) "CRIMINAL GANG MEMBER" MEANS A PERSON WHO MEETS AT LEAST
6 TWO OF THE FOLLOWING CRITERIA:

7 (1) ADMITS TO CRIMINAL GANG MEMBERSHIP;

8 (2) IS IDENTIFIED AS A CRIMINAL GANG MEMBER BY A PARENT OR
9 GUARDIAN;

10 (3) IS IDENTIFIED AS A CRIMINAL GANG MEMBER BY A DOCUMENTED
11 RELIABLE INFORMANT;

12 (4) RESIDES IN OR FREQUENTS AN AREA ASSOCIATED WITH A
13 CRIMINAL GANG, ADOPTS THE STYLE OF DRESS, USE OF HAND SIGNS, OR TATTOOS
14 OF THE CRIMINAL GANG, AND ASSOCIATES WITH KNOWN CRIMINAL GANG MEMBERS;

15 (5) IS IDENTIFIED AS A CRIMINAL GANG MEMBER BY AN INFORMANT
16 OF PREVIOUSLY UNTESTED RELIABILITY AND IDENTIFICATION IS CORROBORATED
17 BY INDEPENDENT INFORMATION;

18 (6) HAS BEEN ARRESTED MORE THAN ONCE IN THE COMPANY OF
19 IDENTIFIED CRIMINAL GANG MEMBERS FOR OFFENSES THAT ARE CONSISTENT WITH
20 CRIMINAL GANG ACTIVITY; OR

21 (7) IS IDENTIFIED AS A CRIMINAL GANG MEMBER BY PHYSICAL
22 EVIDENCE, INCLUDING PHOTOGRAPHS OR OTHER DOCUMENTATION.

23 (E) "GANG DATABASE" MEANS A DATABASE ACCESSED BY A LAW
24 ENFORCEMENT AGENCY THAT DESIGNATES A PERSON AS A CRIMINAL GANG
25 MEMBER OR CRIMINAL GANG ASSOCIATE OR INCLUDES INFORMATION ABOUT A
26 SUSPECTED CRIMINAL GANG MEMBER OR CRIMINAL GANG ASSOCIATE.

27 (F) "LAW ENFORCEMENT AGENCY" MEANS A GOVERNMENTAL AGENCY OR A
28 UNIT OF A GOVERNMENTAL AGENCY AND ITS AUTHORIZED SUPPORT STAFF AND
29 CONTRACTORS WHOSE PRIMARY FUNCTION IS:

1 **(1) DETECTION, INVESTIGATION, OR APPREHENSION OF CRIMINAL**
2 **OFFENDERS; OR**

3 **(2) DETENTION, PRETRIAL RELEASE, POSTTRIAL RELEASE,**
4 **CORRECTIONAL SUPERVISION, OR THE COLLECTION, STORAGE, OR DISSEMINATION**
5 **OF CRIMINAL HISTORY RECORD INFORMATION.**

6 **(G) “SHARED GANG DATABASE” MEANS A GANG DATABASE THAT IS**
7 **ACCESSIBLE BY A LAW ENFORCEMENT AGENCY OR A PERSON OTHER THAN THE LAW**
8 **ENFORCEMENT AGENCY THAT CREATED A DATABASE RECORD.**

9 **3-802.**

10 **(A) IN ORDER TO DESIGNATE A PERSON AS A CRIMINAL GANG MEMBER OR**
11 **CRIMINAL GANG ASSOCIATE IN A SHARED GANG DATABASE, A LAW ENFORCEMENT**
12 **AGENCY SHALL:**

13 **(1) PROVIDE WRITTEN NOTICE TO THE PERSON; OR**

14 **(2) IF THE PERSON IS A MINOR, PROVIDE WRITTEN NOTICE TO THE**
15 **PERSON AND THE PERSON’S GUARDIAN.**

16 **(B) THE NOTICE REQUIRED IN SUBSECTION (A) OF THIS SECTION SHALL:**

17 **(1) DETAIL THE LEGAL PROCESS FOR THE PERSON, THE PERSON’S**
18 **ATTORNEY, OR, IF THE PERSON IS A MINOR, THE PERSON’S GUARDIAN TO CONTEST**
19 **THE DESIGNATION OF THE PERSON IN THE SHARED GANG DATABASE; AND**

20 **(2) INFORM THE PERSON OF THE BASIS FOR THE DESIGNATION,**
21 **UNLESS PROVIDING THIS INFORMATION WOULD COMPROMISE A CRIMINAL**
22 **INVESTIGATION OR COMPROMISE THE HEALTH OR SAFETY OF A MINOR SUSPECTED**
23 **OF CRIMINAL GANG ACTIVITY.**

24 **(C) (1) A PERSON, A PERSON’S ATTORNEY, OR, IF THE PERSON IS A**
25 **MINOR, A PERSON’S GUARDIAN MAY REQUEST IN WRITING:**

26 **(I) INFORMATION OF ANY LAW ENFORCEMENT AGENCY AS TO**
27 **WHETHER A PERSON IS DESIGNATED AS A CRIMINAL GANG MEMBER OR CRIMINAL**
28 **GANG ASSOCIATE IN A SHARED GANG DATABASE ACCESSIBLE BY THAT LAW**
29 **ENFORCEMENT AGENCY;**

30 **(II) THE NAME OF THE LAW ENFORCEMENT AGENCY THAT**
31 **DESIGNATED THE PERSON AS A CRIMINAL GANG MEMBER OR CRIMINAL GANG**

1 ASSOCIATE; AND

2 (III) IF THE PERSON IS DESIGNATED AS A CRIMINAL GANG
3 MEMBER OR CRIMINAL GANG ASSOCIATE, THE BASIS FOR THE DESIGNATION FOR
4 THE PURPOSE OF CONTESTING THE DESIGNATION UNDER SUBSECTION (D) OF THIS
5 SECTION.

6 (2) THE LAW ENFORCEMENT AGENCY SHALL PROVIDE INFORMATION
7 REQUESTED UNDER PARAGRAPH (1) OF THIS SUBSECTION, UNLESS DOING SO
8 WOULD COMPROMISE:

9 (I) A CRIMINAL INVESTIGATION; OR

10 (II) THE HEALTH OR SAFETY OF A MINOR SUSPECTED OF
11 CRIMINAL GANG ACTIVITY.

12 (3) THE LAW ENFORCEMENT AGENCY SHALL RESPOND IN WRITING TO
13 THE PERSON MAKING THE REQUEST WITHIN 30 DAYS OF RECEIPT OF THE REQUEST.

14 (D) (1) IF A PERSON IS DESIGNATED AS A CRIMINAL GANG MEMBER OR A
15 CRIMINAL GANG ASSOCIATE, THE PERSON, THE PERSON'S ATTORNEY, OR, IF THE
16 PERSON IS A MINOR, THE PERSON'S GUARDIAN MAY SUBMIT WRITTEN
17 DOCUMENTATION TO THE LAW ENFORCEMENT AGENCY CONTESTING THE
18 DESIGNATION.

19 (2) THE LAW ENFORCEMENT AGENCY SHALL:

20 (I) REVIEW THE DOCUMENTATION;

21 (II) IF THE LAW ENFORCEMENT AGENCY DETERMINES THAT
22 THE PERSON IS NOT A CRIMINAL GANG MEMBER OR CRIMINAL GANG ASSOCIATE,
23 REMOVE THE PERSON FROM THE SHARED GANG DATABASE;

24 (III) PROVIDE THE PERSON OR, IF THE PERSON IS A MINOR, THE
25 PERSON'S GUARDIAN WITH WRITTEN VERIFICATION OF THE LAW ENFORCEMENT
26 AGENCY'S DECISION WITHIN 30 DAYS OF SUBMISSION OF THE WRITTEN
27 DOCUMENTATION CONTESTING THE DESIGNATION; AND

28 (IV) IF THE LAW ENFORCEMENT AGENCY DENIES THE REQUEST
29 FOR REMOVAL OF THE DESIGNATION FROM THE SHARED GANG DATABASE, STATE
30 THE REASON FOR THE DENIAL.

31 (3) IF THE LAW ENFORCEMENT AGENCY DOES NOT PROVIDE

1 DOCUMENTATION OF ITS DECISION UNDER PARAGRAPH (2) OF THIS SUBSECTION,
2 THE REQUEST TO REMOVE THE PERSON FROM THE SHARED GANG DATABASE SHALL
3 BE CONSIDERED DENIED.

4 **3-803.**

5 (A) IF A PERSON CONTESTS A DESIGNATION UNDER § 3-802 OF THIS
6 SUBTITLE AND THE REQUEST IS DENIED, THE PERSON, THE PERSON'S ATTORNEY,
7 OR, IF THE PERSON IS A MINOR, THE PERSON'S GUARDIAN MAY PETITION THE COURT
8 TO REVIEW THE LAW ENFORCEMENT AGENCY'S DENIAL OF THE REQUEST FOR
9 REMOVAL.

10 (B) THE PETITION SHALL BE SUBMITTED WITHIN 90 DAYS AFTER THE LAW
11 ENFORCEMENT AGENCY'S MAILING OR PERSONAL SERVICE OF THE VERIFICATION
12 OF THE DECISION TO DENY THE REQUEST FOR REMOVAL FROM THE SHARED GANG
13 DATABASE OR THE DATE THAT THE REQUEST IS CONSIDERED DENIED UNDER §
14 3-802 OF THIS SUBTITLE.

15 (C) THE PETITION SHALL BE FILED:

16 (1) IN THE CIRCUIT COURT OF THE COUNTY IN WHICH THE LAW
17 ENFORCEMENT AGENCY IS LOCATED; OR

18 (2) IF THE PERSON RESIDES IN THE STATE, IN THE CIRCUIT COURT OF
19 THE COUNTY IN WHICH THE PERSON RESIDES.

20 (D) (1) A COPY OF THE PETITION SHALL BE SERVED ON THE LAW
21 ENFORCEMENT AGENCY IN PERSON OR BY FIRST-CLASS MAIL.

22 (2) PROOF OF SERVICE OF THE PETITION SHALL BE FILED IN THE
23 APPLICABLE COURT.

24 (E) (1) A PROCEEDING UNDER THIS SECTION IS A CIVIL ACTION.

25 (2) THE EVIDENTIARY RECORD FOR A COURT'S RULING ON THE
26 PETITION SHALL BE LIMITED TO:

27 (I) THE LAW ENFORCEMENT AGENCY'S STATEMENT OF THE
28 BASIS OF ITS DESIGNATION MADE UNDER § 3-802 OF THIS SUBTITLE; AND

29 (II) THE DOCUMENTATION PROVIDED TO THE LAW
30 ENFORCEMENT AGENCY BY THE PERSON CONTESTING THE DESIGNATION UNDER §
31 3-802 OF THIS SUBTITLE.

1 (F) IF, ON REVIEW OF THE RECORD, THE COURT FINDS THAT THE LAW
2 ENFORCEMENT AGENCY FAILED TO ESTABLISH THAT THE PERSON IS A CRIMINAL
3 GANG MEMBER OR A CRIMINAL GANG ASSOCIATE BY CLEAR AND CONVINCING
4 EVIDENCE, THE COURT SHALL ORDER THE LAW ENFORCEMENT AGENCY TO REMOVE
5 THE NAME OF THE PERSON FROM THE SHARED GANG DATABASE.

6 3-804.

7 (A) THERE IS A GANG DATABASE ADVISORY COMMITTEE.

8 (B) THE COMMITTEE CONSISTS OF THE FOLLOWING MEMBERS:

9 (1) THE ATTORNEY GENERAL, OR THE ATTORNEY GENERAL'S
10 DESIGNEE;

11 (2) THE PUBLIC DEFENDER FOR MARYLAND, OR THE PUBLIC
12 DEFENDER'S DESIGNEE;

13 (3) A STATE'S ATTORNEY, APPOINTED BY THE ATTORNEY GENERAL.

14 (4) THE SECRETARY OF STATE POLICE, OR THE SECRETARY'S
15 DESIGNEE;

16 (5) A REPRESENTATIVE OF AN ORGANIZATION THAT PROVIDES
17 IMMIGRATION SERVICES, APPOINTED JOINTLY BY THE PRESIDENT OF THE SENATE
18 AND THE SPEAKER OF THE HOUSE;

19 (6) A REPRESENTATIVE OF A COMMUNITY ORGANIZATION THAT
20 SPECIALIZES IN CIVIL OR HUMAN RIGHTS, APPOINTED JOINTLY BY THE PRESIDENT
21 OF THE SENATE AND THE SPEAKER OF THE HOUSE; AND

22 (7) A REPRESENTATIVE WHO HAS PERSONAL EXPERIENCE WITH A
23 SHARED GANG DATABASE, APPOINTED JOINTLY BY THE PRESIDENT OF THE SENATE
24 AND THE SPEAKER OF THE HOUSE.

25 (C) THE ATTORNEY GENERAL, OR THE ATTORNEY GENERAL'S DESIGNEE,
26 IS THE COMMITTEE CHAIR.

27 (D) A MEMBER OF THE COMMITTEE:

28 (1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE
29 COMMITTEE; BUT

1 **(2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE**
2 **STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.**

3 **(E) THE TERM OF AN APPOINTED MEMBER OF THE COMMITTEE IS 4 YEARS.**

4 **(F) A MAJORITY OF THE AUTHORIZED MEMBERSHIP OF THE COMMITTEE IS**
5 **A QUORUM.**

6 **(G) THE COMMITTEE SHALL MEET QUARTERLY AT THE TIMES AND PLACES**
7 **THAT THE COMMITTEE DETERMINES.**

8 **(H) (1) THE ATTORNEY GENERAL, WITH THE ADVICE OF THE**
9 **COMMITTEE, SHALL ADOPT REGULATIONS GOVERNING THE USE, OPERATION, AND**
10 **OVERSIGHT OF SHARED GANG DATABASES ON OR BEFORE JANUARY 1, 2020.**

11 **(2) THE REGULATIONS ADOPTED BY THE ATTORNEY GENERAL SHALL**
12 **INCLUDE:**

13 **(I) POLICIES AND PROCEDURES FOR ENTERING, REVIEWING,**
14 **AND PURGING CRIMINAL GANG DOCUMENTATION;**

15 **(II) CRITERIA FOR DESIGNATING A PERSON AS A CRIMINAL**
16 **GANG MEMBER OR CRIMINAL GANG ASSOCIATE CONSISTENT WITH EMPIRICAL**
17 **RESEARCH ON CRIMINAL GANGS AND CRIMINAL GANG MEMBERSHIP;**

18 **(III) RETENTION PERIODS FOR INFORMATION ABOUT A PERSON**
19 **IN A SHARED GANG DATABASE THAT IS CONSISTENT WITH EMPIRICAL RESEARCH ON**
20 **THE DURATION OF CRIMINAL GANG MEMBERSHIP;**

21 **(IV) CRITERIA FOR DESIGNATING AN ORGANIZATION AS A**
22 **CRIMINAL GANG AND RETENTION PERIODS FOR INFORMATION ABOUT CRIMINAL**
23 **GANGS;**

24 **(V) POLICIES AND PROCEDURES FOR NOTICE TO A PERSON IN A**
25 **SHARED GANG DATABASE INCLUDING WHEN NOTIFICATION WOULD COMPROMISE**
26 **AN ACTIVE CRIMINAL INVESTIGATION OR THE HEALTH OR SAFETY OF A MINOR;**

27 **(VI) POLICIES AND PROCEDURES FOR RESPONDING TO AN**
28 **INFORMATION REQUEST, A REQUEST FOR REMOVAL, OR A PETITION FOR REMOVAL**
29 **UNDER §§ 3-802 AND 3-803 OF THIS SUBTITLE INCLUDING POLICIES AND**
30 **PROCEDURES FOR A REQUEST OR PETITION THAT COULD COMPROMISE AN ACTIVE**
31 **CRIMINAL INVESTIGATION OR THE HEALTH OR SAFETY OF A MINOR;**

1 (VII) POLICIES AND PROCEDURES FOR SHARING INFORMATION
2 FROM A SHARED GANG DATABASE WITH A FEDERAL AGENCY, MULTISTATE AGENCY,
3 OR AGENCY OF ANOTHER STATE THAT IS OTHERWISE DENIED ACCESS;

4 (VIII) IMPLEMENTATION OF SUPERVISORY REVIEW PROCEDURES
5 AND PERIODIC RECORD REVIEWS BY LAW ENFORCEMENT AGENCIES AND
6 REPORTING OF THE RESULTS OF THOSE REVIEWS TO THE COMMITTEE;

7 (IX) POLICIES AND PROCEDURES TO ENSURE THAT LAW
8 ENFORCEMENT AGENCY PERSONNEL WHO ACCESS A SHARED GANG DATABASE
9 UNDERGO COMPREHENSIVE AND STANDARDIZED TRAINING ON THE USE OF A
10 SHARED GANG DATABASE;

11 (X) CRITERIA FOR SUPERVISORY REVIEW OF SHARED GANG
12 DATABASE ENTRIES AND FOR REVIEW OF RECORDS ENTERED INTO A SHARED GANG
13 DATABASE;

14 (XI) POLICIES AND PROCEDURES TO LOCATE EQUIPMENT
15 RELATED TO THE OPERATION OF A SHARED GANG DATABASE IN A SECURE AREA;

16 (XII) POLICIES AND PROCEDURES REQUIRING A LAW
17 ENFORCEMENT AGENCY TO NOTIFY THE ATTORNEY GENERAL OF MISSING
18 EQUIPMENT THAT COULD COMPROMISE A SHARED GANG DATABASE;

19 (XIII) POLICIES AND PROCEDURES PROHIBITING THE ACCESS OF
20 RECORDS CONTAINED IN A SHARED GANG DATABASE FOR EMPLOYMENT, MILITARY
21 SCREENING, OR IMMIGRATION PURPOSES UNLESS REQUIRED TO DO SO BY STATE OR
22 FEDERAL LAW; AND

23 (XIV) POLICIES AND PROCEDURES PROHIBITING THE
24 COMMITTEE FROM DISCUSSING OR ACCESSING INDIVIDUAL RECORDS CONTAINED
25 IN A SHARED GANG DATABASE.

26 (I) THE ATTORNEY GENERAL SHALL INSTRUCT EACH LAW ENFORCEMENT
27 AGENCY TO REVIEW THE RECORDS OF CRIMINAL GANG MEMBERS ENTERED INTO A
28 SHARED GANG DATABASE TO ENSURE THE EXISTENCE OF PROPER SUPPORT FOR
29 EACH CRITERION FOR ENTRY IN THE SHARED GANG DATABASE.

30 (J) (1) THE ATTORNEY GENERAL SHALL INSTRUCT EACH LAW
31 ENFORCEMENT AGENCY TO PURGE FROM A SHARED GANG DATABASE ANY RECORD
32 OF A PERSON ENTERED INTO THE DATABASE DESIGNATED AS A SUSPECTED
33 CRIMINAL GANG MEMBER OR CRIMINAL GANG ASSOCIATE THAT DOES NOT MEET

1 **CRITERIA FOR ENTRY.**

2 **(2) UNSUPPORTED CRITERIA SHALL BE PURGED AND THE RECORDS**
3 **OF A PERSON SHALL BE PURGED IF THE REMAINING CRITERIA ARE NOT SUFFICIENT**
4 **TO SUPPORT THE PERSON'S DESIGNATION.**

5 **(K) THE ATTORNEY GENERAL IS RESPONSIBLE FOR OVERSEEING SHARED**
6 **GANG DATABASE SYSTEM DISCIPLINE AND CONFORMITY WITH ALL APPLICABLE**
7 **STATE AND FEDERAL REGULATIONS, STATUTES, AND GUIDELINES.**

8 **(L) THE ATTORNEY GENERAL MAY ENFORCE A VIOLATION OF A STATE OR**
9 **FEDERAL LAW WITH RESPECT TO A SHARED GANG DATABASE OR A VIOLATION OF A**
10 **REGULATION, POLICY, OR PROCEDURE ESTABLISHED BY THE ATTORNEY GENERAL**
11 **UNDER TO THIS SECTION BY ANY OF THE FOLLOWING METHODS:**

12 **(1) LETTER OF CENSURE;**

13 **(2) TEMPORARY SUSPENSION OF ACCESS PRIVILEGES TO A SHARED**
14 **GANG DATABASE; OR**

15 **(3) REVOCATION OF ACCESS PRIVILEGES TO A SHARED GANG**
16 **DATABASE.**

17 **(M) THE ATTORNEY GENERAL SHALL TEMPORARILY SUSPEND OR REVOKE**
18 **ACCESS TO A SHARED GANG DATABASE FOR AN INDIVIDUAL WHO SHARES**
19 **INFORMATION FROM A SHARED GANG DATABASE FOR:**

20 **(1) EMPLOYMENT OR MILITARY SCREENING PURPOSES; OR**

21 **(2) FEDERAL IMMIGRATION LAW PURPOSES, UNLESS REQUIRED BY**
22 **STATE OR FEDERAL LAW.**

23 **(N) THE ATTORNEY GENERAL SHALL ENSURE THAT THE SHARED GANG**
24 **DATABASE USER ACCOUNT OF AN INDIVIDUAL IS DISABLED IF THE INDIVIDUAL NO**
25 **LONGER HAS A RIGHT TO ACCESS A SHARED GANG DATABASE.**

26 **3-805.**

27 **(A) (1) ON OR BEFORE DECEMBER 1, EACH YEAR, BEGINNING IN 2019,**
28 **THE ATTORNEY GENERAL SHALL PUBLISH AN ANNUAL REPORT.**

29 **(2) THE REPORT SHALL INCLUDE THE FOLLOWING INFORMATION**
30 **FOR EACH LAW ENFORCEMENT AGENCY:**

1 (I) THE ZIP CODE, REFERRING LAW ENFORCEMENT AGENCY,
2 RACE, GENDER, AND AGE FOR EACH PERSON INCLUDED IN A SHARED GANG
3 DATABASE;

4 (II) THE NUMBER OF PERSONS INCLUDED IN A SHARED GANG
5 DATABASE ON THE DAY OF REPORTING;

6 (III) THE NUMBER OF PERSONS ADDED TO A SHARED GANG
7 DATABASE DURING THE PRECEDING 12 MONTHS;

8 (IV) THE NUMBER OF REQUESTS FOR REMOVAL OF
9 INFORMATION ABOUT A PERSON FROM A SHARED GANG DATABASE UNDER § 3-802
10 OF THIS SUBTITLE RECEIVED DURING THE PRECEDING 12 MONTHS;

11 (V) THE NUMBER OF REQUESTS FOR REMOVAL OF
12 INFORMATION ABOUT A PERSON FROM A SHARED GANG DATABASE UNDER § 3-802
13 OF THIS SUBTITLE THAT WERE GRANTED DURING THE PRECEDING 12 MONTHS;

14 (VI) THE NUMBER OF PETITIONS FOR REMOVAL OF
15 INFORMATION ABOUT A PERSON FROM A SHARED GANG DATABASE UNDER § 3-803
16 OF THIS SUBTITLE ADJUDICATED IN THE PRECEDING 12 MONTHS, INCLUDING THE
17 DISPOSITIONS OF THE PETITIONS;

18 (VII) THE NUMBER OF PERSONS WHOSE INFORMATION WAS
19 REMOVED FROM A SHARED GANG DATABASE DUE TO THE EXPIRATION OF A
20 RETENTION PERIOD DURING THE PRECEDING 12 MONTHS;

21 (VIII) THE NUMBER OF TIMES AN AGENCY DID NOT PROVIDE
22 NOTICE OR DOCUMENTATION DESCRIBED UNDER § 3-802 OF THIS SUBTITLE
23 BECAUSE PROVIDING THAT NOTICE OR DOCUMENTATION WOULD COMPROMISE AN
24 ACTIVE CRIMINAL INVESTIGATION, IN THE PRECEDING 12 MONTHS; AND

25 (IX) THE NUMBER OF TIMES AN AGENCY DID NOT PROVIDE
26 NOTICE OR DOCUMENTATION DESCRIBED UNDER § 3-802 OF THIS SUBTITLE
27 BECAUSE PROVIDING THAT NOTICE OR DOCUMENTATION WOULD COMPROMISE THE
28 HEALTH OR SAFETY OF THE DESIGNATED MINOR, IN THE PRECEDING 12 MONTHS.

29 (B) THE REPORT SHALL BE POSTED ON THE ATTORNEY GENERAL'S
30 WEBSITE.

31 (C) (1) THE ATTORNEY GENERAL SHALL INVITE PUBLIC COMMENT
32 FOLLOWING THE REPORT'S RELEASE.

1 **(2) EACH REPORT SHALL SUMMARIZE:**

2 **(I) THE PUBLIC COMMENTS RECEIVED PERTAINING TO THE**
3 **PRIOR REPORT; AND**

4 **(II) THE ACTIONS TAKEN IN RESPONSE TO COMMENTS.**

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 October 1, 2019.