

HOUSE BILL 93

E2, D3

6lr0927

By: **Delegate B. Wilson**

Introduced and read first time: January 18, 2016

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Courts – Evidence – Membership in or Association With a Criminal Gang**

3 FOR the purpose of authorizing the admissibility of certain evidence in a criminal or civil
4 proceeding to prove membership in or association with a criminal gang, with a
5 certain exception; defining certain terms; and generally relating to the admissibility
6 of evidence relating to criminal gang members and associates.

7 BY adding to

8 Article – Courts and Judicial Proceedings

9 Section 10–923

10 Annotated Code of Maryland

11 (2013 Replacement Volume and 2015 Supplement)

12 BY repealing and reenacting, without amendments,

13 Article – Criminal Law

14 Section 9–801(a) and (c)

15 Annotated Code of Maryland

16 (2012 Replacement Volume and 2015 Supplement)

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

19 **Article – Courts and Judicial Proceedings**

20 **10–923.**

21 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
22 **INDICATED.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (c) "Criminal gang" means a group or association of three or more persons whose
2 members:

3 (1) individually or collectively engage in a pattern of criminal gang activity;

4 (2) have as one of their primary objectives or activities the commission of
5 one or more underlying crimes, including acts by juveniles that would be underlying crimes
6 if committed by adults; and

7 (3) have in common an overt or covert organizational or command
8 structure.

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 October 1, 2016.