

# SENATE BILL 122

E1

8lr1313

---

By: **Senator Zirkin**

Introduced and read first time: January 11, 2018

Assigned to: Judicial Proceedings

---

Committee Report: Favorable with amendments

Senate action: Adopted with floor amendments

Read second time: March 8, 2018

---

## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Criminal Law – ~~Obstructing Justice – Penalties~~ Comprehensive Crime Bill of**  
3 **2018**

4 FOR the purpose of adding certain crimes relating to firearms to a certain list of crimes for  
5 which certain evidence may be gathered by, and a judge may grant an order  
6 authorizing, interception of oral, wire, or electronic communications; making  
7 conforming changes; authorizing the State, in a criminal case involving the unlawful  
8 possession of certain firearms, to appeal from a decision of a trial court that excludes  
9 evidence offered by the State or requires the return of property alleged to have been  
10 seized in violation of certain constitutional provisions; altering penalties for certain  
11 crimes relating to firearms; altering the list of controlled dangerous substances  
12 applicable to a certain prohibition against volume dealing in controlled dangerous  
13 substances; altering maximum penalties for crimes relating to inducing false  
14 testimony or avoidance of a subpoena, retaliation for testimony, and intimidating or  
15 corrupting a juror; providing that the use of a firearm in the commission of a felony  
16 or other crime of violence constitutes a crime of violence; eliminating parole  
17 eligibility for certain violent offenders under certain circumstances; authorizing, for  
18 purposes of filing a certain petition for certain immigration status, a certain victim  
19 or victim's family member to request a certain certifying official to certify victim  
20 helpfulness on a Form I-918, Supplement B certification under certain  
21 circumstances; providing that, for the purpose of this Act, a victim shall be  
22 considered to be helpful, to have been helpful, or likely to be helpful under certain  
23 circumstances; requiring the certifying official to sign and complete the certification  
24 in a certain manner and within a certain period of time under certain circumstances;  
25 providing that certain conditions are not required in order to request or obtain the

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 certification; authorizing the certifying official to withdraw the certification only  
2 under certain circumstances; authorizing a certifying entity to disclose the  
3 immigration status of a victim or person requesting the certification only under  
4 certain circumstances; restricting a court from ordering a certain substance use  
5 evaluation and commitment for certain defendants charged with, convicted of, or  
6 -serving a sentence for a crime of violence under certain circumstances; establishing  
7 the Tyrone Ray ~~Violent Crime~~ Violence Intervention and Prevention Fund as a  
8 special, nonlapsing fund; specifying the purpose of the Fund; requiring the Executive  
9 Director of the Governor's Office of Crime Control and Prevention to administer the  
10 Fund in consultation with the Maryland Violence Intervention and Prevention  
11 Advisory Council; ~~providing for certain funds to be received by the Governor's Office~~  
12 ~~of Crime Control and Prevention for the administration of the Fund; authorizing the~~  
13 ~~Executive Director to require the recipients of certain funds to meet certain~~  
14 ~~requirements as a condition of receiving funds~~ requiring the State Treasurer to hold  
15 the Fund and the Comptroller, in conjunction with the Executive Director, to account  
16 for the Fund; specifying the contents of the Fund; requiring the Governor to annually  
17 appropriate a certain amount to the Fund in certain fiscal years; specifying the  
18 purpose for which the Fund may be used; providing for the investment of money in  
19 and expenditures from the Fund; providing that the accounts and transactions of the  
20 Fund shall be subject to a certain audit; establishing the Maryland Violence  
21 Intervention and Prevention Advisory Council in the Governor's Office of Crime  
22 Control and Prevention; specifying the membership of the Council; specifying the  
23 duties of the Council; requiring that certain information be provided in a certain  
24 evaluation; providing that members of the Council may not receive compensation but  
25 are entitled to reimbursement for certain expenses; requiring the Executive Director,  
26 in consultation with the Council, to establish procedures for local governments and  
27 nonprofit organizations to use in applying for money from the Fund; specifying the  
28 information that must be provided in an application for money from the Fund;  
29 requiring the Executive Director, in consultation with the Council, to establish  
30 procedures for the distribution of funds; specifying the duration of awards and a  
31 certain preference for the award of funds; requiring awards to be commensurate with  
32 the level of gun violence; specifying certain requirements for a local government or  
33 nonprofit organization that is awarded money from the Fund; exempting the Fund  
34 from a certain provision of law requiring interest on State money in special funds to  
35 accrue to the General Fund of the State; requiring that certain reports be posted to  
36 a certain website; requiring the Governor's Office of Crime Control and Prevention  
37 to make certain information available in a certain format on or before a certain date  
38 each year; requiring the Governor's Office of Crime Control and Prevention to  
39 provide certain notice to the Governor and the Legislative Policy Committee each  
40 year; requiring the State Treasurer to hold the Fund and the Comptroller, in  
41 conjunction with the Executive Director, to account for the Fund; specifying the  
42 contents of the Fund; specifying the purpose for which the Fund may be used;  
43 providing for the investment of money in and expenditures from the Fund; requiring  
44 the Governor, in certain fiscal years, to include certain appropriations of money in  
45 the annual budget bill for certain purposes; requiring the Executive Director to  
46 establish certain measures for tracking the performance of certain activities or  
47 programs; requiring a certain local government or nonprofit entity that receives

1 certain funds to comply with certain requirements as a condition of receiving certain  
2 funds; establishing the Task Force to Study Maryland’s Criminal Gang Statutes;  
3 providing for the composition, chair, and staffing of the Task Force; prohibiting a  
4 member of the Task Force from receiving certain compensation, but authorizing the  
5 reimbursement of certain expenses; requiring the Task Force to study and make  
6 recommendations regarding certain matters; requiring the Task Force to report its  
7 findings and recommendations to the Governor and the General Assembly on or  
8 before a certain date; providing for the termination of the Task Force; and generally  
9 relating to obstructing justice.

10 BY repealing and reenacting, with amendments,

11 Article – Courts and Judicial Proceedings  
12 Section 10–402(c)(2), 10–406(a), and 12–302(c)  
13 Annotated Code of Maryland  
14 (2013 Replacement Volume and 2017 Supplement)

15 BY repealing and reenacting, with amendments,

16 Article – Criminal Law  
17 Section 4–203, 4–204, 5–612, 5–621, 9–302, 9–303, ~~and~~ 9–305, and 14–101(a) and (d)  
18 Annotated Code of Maryland  
19 (2012 Replacement Volume and 2017 Supplement)

20 BY repealing and reenacting, without amendments,

21 Article – Criminal Law  
22 Section 5–622  
23 Annotated Code of Maryland  
24 (2012 Replacement Volume and 2017 Supplement)

25 BY adding to

26 Article – Criminal Procedure  
27 Section 11–930 and 11–931 to be under the new part “Part IV. Petition for U  
28 Nonimmigrant Status”  
29 Annotated Code of Maryland  
30 (2008 Replacement Volume and 2017 Supplement)

31 BY repealing and reenacting, with amendments,

32 Article – Health – General  
33 Section 8–505(a), 8–506(a), and 8–507(a)  
34 Annotated Code of Maryland  
35 (2015 Replacement Volume and 2017 Supplement)

36 BY adding to

37 Article – Public Safety  
38 Section 4–301 ~~and 4–302~~ through 4–306 to be under the new subtitle “Subtitle 3. The  
39 Tyrone Ray ~~Violent Crime~~ Violence Intervention and Prevention Fund”; and  
40 4–801 through 4–808 to be under the new subtitle “Subtitle 8. Miscellaneous  
41 Grant Programs”

1 Annotated Code of Maryland  
2 (2011 Replacement Volume and 2017 Supplement)

3 BY repealing and reenacting, with amendments,  
4 Article – Public Safety  
5 Section 5–133(c), (d), and (e)  
6 Annotated Code of Maryland  
7 (2011 Replacement Volume and 2017 Supplement)

8 BY repealing and reenacting, without amendments,  
9 Article – State Finance and Procurement  
10 Section 6–226(a)(2)(i)  
11 Annotated Code of Maryland  
12 (2015 Replacement Volume and 2017 Supplement)

13 BY repealing and reenacting, with amendments,  
14 Article – State Finance and Procurement  
15 Section 6–226(a)(2)(ii)101. and 102.  
16 Annotated Code of Maryland  
17 (2015 Replacement Volume and 2017 Supplement)

18 BY adding to  
19 Article – State Finance and Procurement  
20 Section 6–226(a)(2)(ii)103.  
21 Annotated Code of Maryland  
22 (2015 Replacement Volume and 2017 Supplement)

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

25 **Article – Courts and Judicial Proceedings**

26 10–402.

27 (c) (2) (i) This paragraph applies to an interception in which:

28 1. The investigative or law enforcement officer or other  
29 person is a party to the communication; or

30 2. One of the parties to the communication has given prior  
31 consent to the interception.

32 (ii) It is lawful under this subtitle for an investigative or law  
33 enforcement officer acting in a criminal investigation or any other person acting at the prior  
34 direction and under the supervision of an investigative or law enforcement officer to  
35 intercept a wire, oral, or electronic communication in order to provide evidence:

1           1. Of the commission of:

2           A. Murder;

3           B. Kidnapping;

4           C. Rape;

5           D. A sexual offense in the first or second degree;

6           E. Child abuse in the first or second degree;

7           F. Child pornography under § 11-207, § 11-208, or §  
8 11-208.1 of the Criminal Law Article;

9           G. Gambling;

10           H. Robbery under § 3-402 or § 3-403 of the Criminal Law  
11 Article;

12           I. A felony under Title 6, Subtitle 1 of the Criminal Law  
13 Article;

14           J. Bribery;

15           K. Extortion;

16           L. Dealing in a controlled dangerous substance, including a  
17 violation of § 5-617 or § 5-619 of the Criminal Law Article;

18           M. A fraudulent insurance act, as defined in Title 27, Subtitle  
19 4 of the Insurance Article;

20           N. An offense relating to destructive devices under § 4-503 of  
21 the Criminal Law Article;

22           O. A human trafficking offense under § 11-303 of the  
23 Criminal Law Article;

24           P. Sexual solicitation of a minor under § 3-324 of the  
25 Criminal Law Article;

26           Q. An offense relating to obstructing justice under § 9-302, §  
27 9-303, or § 9-305 of the Criminal Law Article;

28           R. Sexual abuse of a minor under § 3-602 of the Criminal  
29 Law Article;

1                    S. A theft scheme or continuing course of conduct under §  
 2 7-103(f) of the Criminal Law Article involving an aggregate value of property or services of  
 3 at least \$10,000;

4                    T. Abuse or neglect of a vulnerable adult under § 3-604 or §  
 5 3-605 of the Criminal Law Article;

6                    U. An offense relating to Medicaid fraud under §§ 8-509  
 7 through 8-515 of the Criminal Law Article; [or]

8                    V. AN OFFENSE INVOLVING A FIREARM UNDER § 5-134,  
 9 § 5-136, § 5-138, § 5-140, § 5-141, OR § 5-144 OF THE PUBLIC SAFETY ARTICLE; OR

10                    W. A conspiracy or solicitation to commit an offense listed in  
 11 items A through [U] V of this item; or

12                    2. If:

13                    A. A person has created a barricade situation; and

14                    B. Probable cause exists for the investigative or law  
 15 enforcement officer to believe a hostage or hostages may be involved.

16 10-406.

17                    (a) The Attorney General, State Prosecutor, or any State's Attorney may apply to  
 18 a judge of competent jurisdiction, and the judge, in accordance with the provisions of §  
 19 10-408 of this subtitle, may grant an order authorizing the interception of wire, oral, or  
 20 electronic communications by investigative or law enforcement officers when the  
 21 interception may provide or has provided evidence of the commission of:

22                    (1) Murder;

23                    (2) Kidnapping;

24                    (3) Rape;

25                    (4) A sexual offense in the first or second degree;

26                    (5) Child abuse in the first or second degree;

27                    (6) Child pornography under § 11-207, § 11-208, or § 11-208.1 of the  
 28 Criminal Law Article;

29                    (7) Gambling;

- 1           (8)   Robbery under § 3–402 or § 3–403 of the Criminal Law Article;
- 2           (9)   A felony under Title 6, Subtitle 1 of the Criminal Law Article;
- 3           (10) Bribery;
- 4           (11) Extortion;
- 5           (12) Dealing in a controlled dangerous substance, including a violation of §  
6 5–617 or § 5–619 of the Criminal Law Article;
- 7           (13) A fraudulent insurance act, as defined in Title 27, Subtitle 4 of the  
8 Insurance Article;
- 9           (14) An offense relating to destructive devices under § 4–503 of the Criminal  
10 Law Article;
- 11          (15) A human trafficking offense under § 11–303 of the Criminal Law  
12 Article;
- 13          (16) Sexual solicitation of a minor under § 3–324 of the Criminal Law  
14 Article;
- 15          (17) An offense relating to obstructing justice under § 9–302, § 9–303, or §  
16 9–305 of the Criminal Law Article;
- 17          (18) Sexual abuse of a minor under § 3–602 of the Criminal Law Article;
- 18          (19) A theft scheme or continuing course of conduct under § 7–103(f) of the  
19 Criminal Law Article involving an aggregate value of property or services of at least  
20 \$10,000;
- 21          (20) Abuse or neglect of a vulnerable adult under § 3–604 or § 3–605 of the  
22 Criminal Law Article;
- 23          (21) An offense relating to Medicaid fraud under §§ 8–509 through 8–515 of  
24 the Criminal Law Article; [or]
- 25          (22) **AN OFFENSE INVOLVING A FIREARM UNDER § 5–134, § 5–136, §**  
26 **5–138, § 5–140, § 5–141, OR § 5–144 OF THE PUBLIC SAFETY ARTICLE; OR**
- 27          (23) A conspiracy or solicitation to commit an offense listed in items (1)  
28 through [(21)] (22) of this subsection.
- 29 12–302.
- 30          (c)   (1)   In a criminal case, the State may appeal as provided in this subsection.

1           (2) The State may appeal from a final judgment granting a motion to  
2 dismiss or quashing or dismissing any indictment, information, presentment, or  
3 inquisition.

4           (3) The State may appeal from a final judgment if the State alleges that  
5 the trial judge:

6                   (i) Failed to impose the sentence specifically mandated by the Code;  
7 or

8                   (ii) Imposed or modified a sentence in violation of the Maryland  
9 Rules.

10           (4) (i) In a case involving a crime of violence as defined in § 14–101 of  
11 the Criminal Law Article, and in cases under §§ 5–602 through 5–609 and §§ 5–612 through  
12 5–614 of the Criminal Law Article AND § 5–133, § 5–205, AND § 5–206 OF THE PUBLIC  
13 SAFETY ARTICLE, the State may appeal from a decision of a trial court that excludes  
14 evidence offered by the State or requires the return of property alleged to have been seized  
15 in violation of the Constitution of the United States, the Maryland Constitution, or the  
16 Maryland Declaration of Rights.

17                   (ii) The appeal shall be made before jeopardy attaches to the  
18 defendant. However, in all cases the appeal shall be taken no more than 15 days after the  
19 decision has been rendered and shall be diligently prosecuted.

20                   (iii) Before taking the appeal, the State shall certify to the court that  
21 the appeal is not taken for purposes of delay and that the evidence excluded or the property  
22 required to be returned is substantial proof of a material fact in the proceeding. The appeal  
23 shall be heard and the decision rendered within 120 days of the time that the record on  
24 appeal is filed in the appellate court. Otherwise, the decision of the trial court shall be final.

25                   (iv) Except in a homicide case, if the State appeals on the basis of this  
26 paragraph, and if on final appeal the decision of the trial court is affirmed, the charges  
27 against the defendant shall be dismissed in the case from which the appeal was taken. In  
28 that case, the State may not prosecute the defendant on those specific charges or on any  
29 other related charges arising out of the same incident.

30                   (v) 1. Except as provided in subparagraph 2 of this  
31 subparagraph, pending the prosecution and determination of an appeal taken under this  
32 paragraph or paragraph (2) of this subsection, the defendant shall be released on personal  
33 recognizance bail. If the defendant fails to appear as required by the terms of the  
34 recognizance bail, the trial court shall subject the defendant to the penalties provided in §  
35 5–211 of the Criminal Procedure Article.

36                               2. A. Pending the prosecution and determination of an  
37 appeal taken under this paragraph or paragraph (2) of this subsection, in a case in which

1 the defendant is charged with a crime of violence, as defined in § 14–101 of the Criminal  
2 Law Article, the court may release the defendant on any terms and conditions that the  
3 court considers appropriate or may order the defendant remanded to custody pending the  
4 outcome of the appeal.

5 B. The determination and enforcement of any terms and  
6 conditions of release shall be in accordance with the provisions of Title 5 of the Criminal  
7 Procedure Article.

8 (vi) If the State loses the appeal, the jurisdiction shall pay all the  
9 costs related to the appeal, including reasonable attorney’s fees incurred by the defendant  
10 as a result of the appeal.

### 11 **Article – Criminal Law**

12 4–203.

13 (a) (1) Except as provided in subsection (b) of this section, a person may not:

14 (i) wear, carry, or transport a handgun, whether concealed or open,  
15 on or about the person;

16 (ii) wear, carry, or knowingly transport a handgun, whether  
17 concealed or open, in a vehicle traveling on a road or parking lot generally used by the  
18 public, highway, waterway, or airway of the State;

19 (iii) violate item (i) or (ii) of this paragraph while on public school  
20 property in the State; or

21 (iv) violate item (i) or (ii) of this paragraph with the deliberate  
22 purpose of injuring or killing another person.

23 (2) There is a rebuttable presumption that a person who transports a  
24 handgun under paragraph (1)(ii) of this subsection transports the handgun knowingly.

25 (b) This section does not prohibit:

26 (1) the wearing, carrying, or transporting of a handgun by a person who is  
27 authorized at the time and under the circumstances to wear, carry, or transport the  
28 handgun as part of the person’s official equipment, and is:

29 (i) a law enforcement official of the United States, the State, or a  
30 county or city of the State;

31 (ii) a member of the armed forces of the United States or of the  
32 National Guard on duty or traveling to or from duty;

1                    (iii) a law enforcement official of another state or subdivision of  
2 another state temporarily in this State on official business;

3                    (iv) a correctional officer or warden of a correctional facility in the  
4 State;

5                    (v) a sheriff or full-time assistant or deputy sheriff of the State; or

6                    (vi) a temporary or part-time sheriff's deputy;

7                    (2) the wearing, carrying, or transporting of a handgun, in compliance with  
8 any limitations imposed under § 5-307 of the Public Safety Article, by a person to whom a  
9 permit to wear, carry, or transport the handgun has been issued under Title 5, Subtitle 3  
10 of the Public Safety Article;

11                    (3) the carrying of a handgun on the person or in a vehicle while the person  
12 is transporting the handgun to or from the place of legal purchase or sale, or to or from a  
13 bona fide repair shop, or between bona fide residences of the person, or between the bona  
14 fide residence and place of business of the person, if the business is operated and owned  
15 substantially by the person if each handgun is unloaded and carried in an enclosed case or  
16 an enclosed holster;

17                    (4) the wearing, carrying, or transporting by a person of a handgun used in  
18 connection with an organized military activity, a target shoot, formal or informal target  
19 practice, sport shooting event, hunting, a Department of Natural Resources-sponsored  
20 firearms and hunter safety class, trapping, or a dog obedience training class or show, while  
21 the person is engaged in, on the way to, or returning from that activity if each handgun is  
22 unloaded and carried in an enclosed case or an enclosed holster;

23                    (5) the moving by a bona fide gun collector of part or all of the collector's  
24 gun collection from place to place for public or private exhibition if each handgun is  
25 unloaded and carried in an enclosed case or an enclosed holster;

26                    (6) the wearing, carrying, or transporting of a handgun by a person on real  
27 estate that the person owns or leases or where the person resides or within the confines of  
28 a business establishment that the person owns or leases;

29                    (7) the wearing, carrying, or transporting of a handgun by a supervisory  
30 employee;

31                    (i) in the course of employment;

32                    (ii) within the confines of the business establishment in which the  
33 supervisory employee is employed; and

34                    (iii) when so authorized by the owner or manager of the business  
35 establishment;

1           (8) the carrying or transporting of a signal pistol or other visual distress  
2 signal approved by the United States Coast Guard in a vessel on the waterways of the State  
3 or, if the signal pistol or other visual distress signal is unloaded and carried in an enclosed  
4 case, in a vehicle; or

5           (9) the wearing, carrying, or transporting of a handgun by a person who is  
6 carrying a court order requiring the surrender of the handgun, if:

7                   (i) the handgun is unloaded;

8                   (ii) the person has notified the law enforcement unit, barracks, or  
9 station that the handgun is being transported in accordance with the court order; and

10                   (iii) the person transports the handgun directly to the law  
11 enforcement unit, barracks, or station.

12           (c) (1) A person who violates this section is guilty of a misdemeanor and on  
13 conviction is subject to the penalties provided in this subsection.

14                   (2) If the person has not previously been convicted under this section, §  
15 4–204 of this subtitle, or § 4–101 or § 4–102 of this title:

16                           (i) except as provided in item (ii) of this paragraph, the person is  
17 subject to imprisonment for not less than 30 days and not exceeding 3 years or a fine of not  
18 less than \$250 and not exceeding \$2,500 or both; or

19                           (ii) if the person violates subsection (a)(1)(iii) of this section, the  
20 person shall be sentenced to imprisonment for not less than 90 days.

21                   (3) (i) If the person has previously been convicted once under this  
22 section, § 4–204 of this subtitle, or § 4–101 or § 4–102 of this title:

23                                   1. except as provided in item 2 of this subparagraph, the  
24 person is subject to imprisonment for not less than 1 year and not exceeding [10] 15 years;  
25 or

26                                   2. if the person violates subsection (a)(1)(iii) of this section,  
27 the person is subject to imprisonment for not less than [3] 5 years and not exceeding [10]  
28 15 years.

29                           (ii) The court may not impose less than the applicable minimum  
30 sentence provided under subparagraph (i) of this paragraph.

31                   (4) (i) If the person has previously been convicted more than once under  
32 this section, § 4–204 of this subtitle, or § 4–101 or § 4–102 of this title, or of any combination  
33 of these crimes:

1 1. except as provided in item 2 of this subparagraph, the  
2 person is subject to imprisonment for not less than [3] 5 years and not exceeding [10] 15  
3 years; or

4 2. A. if the person violates subsection (a)(1)(iii) of this  
5 section, the person is subject to imprisonment for not less than [5] 10 years and not  
6 exceeding [10] 15 years; or

7 B. if the person violates subsection (a)(1)(iv) of this section,  
8 the person is subject to imprisonment for not less than [5] 10 years and not exceeding [10]  
9 15 years.

10 (ii) The court may not impose less than the applicable minimum  
11 sentence provided under subparagraph (i) of this paragraph.

12 4-204.

13 (a) (1) In this section, "firearm" means:

14 (i) a weapon that expels, is designed to expel, or may readily be  
15 converted to expel a projectile by the action of an explosive; or

16 (ii) the frame or receiver of such a weapon.

17 (2) "Firearm" includes an antique firearm, handgun, rifle, shotgun,  
18 short-barreled rifle, short-barreled shotgun, starter gun, or any other firearm, whether  
19 loaded or unloaded.

20 (b) A person may not use a firearm in the commission of a crime of violence, as  
21 defined in § 5-101 of the Public Safety Article, or any felony, whether the firearm is  
22 operable or inoperable at the time of the crime.

23 (c) (1) (i) A person who violates this section is guilty of a [misdemeanor]  
24 FELONY and, in addition to any other penalty imposed for the crime of violence or felony,  
25 shall be sentenced:

26 1. FOR A FIRST OFFENSE, to imprisonment for not less than  
27 5 years and not exceeding 20 years; OR

28 2. FOR A SECOND OR SUBSEQUENT OFFENSE, TO  
29 IMPRISONMENT FOR NOT LESS THAN 10 YEARS AND NOT EXCEEDING 40 YEARS.

30 (ii) 1. The court may not impose less than the minimum  
31 sentence of 5 years [and, except] FOR A SENTENCE IMPOSED UNDER SUBPARAGRAPH  
32 (I)1 OF THIS PARAGRAPH.

1                   **2. THE COURT MAY NOT IMPOSE LESS THAN THE**  
2 **MINIMUM SENTENCE OF 10 YEARS FOR A SENTENCE IMPOSED UNDER**  
3 **SUBPARAGRAPH (I)2 OF THIS PARAGRAPH.**

4                   **(III) THE COURT MAY NOT SUSPEND THE FIRST 5 YEARS OF A**  
5 **MANDATORY MINIMUM SENTENCE IMPOSED UNDER SUBPARAGRAPH (I)2 OF THIS**  
6 **PARAGRAPH.**

7                   **(IV) EXCEPT as otherwise provided in § 4-305 of the Correctional**  
8 **Services Article, the person is not eligible for parole in less than 5 years.**

9                   **(2) For each subsequent violation, the sentence shall be consecutive to and**  
10 **not concurrent with any other sentence imposed for the crime of violence or felony.**

11 **5-612.**

12           (a) **A person may not manufacture, distribute, dispense, or possess:**

13                   **(1) 50 pounds or more of marijuana;**

14                   **(2) 448 grams or more of cocaine;**

15                   **(3) 448 grams or more of any mixture containing a detectable amount of**  
16 **cocaine;**

17                   **(4) 448 grams or more of cocaine base, commonly known as “crack”;**

18                   **(5) 28 grams or more of morphine or opium or any derivative, salt, isomer,**  
19 **or salt of an isomer of morphine or opium;**

20                   **(6) any mixture containing 28 grams or more of morphine or opium or any**  
21 **derivative, salt, isomer, or salt of an isomer of morphine or opium;**

22                   **(7) 5 GRAMS OR MORE OF FENTANYL OR ANY STRUCTURAL VARIATION**  
23 **OF FENTANYL THAT IS SCHEDULED BY THE UNITED STATES DRUG ENFORCEMENT**  
24 **ADMINISTRATION;**

25                   **(8) 28 GRAMS OR MORE OF ANY MIXTURE CONTAINING A DETECTABLE**  
26 **AMOUNT OF FENTANYL OR ANY STRUCTURAL VARIATION OF FENTANYL THAT IS**  
27 **SCHEDULED BY THE UNITED STATES DRUG ENFORCEMENT ADMINISTRATION;**

28                   **[(7)] (9) 1,000 dosage units or more of lysergic acid diethylamide;**

29                   **[(8)] (10) any mixture containing the equivalent of 1,000 dosage units of**  
30 **lysergic acid diethylamide;**

1           ~~[(9)]~~ **(11)**    16 ounces or more of phencyclidine in liquid form;

2           ~~[(10)]~~ **(12)**   448 grams or more of any mixture containing phencyclidine;

3           ~~[(11)]~~ **(13)**   448 grams or more of methamphetamine; or

4           ~~[(12)]~~ **(14)**   any mixture containing 448 grams or more of methamphetamine.

5           (b)   For the purpose of determining the quantity of a controlled dangerous  
6 substance involved in individual acts of manufacturing, distributing, dispensing, or  
7 possessing under subsection (a) of this section, the acts may be aggregated if each of the  
8 acts occurred within a 90-day period.

9           (c)   (1)   A person who is convicted of a violation of subsection (a) of this section  
10 shall be sentenced to imprisonment for not less than 5 years and is subject to a fine not  
11 exceeding \$100,000.

12                   (2)   The court may not suspend any part of the mandatory minimum  
13 sentence of 5 years.

14                   (3)   Except as provided in § 4-305 of the Correctional Services Article, the  
15 person is not eligible for parole during the mandatory minimum sentence.  
16 5-621.

17           (a)   (1)   In this section the following words have the meanings indicated.

18                           (2)   “Drug trafficking crime” means a felony or a conspiracy to commit a  
19 felony involving the possession, distribution, manufacture, or importation of a controlled  
20 dangerous substance under §§ 5-602 through 5-609 and 5-614 of this subtitle.

21                           (3)   “Forfeiting authority” means the office or person designated by  
22 agreement between the State’s Attorney for a county and the chief executive officer of the  
23 governing body that has jurisdiction over the assets subject to forfeiture.

24           (b)   During and in relation to a drug trafficking crime, a person may not:

25                           (1)   possess a firearm under sufficient circumstances to constitute a nexus  
26 to the drug trafficking crime; or

27                           (2)   use, wear, carry, or transport a firearm.

28           (c)   (1)   In addition to the sentence provided for the drug trafficking crime, a  
29 person who violates subsection (b) of this section is guilty of a felony and on conviction is  
30 subject to:

1                   (i)     for a first violation, imprisonment for not less than 5 years and  
2 not exceeding 20 years; or

3                   (ii)    for each subsequent violation, imprisonment for not less than 10  
4 years and not exceeding [20] 40 years.

5               (2)   (i)     The court shall impose a minimum sentence of 5 years under  
6 paragraph (1)(i) of this subsection.

7                   (ii)    The court shall impose a minimum sentence of 10 years under  
8 paragraph (1)(ii) of this subsection.

9               (3)   (i)     A court may not suspend any part of a mandatory minimum  
10 sentence.

11                   (ii)    Except as provided in § 4–305 of the Correctional Services  
12 Article, a person sentenced under this subsection is not eligible for parole.

13                   (iii)   A sentence imposed under paragraph (1)(ii) of this subsection  
14 shall be consecutive to and not concurrent with any other sentence imposed by virtue of the  
15 commission of the drug trafficking crime.

16               (d)   (1)   (i)     In this subsection, “firearm silencer” means a device that is  
17 designed for silencing, muffling, or diminishing the report of a firearm.

18                   (ii)    “Firearm silencer” includes a combination of parts designed,  
19 redesigned, or intended for use in assembling or fabricating a firearm silencer or muffler.

20               (2)   A court shall double the minimum mandatory sentence provided in  
21 subsection (c)(1)(ii) of this section if the firearm used during and in relation to a drug  
22 trafficking crime is:

23                   (i)     listed in § 4–301 of this article or § 5–101 of the Public Safety  
24 Article;

25                   (ii)    a machine gun; or

26                   (iii)   equipped with a firearm silencer.

27               (e)   (1)   A firearm or ammunition seized under this section is contraband and  
28 shall be forfeited summarily to a forfeiting authority.

29               (2)   Unless otherwise prohibited by law or if forfeiture proceedings have  
30 begun, the forfeiting authority shall return the seized property to the owner or possessor  
31 within 90 days after the date of seizure if:

32                   (i)     the owner or possessor of the property seized is acquitted; or

1                   (ii) the charges against the person are dismissed.

2                   (3) Unless otherwise prohibited by law, the forfeiting authority shall  
3 return the seized property to the owner or possessor promptly if the State:

4                   (i) enters a nolle prosequi against the owner or possessor of property  
5 seized; and

6                   (ii) does not charge the person within 90 days after the nolle prosequi  
7 is entered.

8 5-622.

9           (a) In this section, "firearm" includes:

10                   (1) a handgun, antique firearm, rifle, shotgun, short-barreled shotgun, and  
11 short-barreled rifle, as those words are defined in § 4-201 of this article;

12                   (2) a machine gun, as defined in § 4-401 of this article; and

13                   (3) a regulated firearm, as defined in § 5-101 of the Public Safety Article.

14           (b) A person may not possess, own, carry, or transport a firearm if that person  
15 has been convicted of:

16                   (1) a felony under this title;

17                   (2) a crime under the laws of another state or of the United States that  
18 would be a felony under this title if committed in this State;

19                   (3) conspiracy to commit a crime referred to in paragraphs (1) and (2) of  
20 this subsection; or

21                   (4) an attempt to commit a crime referred to in paragraphs (1) and (2) of  
22 this subsection.

23           (c) A person who violates this section is guilty of a felony and on conviction is  
24 subject to imprisonment not exceeding 5 years or a fine not exceeding \$10,000 or both.

25 9-302.

26           (a) A person may not harm another, threaten to harm another, or damage or  
27 destroy property with the intent to:

28                   (1) influence a victim or witness to testify falsely or withhold testimony; or

1 (2) induce a victim or witness:

2 (i) to avoid the service of a subpoena or summons to testify;

3 (ii) to be absent from an official proceeding to which the victim or  
4 witness has been subpoenaed or summoned; or

5 (iii) not to report the existence of facts relating to a crime or  
6 delinquent act.

7 (b) A person may not solicit another person to harm another, threaten to harm  
8 another, or damage or destroy property with the intent to:

9 (1) influence a victim or witness to testify falsely or withhold testimony; or

10 (2) induce a victim or witness:

11 (i) to avoid the service of a subpoena or summons to testify;

12 (ii) to be absent from an official proceeding to which the victim or  
13 witness has been subpoenaed or summoned; or

14 (iii) not to report the existence of facts relating to a crime or  
15 delinquent act.

16 (c) (1) Except as provided in paragraph (2) of this subsection, a person who  
17 violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment  
18 not exceeding [5] 10 years or a fine not exceeding [\$5,000] \$10,000 or both.

19 (2) If the testimony, subpoena, official proceeding, or report involving the  
20 victim or witness relates to a felonious violation of Title 5 of this article or the commission  
21 of a crime of violence as defined in § 14–101 of this article, or a conspiracy or solicitation to  
22 commit such a crime, a person who violates this section is guilty of a felony and on  
23 conviction is subject to imprisonment not exceeding [20] 30 years.

24 (d) A sentence imposed under this section may be separate from and consecutive  
25 to or concurrent with a sentence for any crime based on the act establishing the violation  
26 of this section.

27 9–303.

28 (a) A person may not intentionally harm another, threaten to harm another, or  
29 damage or destroy property with the intent of retaliating against:

30 (1) a victim or witness for:

31 (i) giving testimony in an official proceeding; or

1 (ii) reporting a crime or delinquent act;

2 (2) a juror for any reason relating to the performance of the juror's official  
3 duties in a pending or completed case in a court of the State or the United States; or

4 (3) an officer of the court of the State or the United States for any reason  
5 relating to the performance of the officer's official duties in a pending or completed case.

6 (b) A person may not solicit another person to intentionally harm another,  
7 threaten to harm another, or damage or destroy property with the intent of retaliating  
8 against:

9 (1) a victim or witness for:

10 (i) giving testimony in an official proceeding; or

11 (ii) reporting a crime or delinquent act;

12 (2) a juror for any reason relating to the performance of the juror's official  
13 duties in a pending or completed case in a court of the State or the United States; or

14 (3) an officer of the court of the State or the United States for any reason  
15 relating to the performance of the officer's official duties in a pending or completed case.

16 (c) (1) Except as provided in paragraph (2) of this subsection, a person who  
17 violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment  
18 not exceeding [5] 10 years or a fine not exceeding [\$5,000] \$10,000 or both.

19 (2) If the official proceeding or report described in subsection (a) of this  
20 section relates to a felonious violation of Title 5 of this article or the commission of a crime  
21 of violence as defined in § 14–101 of this article, or a conspiracy or solicitation to commit  
22 such a crime, a person who violates this section is guilty of a felony and on conviction is  
23 subject to imprisonment not exceeding [20] 30 years.

24 (d) A sentence imposed under this section may be separate from and consecutive  
25 to or concurrent with a sentence for any crime based on the act establishing the violation  
26 of this section.

27 9–305.

28 (a) A person may not, by threat, force, or corrupt means, try to influence,  
29 intimidate, or impede a juror, a witness, or an officer of a court of the State or of the United  
30 States in the performance of the person's official duties.

1 (b) A person may not solicit another person to, by threat, force, or corrupt means,  
2 try to influence, intimidate, or impede a juror, a witness, or an officer of the court of the  
3 State or of the United States in the performance of the person's official duties.

4 (c) (1) Except as provided in paragraph (2) of this subsection, a person who  
5 violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment  
6 not exceeding ~~[5]~~ **10** years or a fine not exceeding ~~[\$5,000]~~ **\$10,000** or both.

7 (2) If an act described in subsection (a) of this section is taken in connection  
8 with a proceeding involving a felonious violation of Title 5 of this article or the commission  
9 of a crime of violence as defined in § 14–101 of this article, or a conspiracy or solicitation to  
10 commit such a crime, a person who violates this section is guilty of a felony and on  
11 conviction is subject to imprisonment not exceeding ~~[20]~~ **30** years.

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

15 14–101.

16 (a) In this section, “crime of violence” means:

17 (1) abduction;

18 (2) arson in the first degree;

19 (3) kidnapping;

20 (4) manslaughter, except involuntary manslaughter;

21 (5) mayhem;

22 (6) maiming, as previously proscribed under former Article 27, §§ 385 and  
23 386 of the Code;

24 (7) murder;

25 (8) rape;

26 (9) robbery under § 3–402 or § 3–403 of this article;

27 (10) carjacking;

28 (11) armed carjacking;

29 (12) sexual offense in the first degree;

1           (13) sexual offense in the second degree;

2           (14) use of a [handgun] FIREARM in the commission of a felony or other  
3 crime of violence;

4           (15) child abuse in the first degree under § 3–601 of this article;

5           (16) sexual abuse of a minor under § 3–602 of this article if:

6                   (i) the victim is under the age of 13 years and the offender is an  
7 adult at the time of the offense; and

8                   (ii) the offense involved:

9                           1. vaginal intercourse, as defined in § 3–301 of this article;

10                           2. a sexual act, as defined in § 3–301 of this article;

11                           3. an act in which a part of the offender’s body penetrates,  
12 however slightly, into the victim’s genital opening or anus; or

13                           4. the intentional touching, not through the clothing, of the  
14 victim’s or the offender’s genital, anal, or other intimate area for sexual arousal,  
15 gratification, or abuse;

16           (17) home invasion under § 6–202(b) of this article;

17           (18) an attempt to commit any of the crimes described in items (1) through  
18 (17) of this subsection;

19           (19) continuing course of conduct with a child under § 3–315 of this article;

20           (20) assault in the first degree;

21           (21) assault with intent to murder;

22           (22) assault with intent to rape;

23           (23) assault with intent to rob;

24           (24) assault with intent to commit a sexual offense in the first degree; and

25           (25) assault with intent to commit a sexual offense in the second degree.

26           (d) (1) (I) [On] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS  
27 SUBSECTION, ON conviction for a second time of a crime of violence committed on or after

1 October 1, 1994, a person shall be sentenced to imprisonment for the term allowed by law,  
2 but not less than 10 years, if the person:

3 [(i)] 1. has been convicted on a prior occasion of a crime of  
4 violence, including a conviction for a crime committed before October 1, 1994; and

5 [(ii)] 2. served a term of confinement in a correctional facility for  
6 that conviction.

7 [(2)] (II) The court may not suspend all or part of the mandatory 10-year  
8 sentence required under this [subsection] PARAGRAPH.

9 (2) (I) ON CONVICTION FOR A SECOND TIME OF A CRIME OF  
10 VIOLENCE COMMITTED ON OR AFTER OCTOBER 1, 2018, A PERSON SHALL BE  
11 SENTENCED TO IMPRISONMENT FOR THE TERM ALLOWED BY LAW, BUT NOT LESS  
12 THAN 10 YEARS, IF THE PERSON:

13 1. HAS BEEN CONVICTED ON A PRIOR OCCASION OF A  
14 CRIME OF VIOLENCE, INCLUDING A CONVICTION FOR A CRIME COMMITTED BEFORE  
15 OCTOBER 1, 2018; AND

16 2. SERVED A TERM OF CONFINEMENT IN A  
17 CORRECTIONAL FACILITY FOR THAT CONVICTION.

18 (II) THE COURT MAY NOT SUSPEND ALL OR PART OF THE  
19 MANDATORY 10-YEAR SENTENCE REQUIRED UNDER THIS PARAGRAPH.

20 (III) A PERSON SENTENCED UNDER THIS PARAGRAPH IS NOT  
21 ELIGIBLE FOR PAROLE EXCEPT IN ACCORDANCE WITH THE PROVISIONS OF § 4-305  
22 OF THE CORRECTIONAL SERVICES ARTICLE.

23 Article – Criminal Procedure

24 11-928. RESERVED.

25 11-929. RESERVED.

26 PART IV. PETITION FOR U NONIMMIGRANT STATUS.

27 11-930.

28 (A) IN THIS PART THE FOLLOWING WORDS HAVE THE MEANINGS  
29 INDICATED.

30 (B) “CERTIFYING ENTITY” MEANS:

1           **(1) A STATE OR LOCAL LAW ENFORCEMENT AGENCY;**

2           **(2) A STATE'S ATTORNEY OR DEPUTY OR ASSISTANT STATE'S**  
3 **ATTORNEY;**

4           **(3) ANY OTHER AUTHORITY THAT HAS RESPONSIBILITY FOR THE**  
5 **DETECTION, INVESTIGATION, OR PROSECUTION OF A QUALIFYING CRIME OR**  
6 **CRIMINAL ACTIVITY; OR**

7           **(4) AN AGENCY THAT HAS CRIMINAL DETECTION OR INVESTIGATIVE**  
8 **JURISDICTION IN THE AGENCY'S RESPECTIVE AREAS OF EXPERTISE, INCLUDING**  
9 **CHILD PROTECTIVE SERVICES, THE COMMISSION ON CIVIL RIGHTS, AND THE**  
10 **DEPARTMENT OF LABOR, LICENSING, AND REGULATION.**

11           **(C) "CERTIFYING OFFICIAL" MEANS:**

12           **(1) THE HEAD OF A CERTIFYING ENTITY;**

13           **(2) AN INDIVIDUAL IN A SUPERVISORY ROLE WHO HAS BEEN**  
14 **SPECIFICALLY DESIGNATED BY THE HEAD OF A CERTIFYING ENTITY TO ISSUE FORM**  
15 **I-918, SUPPLEMENT B CERTIFICATIONS ON BEHALF OF THAT ENTITY; OR**

16           **(3) ANY OTHER CERTIFYING OFFICIAL DEFINED UNDER TITLE 8, §**  
17 **214.14(A)(2) OF THE CODE OF FEDERAL REGULATIONS.**

18           **(D) "QUALIFYING CRIME" INCLUDES A CRIMINAL OFFENSE FOR WHICH THE**  
19 **NATURE AND ELEMENTS OF THE OFFENSE ARE SUBSTANTIALLY SIMILAR TO THE**  
20 **CRIMINAL ACTIVITY DESCRIBED IN SUBSECTION (E) OF THIS SECTION AND THE**  
21 **ATTEMPT, CONSPIRACY, OR SOLICITATION TO COMMIT THE OFFENSE.**

22           **(E) "QUALIFYING CRIMINAL ACTIVITY" MEANS QUALIFYING CRIMINAL**  
23 **ACTIVITY UNDER § 101(A)(15)(U)(III) OF THE IMMIGRATION AND NATIONALITY**  
24 **ACT.**

25 **11-931.**

26           **(A) FOR PURPOSES OF FILING A PETITION WITH THE UNITED STATES**  
27 **CITIZENSHIP AND IMMIGRATION SERVICES FOR U NONIMMIGRANT STATUS, A**  
28 **VICTIM OR THE VICTIM'S FAMILY MEMBER MAY REQUEST A CERTIFYING OFFICIAL**  
29 **OF A CERTIFYING ENTITY TO CERTIFY VICTIM HELPFULNESS ON A FORM I-918,**  
30 **SUPPLEMENT B CERTIFICATION IF THE VICTIM:**

31           **(1) WAS A VICTIM OF A QUALIFYING CRIMINAL ACTIVITY; AND**

1           **(2) HAS BEEN HELPFUL, IS BEING HELPFUL, OR IS LIKELY TO BE**  
2 **HELPFUL TO THE CERTIFYING ENTITY IN THE DETECTION, INVESTIGATION, OR**  
3 **PROSECUTION OF THE QUALIFYING CRIMINAL ACTIVITY.**

4           **(B) FOR PURPOSES OF DETERMINING HELPFULNESS UNDER SUBSECTION**  
5 **(A) OF THIS SECTION, IF THE VICTIM IS ASSISTING, HAS ASSISTED, OR IS LIKELY TO**  
6 **ASSIST LAW ENFORCEMENT AUTHORITIES IN THE DETECTION, INVESTIGATION, OR**  
7 **PROSECUTION OF QUALIFYING CRIMINAL ACTIVITY, THE VICTIM SHALL BE**  
8 **CONSIDERED TO BE HELPFUL, TO HAVE BEEN HELPFUL, OR LIKELY TO BE HELPFUL.**

9           **(C) IF THE VICTIM SATISFIES THE CRITERIA SPECIFIED UNDER SUBSECTION**  
10 **(A) OF THIS SECTION, THE CERTIFYING OFFICIAL SHALL FULLY COMPLETE AND SIGN**  
11 **THE FORM I-918, SUPPLEMENT B CERTIFICATION AND, WITH RESPECT TO VICTIM**  
12 **HELPFULNESS, INCLUDE:**

13           **(1) SPECIFIC DETAILS ABOUT THE NATURE OF THE CRIME DETECTED,**  
14 **INVESTIGATED, OR PROSECUTED;**

15           **(2) A DETAILED DESCRIPTION OF THE VICTIM'S HELPFULNESS OR**  
16 **LIKELY HELPFULNESS TO THE DETECTION, INVESTIGATION, OR PROSECUTION OF**  
17 **THE CRIMINAL ACTIVITY; AND**

18           **(3) COPIES OF ANY DOCUMENTS IN THE POSSESSION OF THE**  
19 **CERTIFYING OFFICIAL THAT EVINCE THE HARM ENDURED BY THE VICTIM DUE TO**  
20 **THE CRIMINAL ACTIVITY.**

21           **(D) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,**  
22 **THE CERTIFYING ENTITY SHALL CERTIFY OR DECLINE CERTIFICATION OF THE**  
23 **FORM I-918, SUPPLEMENT B CERTIFICATION WITHIN 90 DAYS AFTER RECEIVING A**  
24 **REQUEST UNDER SUBSECTION (A) OF THIS SECTION.**

25           **(2) IF A NONCITIZEN VICTIM IS THE SUBJECT OF REMOVAL**  
26 **PROCEEDINGS, THE CERTIFYING ENTITY SHALL CERTIFY OR DECLINE**  
27 **CERTIFICATION OF THE FORM I-918, SUPPLEMENT B CERTIFICATION WITHIN 14**  
28 **DAYS AFTER RECEIVING A REQUEST UNDER SUBSECTION (A) OF THIS SECTION.**

29           **(E) A CURRENT INVESTIGATION, THE FILING OF CHARGES, A PROSECUTION,**  
30 **OR A CONVICTION IS NOT REQUIRED FOR A VICTIM OR THE VICTIM'S FAMILY**  
31 **MEMBER TO REQUEST AND OBTAIN THE FORM I-918, SUPPLEMENT B**  
32 **CERTIFICATION UNDER THIS SECTION.**

1 (F) A CERTIFYING OFFICIAL MAY WITHDRAW THE CERTIFICATION  
 2 PROVIDED UNDER THIS SECTION ONLY IF THE VICTIM REFUSES TO PROVIDE  
 3 INFORMATION AND ASSISTANCE WHEN REASONABLY REQUESTED.

4 (G) A CERTIFYING ENTITY MAY DISCLOSE THE IMMIGRATION STATUS OF  
 5 THE VICTIM OR PERSON REQUESTING THE FORM I-918, SUPPLEMENT B  
 6 CERTIFICATION ONLY:

7 (1) TO COMPLY WITH STATE OR FEDERAL LAW;

8 (2) IF ORDERED BY A COURT OF COMPETENT JURISDICTION;

9 (3) AS REQUIRED UNDER THE MARYLAND RULES; OR

10 (4) IF AUTHORIZED BY THE VICTIM OR A PERSON REQUESTING THE  
 11 CERTIFICATION.

12 Article – Health – General

13 8–505.

14 (a) (1) (I) [Before] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS  
 15 SUBSECTION, BEFORE or during a criminal trial, before or after sentencing, or before or  
 16 during a term of probation, the court may order the Department to evaluate a defendant to  
 17 determine whether, by reason of drug or alcohol abuse, the defendant is in need of and may  
 18 benefit from treatment if:

19 [(i)] 1. It appears to the court that the defendant has an alcohol  
 20 or drug abuse problem; or

21 [(ii)] 2. The defendant alleges an alcohol or drug dependency.

22 [(2)] (II) A court shall set and may change the conditions under which an  
 23 examination is to be conducted under this section.

24 [(3)] (III) The Department shall ensure that each evaluation under this  
 25 section is conducted in accordance with regulations adopted by the Department.

26 (2) IF A DEFENDANT IS CHARGED WITH, CONVICTED OF, OR SERVING  
 27 A SENTENCE FOR A CRIME OF VIOLENCE AS DEFINED UNDER § 14–101 OF THE  
 28 CRIMINAL LAW ARTICLE, A COURT MAY NOT ORDER THE DEPARTMENT TO  
 29 EVALUATE A DEFENDANT UNDER THIS SECTION UNDER ANY OF THE FOLLOWING  
 30 CIRCUMSTANCES:

31 (I) BEFORE OR DURING A CRIMINAL TRIAL;

1                   **(II) BEFORE SENTENCING; OR**

2                   **(III) FOR A DEFENDANT WHO IS SENTENCED TO IMPRISONMENT,**  
3 **UNTIL THE DEFENDANT IS ELIGIBLE FOR PAROLE.**

4 8-506.

5           (a) **[A] SUBJECT TO THE ELIGIBILITY RESTRICTIONS UNDER § 8-505(A) OF**  
6 **THIS SUBTITLE, A court may commit a defendant to the Department for inpatient**  
7 **evaluation as to drug or alcohol abuse if:**

8                   (1) The court finds it is not clinically appropriate for the defendant to be  
9 evaluated in a detention facility or an appropriate outpatient facility; and

10                  (2) After an initial evaluation, the Department:

11                   (i) Recommends a comprehensive inpatient evaluation of the  
12 defendant;

13                   (ii) Certifies that an appropriate facility is either currently, or within  
14 a reasonable time will be able to, conduct the evaluation;

15                   (iii) Provides to the court a date by which the evaluation can be  
16 conducted; and

17                   (iv) Gives the court prompt notice when an evaluation can be  
18 conducted.

19 8-507.

20           (a) **(1) [Subject] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**  
21 **SUBSECTION AND SUBJECT to the limitations in this section, a court that finds in a**  
22 **criminal case or during a term of probation that a defendant has an alcohol or drug**  
23 **dependency may commit the defendant as a condition of release, after conviction, or at any**  
24 **other time the defendant voluntarily agrees to participate in treatment, to the Department**  
25 **for treatment that the Department recommends, even if:**

26                   **[(1)] (I) The defendant did not timely file a motion for reconsideration**  
27 **under Maryland Rule 4-345; or**

28                   **[(2)] (II) The defendant timely filed a motion for reconsideration under**  
29 **Maryland Rule 4-345 which was denied by the court.**

30                   **(2) IF A DEFENDANT IS CHARGED WITH, CONVICTED OF, OR SERVING**  
31 **A SENTENCE FOR A CRIME OF VIOLENCE AS DEFINED UNDER § 14-101 OF THE**

1 CRIMINAL LAW ARTICLE, A COURT IN A CRIMINAL CASE MAY NOT COMMIT A  
 2 DEFENDANT TO THE DEPARTMENT FOR TREATMENT UNDER THIS SECTION UNDER  
 3 ANY OF THE FOLLOWING CIRCUMSTANCES:

4 (I) BEFORE OR DURING TRIAL;

5 (II) BEFORE SENTENCING; OR

6 (III) FOR A DEFENDANT WHO IS SENTENCED TO IMPRISONMENT,  
 7 UNTIL THE DEFENDANT IS ELIGIBLE FOR PAROLE.

8 Article – Public Safety

9 SUBTITLE 3. THE TYRONE RAY ~~VIOLENT CRIME~~ VIOLENCE INTERVENTION AND  
 10 PREVENTION FUND.

11 4-301.

12 ~~(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS~~  
 13 ~~INDICATED.~~

14 ~~(2) “EXECUTIVE DIRECTOR” MEANS THE EXECUTIVE DIRECTOR OF~~  
 15 ~~THE GOVERNOR’S OFFICE OF CRIME CONTROL AND PREVENTION.~~

16 ~~(3) “FUND” MEANS THE TYRONE RAY VIOLENT CRIME FUND.~~

17 ~~(B) THERE IS A TYRONE RAY VIOLENT CRIME FUND.~~

18 ~~(C) THE PURPOSE OF THE FUND IS TO:~~

19 ~~(1) PROVIDE GRANTS TO LOCAL GOVERNMENTS OR NONPROFIT~~  
 20 ~~ENTITIES IN JURISDICTIONS THAT HAVE EXPERIENCED A PRECIPITOUS INCREASE~~  
 21 ~~IN VIOLENT CRIME;~~

22 ~~(2) FUND PROMISING AND EVIDENCE-BASED PROGRAMS THAT MAY~~  
 23 ~~INCLUDE HEALTH-BASED VIOLENCE INTERVENTIONS, PROGRAMS THAT AIM TO~~  
 24 ~~IMPROVE COMMUNITY POLICE RELATIONS, AND TARGETED INVESTIGATION AND~~  
 25 ~~PROSECUTION EFFORTS;~~

26 ~~(3) PROVIDE FUNDING FOR PRETRIAL SERVICES PROGRAMS IN THE~~  
 27 ~~STATE; AND~~

28 ~~(4) PROVIDE FUNDING FOR COMMUNITY POLICING ACTIVITIES IN THE~~  
 29 ~~STATE.~~

~~(D) (1) THE EXECUTIVE DIRECTOR SHALL ADMINISTER THE FUND.~~

~~(2) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION SHALL RECEIVE FROM THE FUND EACH FISCAL YEAR AN AMOUNT NECESSARY TO OFFSET ANY COST INCURRED BY THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION IN ADMINISTERING THE FUND.~~

~~(II) THE AMOUNT RECEIVED BY THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH MAY NOT EXCEED \$100,000.~~

~~(E) (1) (I) THE EXECUTIVE DIRECTOR SHALL ESTABLISH PROCEDURES FOR THE DISTRIBUTION OF MONEY FROM THE FUND.~~

~~(II) THE PROCEDURES ESTABLISHED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL INCLUDE PROCEDURES FOR DATA SHARING, PERFORMANCE MEASURES, AND REPORTING.~~

~~(2) THE EXECUTIVE DIRECTOR MAY REQUIRE A LOCAL GOVERNMENT OR NONPROFIT ENTITY THAT RECEIVES MONEY FROM THE FUND TO COMPLY WITH CONDITIONS REGARDING DATA SHARING, PERFORMANCE MEASURES, AND REPORTING AS A CONDITION OF RECEIVING FUNDS UNDER THIS SECTION.~~

~~(3) THE EXECUTIVE DIRECTOR SHALL GIVE PREFERENCE IN THE DISTRIBUTION OF MONEY FROM THE FUND TO LOCAL GOVERNMENTS OR NONPROFIT ENTITIES IN JURISDICTIONS THAT HAVE EXPERIENCED A DISPROPORTIONATE INCREASE IN VIOLENT CRIME.~~

~~(F) THE EXECUTIVE DIRECTOR SHALL ESTABLISH OUTCOME-BASED PERFORMANCE MEASURES TO TRACK THE PERFORMANCE OF THE PROGRAMS SUPPORTED BY THE FUND.~~

~~(G) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.~~

~~(2) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY AND THE COMPTROLLER, IN CONJUNCTION WITH THE EXECUTIVE DIRECTOR, SHALL ACCOUNT FOR THE FUND.~~

~~(H) THE FUND CONSISTS OF:~~

~~(1) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;~~

~~(2) INVESTMENT EARNINGS OF THE FUND; AND~~

~~(3) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR THE BENEFIT OF THE FUND.~~

~~(I) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.~~

~~(2) ANY INTEREST EARNINGS OF THE FUND SHALL BE CREDITED TO THE FUND.~~

~~(J) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE WITH THE STATE BUDGET.~~

~~(K) (1) FOR FISCAL YEARS 2020 THROUGH 2023, EACH YEAR THE GOVERNOR SHALL APPROPRIATE \$5,000,000 IN THE ANNUAL STATE BUDGET FOR THE FUND.~~

~~(2) THE FUNDS APPROPRIATED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE USED SOLELY TO SUPPLEMENT, AND NOT SUPPLANT, FUNDS OTHERWISE AVAILABLE FOR THE FUND.~~

~~4-302.~~

~~(A) ON OR BEFORE OCTOBER 1, 2020, AND EVERY OCTOBER 1 THEREAFTER, THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION SHALL PLACE ON ITS WEBSITE IN AN EASILY ACCESSIBLE LOCATION A FILTERABLE DATA DISPLAY SHOWING ALL DATA COLLECTED UNDER THIS SUBTITLE PERTAINING TO PERFORMANCE-BASED MEASURES ESTABLISHED UNDER THIS SUBTITLE FOR THE PREVIOUS FISCAL YEAR.~~

~~(B) THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION SHALL NOTIFY ANNUALLY IN WRITING THE GOVERNOR AND THE LEGISLATIVE POLICY COMMITTEE, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, WHEN THE FILTERABLE DATA DISPLAY HAS BEEN UPDATED UNDER SUBSECTION (A) OF THIS SECTION.~~

~~(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.~~

~~(B) "COUNCIL" MEANS THE MARYLAND VIOLENCE INTERVENTION AND PREVENTION ADVISORY COUNCIL ESTABLISHED UNDER § 4-303 OF THIS SUBTITLE.~~

~~(C) "EVIDENCE-BASED HEALTH PROGRAM" MEANS A PROGRAM OR AN~~

1 INITIATIVE THAT:

2 (1) IS DEVELOPED AND EVALUATED THROUGH SCIENTIFIC RESEARCH  
3 AND DATA COLLECTION;

4 (2) USES PUBLIC HEALTH PRINCIPLES THAT DEMONSTRATE  
5 MEASURABLE POSITIVE OUTCOMES IN PREVENTING GUN VIOLENCE; AND

6 (3) IS IMPLEMENTED BY A NONPROFIT ORGANIZATION OR PUBLIC  
7 AGENCY.

8 (D) "EVIDENCE-INFORMED HEALTH PROGRAM" MEANS A PROGRAM, AN  
9 APPROACH, OR AN INITIATIVE THAT IS:

10 (1) BASED ON PUBLIC HEALTH PRINCIPLES;

11 (2) CAPABLE OF BEING STUDIED AND EVALUATED THROUGH  
12 RESEARCH AND DATA COLLECTION;

13 (3) FOR THE PURPOSE OF REDUCING GUN VIOLENCE;

14 (4) DIRECTED TO INFLUENCE FACTORS DETERMINED TO AFFECT GUN  
15 VIOLENCE; AND

16 (5) IMPLEMENTED BY A NONPROFIT ORGANIZATION OR PUBLIC  
17 AGENCY.

18 (E) "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF THE  
19 GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION.

20 (F) "FUND" MEANS THE TYRONE RAY VIOLENCE INTERVENTION AND  
21 PREVENTION FUND.

22 (G) "LOCAL GOVERNMENT" MEANS A COUNTY OR MUNICIPALITY.

23 4-302.

24 (A) THERE IS A TYRONE RAY VIOLENCE INTERVENTION AND PREVENTION  
25 FUND.

26 (B) THE PURPOSE OF THE FUND IS TO:

27 (1) SUPPORT EFFECTIVE VIOLENCE REDUCTION STRATEGIES BY

1 PROVIDING COMPETITIVE GRANTS TO LOCAL GOVERNMENTS AND NONPROFIT  
2 ORGANIZATIONS TO FUND EVIDENCED-BASED HEALTH PROGRAMS OR  
3 EVIDENCE-INFORMED HEALTH PROGRAMS;

4 (2) EVALUATE THE EFFICACY OF EVIDENCE-BASED HEALTH  
5 PROGRAMS OR EVIDENCE-INFORMED HEALTH PROGRAMS FUNDED THROUGH THE  
6 FUND; AND

7 (3) SUPPORT PRETRIAL RELEASE SERVICES PROGRAMS.

8 (C) THE EXECUTIVE DIRECTOR SHALL ADMINISTER THE FUND IN  
9 CONSULTATION WITH THE COUNCIL.

10 (D) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT  
11 SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

12 (2) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY  
13 AND THE COMPTROLLER, IN CONJUNCTION WITH THE EXECUTIVE DIRECTOR,  
14 SHALL ACCOUNT FOR THE FUND.

15 (E) (1) THE FUND CONSISTS OF:

16 (I) MONEY APPROPRIATED IN THE STATE BUDGET TO THE  
17 FUND;

18 (II) INVESTMENT EARNINGS OF THE FUND; AND

19 (III) MONEY FROM ANY OTHER SOURCE ACCEPTED FOR THE  
20 BENEFIT OF THE FUND.

21 (2) FOR FISCAL YEARS 2020 THROUGH 2023, EACH YEAR THE  
22 GOVERNOR SHALL APPROPRIATE AT LEAST \$5,000,000 IN THE ANNUAL STATE  
23 BUDGET FOR THE FUND.

24 (F) (1) THE FUND SHALL BE USED IN THE FOLLOWING MANNER:

25 (I) TO SUPPORT EFFECTIVE VIOLENCE REDUCTION  
26 STRATEGIES BY PROVIDING COMPETITIVE GRANTS TO LOCAL GOVERNMENTS AND  
27 NONPROFIT ORGANIZATIONS TO FUND EVIDENCE-BASED HEALTH PROGRAMS OR  
28 EVIDENCE-INFORMED HEALTH PROGRAMS;

29 (II) IN AN AMOUNT NOT GREATER THAN 5% OF THE FUND, FOR  
30 THE EVALUATION OF THE EFFICACY OF EVIDENCE-BASED HEALTH PROGRAMS OR

1 EVIDENCE-INFORMED HEALTH PROGRAMS AWARDED GRANTS THROUGH THE  
2 FUND; AND

3 (III) TO SUPPORT PRETRIAL RELEASE SERVICES PROGRAMS.

4 (2) THE FUND MAY NOT BE USED TO:

5 (I) SUPPLANT FUNDING THAT WOULD OTHERWISE BE  
6 AVAILABLE FOR VIOLENCE INTERVENTION OR PREVENTION PROGRAMS; OR

7 (II) FUND SUPPRESSION ACTIVITIES BY LAW ENFORCEMENT.

8 (G) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE FUND  
9 IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

10 (2) ANY INTEREST EARNINGS OF THE FUND SHALL BE CREDITED TO  
11 THE FUND.

12 (H) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE  
13 WITH THE STATE BUDGET.

14 (I) THE ACCOUNTS AND TRANSACTIONS OF THE FUND SHALL BE SUBJECT  
15 TO AUDIT BY THE LEGISLATIVE AUDITOR AS PROVIDED IN § 2-1220 OF THE STATE  
16 GOVERNMENT ARTICLE.

17 4-303.

18 (A) THERE IS A MARYLAND VIOLENCE INTERVENTION AND PREVENTION  
19 ADVISORY COUNCIL IN THE GOVERNOR'S OFFICE OF CRIME CONTROL AND  
20 PREVENTION.

21 (B) THE COUNCIL CONSISTS OF THE FOLLOWING MEMBERS:

22 (1) THE EXECUTIVE DIRECTOR;

23 (2) ONE MEMBER OF THE SENATE OF MARYLAND, APPOINTED BY THE  
24 PRESIDENT OF THE SENATE;

25 (3) ONE MEMBER OF THE HOUSE OF DELEGATES, APPOINTED BY THE  
26 SPEAKER OF THE HOUSE;

27 (4) ONE INDIVIDUAL FROM A HIGHER EDUCATION INSTITUTION WHO  
28 STUDIES PUBLIC HEALTH, APPOINTED BY THE EXECUTIVE DIRECTOR;

1           **(5) ONE INDIVIDUAL WHO HAS BEEN AFFECTED BY GUN VIOLENCE,**  
2 **APPOINTED BY THE EXECUTIVE DIRECTOR; AND**

3           **(6) SUBJECT TO SUBSECTION (C) OF THIS SECTION, EIGHT**  
4 **INDIVIDUALS APPOINTED AS FOLLOWS:**

5           **(I) FOUR INDIVIDUALS FROM COMMUNITY-BASED OR**  
6 **HOSPITAL-BASED ORGANIZATIONS THAT USE EVIDENCE-BASED HEALTH**  
7 **PROGRAMS OR EVIDENCE-INFORMED HEALTH PROGRAMS, TWO APPOINTED BY THE**  
8 **PRESIDENT OF THE SENATE AND TWO APPOINTED BY THE SPEAKER OF THE HOUSE;**

9           **(II) TWO INDIVIDUALS FROM LOCAL POLICE DEPARTMENTS OR**  
10 **THE DEPARTMENT OF STATE POLICE, ONE APPOINTED BY THE PRESIDENT OF THE**  
11 **SENATE AND ONE APPOINTED BY THE SPEAKER OF THE HOUSE; AND**

12           **(III) TWO INDIVIDUALS FROM LOCAL HEALTH DEPARTMENTS**  
13 **THAT ARE IMPLEMENTING VIOLENCE PREVENTION STRATEGIES, ONE APPOINTED**  
14 **BY THE PRESIDENT OF THE SENATE AND ONE APPOINTED BY THE SPEAKER OF THE**  
15 **HOUSE.**

16           **(C) IN MAKING APPOINTMENTS UNDER SUBSECTION (B)(6) OF THIS**  
17 **SECTION, THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE**  
18 **SHALL ENSURE THE INCLUSION OF MEMBERS FROM MULTIPLE CITIES AND**  
19 **COUNTIES AFFECTED BY VIOLENCE.**

20           **(D) (1) THE COUNCIL SHALL:**

21           **(I) ADVISE THE EXECUTIVE DIRECTOR ON THE ALLOCATION**  
22 **OF FUNDS FOR THE EVALUATION OF THE EFFICACY OF EVIDENCE-BASED HEALTH**  
23 **PROGRAMS OR EVIDENCE-INFORMED HEALTH PROGRAMS THAT RECEIVE FUNDING**  
24 **IN ACCORDANCE WITH PARAGRAPH (2) OF THIS SUBSECTION;**

25           **(II) PROVIDE INPUT TO THE EXECUTIVE DIRECTOR ON THE**  
26 **ADMINISTRATION OF THE FUND;**

27           **(III) ASSIST THE EXECUTIVE DIRECTOR IN ESTABLISHING**  
28 **PROCEDURES FOR LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS TO**  
29 **APPLY FOR FUNDING;**

30           **(IV) ASSIST THE EXECUTIVE DIRECTOR IN ESTABLISHING**  
31 **PROCEDURES FOR THE DISTRIBUTION OF FUNDING;**

1           **(V) CREATE GUIDELINES FOR FUNDING ELIGIBILITY;**

2           **(VI) REVIEW AND PUBLISH REPORTS REGARDING THE SUCCESS**  
3 **AND FAILURE OF NONSUPPRESSION-BASED VIOLENCE INTERVENTION AND**  
4 **PREVENTION PROGRAMS;**

5           **(VII) ADVISE THE GOVERNOR AND THE EXECUTIVE DIRECTOR**  
6 **ON THE IMPLEMENTATION OF GUN VIOLENCE PREVENTION PROGRAMS IN THE**  
7 **STATE; AND**

8           **(VIII) BE GOVERNED BY A MAJORITY VOTE.**

9           **(2) AN EVALUATION OF THE EFFICACY OF EVIDENCE-BASED HEALTH**  
10 **PROGRAMS OR EVIDENCE-INFORMED HEALTH PROGRAMS THAT RECEIVE FUNDING**  
11 **UNDER PARAGRAPH (1)(I) OF THIS SUBSECTION SHALL BE UNDERTAKEN BY AN**  
12 **INDEPENDENT, THIRD-PARTY RESEARCHER SELECTED BY THE COUNCIL.**

13           **(3) THE RESULTS OF THE EVALUATION UNDER PARAGRAPH (2) OF**  
14 **THIS SUBSECTION SHALL BE POSTED TO THE GOVERNOR'S OFFICE OF CRIME**  
15 **CONTROL AND PREVENTION'S WEBSITE.**

16           **(E) A MEMBER OF THE COUNCIL:**

17           **(1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE**  
18 **COUNCIL; BUT**

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

21 **4-304.**

22           **(A) THE EXECUTIVE DIRECTOR SHALL, IN ACCORDANCE WITH SUBSECTION**  
23 **(B) OF THIS SECTION AND IN CONSULTATION WITH THE COUNCIL, ESTABLISH**  
24 **PROCEDURES FOR LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS TO USE**  
25 **IN APPLYING FOR MONEY FROM THE FUND.**

26           **(B) AN APPLICATION SHALL REQUIRE A LOCAL GOVERNMENT OR**  
27 **NONPROFIT ORGANIZATION TO PROVIDE, AT A MINIMUM:**

28           **(1) CLEARLY DEFINED AND MEASUREABLE OBJECTIVES;**

29           **(2) EVIDENCE THAT THE PROPOSED EVIDENCE-BASED HEALTH**  
30 **PROGRAMS OR EVIDENCE-INFORMED HEALTH PROGRAMS WOULD LIKELY REDUCE**

1 GUN VIOLENCE; AND

2 (3) A DESCRIPTION OF HOW THE LOCAL GOVERNMENT OR NONPROFIT  
3 ORGANIZATION PROPOSES TO USE THE FUNDING TO REDUCE RATES OF GUN  
4 VIOLENCE BY:

5 (I) ESTABLISHING OR ENHANCING EVIDENCE-BASED HEALTH  
6 PROGRAMS OR EVIDENCE-INFORMED HEALTH PROGRAMS; AND

7 (II) ENHANCING COORDINATION OF EXISTING VIOLENCE  
8 INTERVENTION AND PREVENTION PROGRAMS, IF ANY, TO MINIMIZE DUPLICATION  
9 OF SERVICES.

10 4-305.

11 (A) THE EXECUTIVE DIRECTOR SHALL, IN ACCORDANCE WITH SUBSECTION  
12 (B) OF THIS SECTION AND IN CONSULTATION WITH THE COUNCIL, ESTABLISH  
13 PROCEDURES FOR THE DISTRIBUTION OF MONEY FROM THE FUND.

14 (B) (1) FUNDING AWARDS SHALL BE MADE TO LOCAL GOVERNMENTS AND  
15 NONPROFIT ORGANIZATIONS FOR A MINIMUM DURATION OF 3 CONSECUTIVE FISCAL  
16 YEARS.

17 (2) PREFERENCE SHALL BE GIVEN TO LOCAL GOVERNMENTS OR  
18 NONPROFIT ORGANIZATIONS:

19 (I) THAT ARE DISPROPORTIONATELY AFFECTED BY VIOLENCE,  
20 AS DETERMINED BY THE COUNCIL; AND

21 (II) WHOSE GRANT PROPOSALS DEMONSTRATE THE GREATEST  
22 LIKELIHOOD OF REDUCING GUN VIOLENCE IN THEIR COMMUNITIES.

23 (C) FUNDING AWARDS SHALL BE COMMENSURATE WITH:

24 (1) THE LEVELS OF GUN VIOLENCE IN THE JURISDICTION SERVED BY  
25 THE LOCAL GOVERNMENT OR NONPROFIT ORGANIZATION; AND

26 (2) THE STRENGTH OF THE LOCAL GOVERNMENT OR NONPROFIT  
27 ORGANIZATION'S APPLICATION.

28 4-306.

29 (A) A LOCAL GOVERNMENT OR NONPROFIT ORGANIZATION THAT RECEIVES

1 FUNDING UNDER THIS SUBTITLE SHALL:

2 (1) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION,  
3 PROVIDE A CASH OR IN-KIND MATCH EQUIVALENT TO 33% OF THE AMOUNT  
4 AWARDED; AND

5 (2) USE THE AWARD TO SUPPLEMENT AND NOT SUPPLANT FUNDING  
6 THAT WOULD OTHERWISE BE AVAILABLE TO IMPLEMENT EVIDENCE-BASED HEALTH  
7 PROGRAMS OR EVIDENCE-INFORMED HEALTH PROGRAMS.

8 (B) THE MATCHING FUND REQUIREMENT UNDER SUBSECTION (A)(1) OF  
9 THIS SECTION SHALL BE WAIVED IF THE LOCAL GOVERNMENT OR NONPROFIT  
10 ORGANIZATION CAN DEMONSTRATE GOOD CAUSE, AS DETERMINED BY THE  
11 EXECUTIVE DIRECTOR.

12 (C) IN ADDITION TO ANY OTHER REPORTING REQUIREMENTS FROM THE  
13 GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION, GRANTEEES SHALL  
14 SUBMIT A REPORT AT THE END OF EACH GRANT CYCLE THAT SHALL:

15 (1) INCLUDE THE FOLLOWING INFORMATION:

16 (I) DATA COLLECTED DURING THE DURATION OF THE AWARD;

17 (II) A DISCUSSION OF ANY COLLABORATIVE EFFORTS BETWEEN  
18 THE LOCAL GOVERNMENT OR NONPROFIT ORGANIZATION, A COMMUNITY-BASED  
19 ORGANIZATION, AND ANY OTHER ENTITY IN FURTHERANCE OF THE OBJECTIVES OF  
20 THE AWARD; AND

21 (III) AN ANALYSIS OF THE PROGRESS MADE IN ACHIEVING THE  
22 OBJECTIVES OF THE AWARD; AND

23 (2) BE POSTED TO THE GOVERNOR'S OFFICE OF CRIME CONTROL  
24 AND PREVENTION'S WEBSITE.

25 SUBTITLE 8. MISCELLANEOUS GRANT PROGRAMS.

26 4-801.

27 (A) IN THIS SECTION, "SAFE STREETS INITIATIVE" MEANS A VIOLENCE  
28 PREVENTION OR INTERVENTION PROGRAM OPERATED BY A COMMUNITY-BASED  
29 ORGANIZATION IN A NEIGHBORHOOD THAT IS DISPROPORTIONATELY AFFECTED BY  
30 VIOLENT CRIME.

1       **(B) (1) FOR FISCAL YEARS 2020 THROUGH 2023, EACH YEAR THE**  
2 **GOVERNOR SHALL APPROPRIATE \$3,600,000 IN THE ANNUAL STATE BUDGET FOR**  
3 **BALTIMORE CITY TO BE USED ONLY TO PROVIDE GRANTS TO COMMUNITY-BASED**  
4 **ORGANIZATIONS TO OPERATE SAFE STREETS INITIATIVES IN BALTIMORE CITY.**

5       **(2) THE FUNDS APPROPRIATED UNDER PARAGRAPH (1) OF THIS**  
6 **SUBSECTION SHALL BE USED SOLELY TO SUPPLEMENT, AND NOT SUPPLANT, FUNDS**  
7 **OTHERWISE AVAILABLE FOR SAFE STREETS INITIATIVES IN BALTIMORE CITY.**

8       **(C) A GRANT MADE WITH FUNDS APPROPRIATED UNDER SUBSECTION (B)**  
9 **(1) OF THIS SECTION MAY NOT:**

10           **(1) REQUIRE A MATCHING FUND;**

11           **(2) EXCEED \$300,000 PER SAFE STREETS INITIATIVE; OR**

12           **(3) SUPPLANT GRANT FUNDING OTHERWISE AVAILABLE FOR SAFE**  
13 **STREETS INITIATIVES.**

14 **4-802.**

15       **(A) FOR FISCAL YEARS 2020 THROUGH 2023, EACH YEAR THE GOVERNOR**  
16 **SHALL APPROPRIATE \$425,000 IN THE ANNUAL STATE BUDGET FOR BALTIMORE**  
17 **CITY TO BE USED AS AN OPERATING GRANT FOR THE LAW ENFORCEMENT ASSISTED**  
18 **DIVERSION PROGRAM IN BALTIMORE CITY.**

19       **(B) THE FUNDS APPROPRIATED UNDER SUBSECTION (A) OF THIS SECTION**  
20 **SHALL BE USED SOLELY TO SUPPLEMENT, AND NOT SUPPLANT, FUNDS OTHERWISE**  
21 **AVAILABLE FOR THE LAW ENFORCEMENT ASSISTED DIVERSION PROGRAM IN**  
22 **BALTIMORE CITY.**

23 **4-803.**

24       **(A) FOR FISCAL YEARS 2020 THROUGH 2023, EACH YEAR THE GOVERNOR**  
25 **SHALL APPROPRIATE \$360,000 IN THE ANNUAL STATE BUDGET FOR BALTIMORE**  
26 **CITY TO BE USED BY THE BALTIMORE CITY STATE'S ATTORNEY'S OFFICE FOR THE**  
27 **RELOCATION OF VICTIMS AND WITNESSES OF CRIME.**

28       **(B) THE FUNDS APPROPRIATED UNDER SUBSECTION (A) OF THIS SECTION**  
29 **SHALL BE USED SOLELY TO SUPPLEMENT, AND NOT SUPPLANT, FUNDS OTHERWISE**  
30 **AVAILABLE FOR THE RELOCATION OF VICTIMS AND WITNESSES OF CRIME IN**  
31 **BALTIMORE CITY.**

32 **4-804.**

1       **(A) IN THIS SECTION, "DEPARTMENT" MEANS THE DEPARTMENT OF STATE**  
2 **POLICE.**

3       **(B) FOR FISCAL YEARS 2020 THROUGH 2023, EACH YEAR THE GOVERNOR**  
4 **SHALL APPROPRIATE \$466,600 IN THE ANNUAL STATE BUDGET FOR THE**  
5 **DEPARTMENT, IN COORDINATION WITH THE ATTORNEY GENERAL, TO FORM A**  
6 **DESIGNATED UNIT OF LAW ENFORCEMENT OFFICERS WHO ARE SELECTED, TRAINED,**  
7 **AND EQUIPPED TO WORK AS A TEAM TO INVESTIGATE:**

8           **(1) FIREARM TRAFFICKING;**

9           **(2) STRAW PURCHASES AS DEFINED IN § 5-101 OF THIS ARTICLE;**

10          **(3) THE MOVEMENT OF ILLEGAL FIREARMS; AND**

11          **(4) ANY OFFENSE RELATED TO AN OFFENSE IN ITEMS (1) THROUGH**  
12 **(3) OF THIS SUBSECTION THAT MAY EXCEED THE CAPABILITIES OF OTHER**  
13 **INVESTIGATING UNITS WITHIN THE DEPARTMENT.**

14       **(C) THE FUNDS APPROPRIATED UNDER SUBSECTION (B) OF THIS SECTION**  
15 **SHALL BE USED SOLELY TO SUPPLEMENT, AND NOT SUPPLANT, FUNDS OTHERWISE**  
16 **AVAILABLE TO THE DEPARTMENT OR THE ATTORNEY GENERAL.**

17 **4-805.**

18       **(A) FOR FISCAL YEARS 2020 THROUGH 2023, EACH YEAR THE GOVERNOR**  
19 **SHALL APPROPRIATE \$300,000 IN THE ANNUAL STATE BUDGET FOR THE**  
20 **BALTIMORE CHESAPEAKE BAY OUTWARD BOUND SCHOOL IN BALTIMORE CITY.**

21       **(B) THE FUNDS APPROPRIATED UNDER SUBSECTION (A) OF THIS SECTION**  
22 **SHALL BE USED SOLELY TO SUPPLEMENT, AND NOT SUPPLANT, FUNDS OTHERWISE**  
23 **AVAILABLE FOR THE BALTIMORE CHESAPEAKE BAY OUTWARD BOUND SCHOOL IN**  
24 **BALTIMORE CITY.**

25 **4-806.**

26       **(A) IN THIS SECTION, "STRATEGIC DECISION SUPPORT CENTER" MEANS A**  
27 **FACILITY THAT IS EQUIPPED WITH TECHNOLOGY AND SYSTEMS THAT FUNCTION AS**  
28 **INTELLIGENCE CENTERS FOR LAW ENFORCEMENT AND ENABLE FUNCTIONS**  
29 **INCLUDING DATA INTEGRATION, THE STUDY OF CRIME TRENDS, AND THE**  
30 **DEVELOPMENT OF PREDICTIVE AND TECHNOLOGY-BASED APPROACHES IN**  
31 **DETECTING AND INVESTIGATING CRIMINAL ACTIVITY.**

1       **(B) FOR FISCAL YEARS 2020 THROUGH 2023, EACH YEAR THE GOVERNOR**  
2 **SHALL APPROPRIATE \$100,000 IN THE ANNUAL STATE BUDGET FOR BALTIMORE**  
3 **CITY TO BE USED TO SUPPORT STRATEGIC DECISION SUPPORT CENTERS IN THE**  
4 **EASTERN AND WESTERN DISTRICT OF BALTIMORE CITY.**

5       **(C) THE FUNDS APPROPRIATED UNDER SUBSECTION (B) OF THIS SECTION**  
6 **SHALL BE USED SOLELY TO SUPPLEMENT, AND NOT SUPPLANT, FUNDS OTHERWISE**  
7 **AVAILABLE FOR STRATEGIC DECISION SUPPORT CENTERS IN THE EASTERN AND**  
8 **WESTERN DISTRICT OF BALTIMORE CITY.**

9 **4-807.**

10       **A LOCAL GOVERNMENT OR NONPROFIT ENTITY THAT RECEIVES FUNDING**  
11 **UNDER THIS SUBTITLE:**

12           **(1) MAY USE THE FUNDING ONLY IN ACCORDANCE WITH THE**  
13 **PROVISIONS OF THIS SUBTITLE; AND**

14           **(2) SHALL COMPLY WITH ANY DATA SHARING AND REPORTING**  
15 **REQUIREMENTS ESTABLISHED BY THE EXECUTIVE DIRECTOR OF THE GOVERNOR'S**  
16 **OFFICE OF CRIME CONTROL AND PREVENTION UNDER § 4-808 OF THIS SUBTITLE**  
17 **AS A CONDITION OF RECEIVING FUNDING.**

18 **4-808.**

19       **(A) IN THIS SECTION, "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE**  
20 **DIRECTOR OF THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION.**

21       **(B) THE EXECUTIVE DIRECTOR SHALL ESTABLISH OUTCOME-BASED**  
22 **PERFORMANCE MEASURES TO TRACK THE PERFORMANCE OF ANY ACTIVITY OR**  
23 **PROGRAM SUPPORTED BY FUNDS RECEIVED UNDER THIS SUBTITLE.**

24       **(C) (1) ON OR BEFORE OCTOBER 1, 2020, AND EVERY OCTOBER 1**  
25 **THEREAFTER, THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION**  
26 **SHALL PLACE ON ITS WEBSITE IN AN EASILY ACCESSIBLE LOCATION A FILTERABLE**  
27 **DATA DISPLAY SHOWING ALL DATA COLLECTED UNDER THIS SUBTITLE PERTAINING**  
28 **TO OUTCOME-BASED PERFORMANCE MEASURES UNDER THIS SECTION FOR THE**  
29 **PREVIOUS FISCAL YEAR.**

30           **(2) THE GOVERNOR'S OFFICE OF CRIME CONTROL AND**  
31 **PREVENTION SHALL NOTIFY ANNUALLY IN WRITING THE GOVERNOR AND THE**  
32 **LEGISLATIVE POLICY COMMITTEE, IN ACCORDANCE WITH § 2-1246 OF THE STATE**  
33 **GOVERNMENT ARTICLE, WHEN THE FILTERABLE DATA DISPLAY HAS BEEN**  
34 **UPDATED UNDER PARAGRAPH (1) OF THIS SUBSECTION.**

1           **(3) THE EXECUTIVE DIRECTOR SHALL ADOPT REGULATIONS TO**  
2 **CARRY OUT THIS SECTION.**

3 5-133.

4           (c) (1) A person may not possess a regulated firearm if the person was  
5 previously convicted of:

6                   (i) a crime of violence;

7                   (ii) a violation of § 5-602, § 5-603, § 5-604, § 5-605, § 5-612, §  
8 5-613, [or] § 5-614, § 5-621, OR § 5-622 of the Criminal Law Article; or

9                   (iii) an offense under the laws of another state or the United States  
10 that would constitute one of the crimes listed in item (i) or (ii) of this paragraph if committed  
11 in this State.

12           (2) (i) Subject to [paragraph (3) of this subsection] SUBSECTION (D)  
13 OF THIS SECTION, a person who violates this subsection is guilty of a felony and on  
14 conviction is subject to imprisonment for not less than 5 years and not exceeding 15 years.

15                   (ii) The court may not suspend any part of the mandatory minimum  
16 sentence of 5 years.

17                   (iii) Except as otherwise provided in § 4-305 of the Correctional  
18 Services Article, the person is not eligible for parole during the mandatory minimum  
19 sentence.

20           **(3) EACH VIOLATION OF THIS SUBSECTION IS A SEPARATE CRIME.**

21           **[(3) (D) [At] FOR A PERSON CONVICTED UNDER SUBSECTION (C) OF**  
22 **THIS SECTION, IF AT the time of the commission of the offense [ , if ] a period of more than**  
23 **5 years has elapsed since the person completed serving the sentence for the most recent**  
24 **conviction under [paragraph (1)(i) or (ii) of this subsection] SUBSECTION (C)(1)(I) OR (II)**  
25 **OF THIS SECTION, including all imprisonment, mandatory supervision, probation, and**  
26 **parole:**

27                   **[(i) (1) the imposition of the mandatory minimum sentence is**  
28 **within the discretion of the court; and**

29                   **[(ii) (2) the mandatory minimum sentence may not be imposed**  
30 **unless the State's Attorney notifies the person in writing at least 30 days before trial of the**  
31 **State's intention to seek the mandatory minimum sentence.**

32           **[(4) Each violation of this subsection is a separate crime.]**

1            **[(d)] (E)**     (1)    Except as provided in paragraph (2) of this subsection, a person  
2 who is under the age of 21 years may not possess a regulated firearm.

3            (2)    Unless a person is otherwise prohibited from possessing a regulated  
4 firearm, this subsection does not apply to:

5                    (i)    the temporary transfer or possession of a regulated firearm if the  
6 person is:

7                            1.    under the supervision of another who is at least 21 years  
8 old and who is not prohibited by State or federal law from possessing a firearm; and

9                            2.    acting with the permission of the parent or legal guardian  
10 of the transferee or person in possession;

11                    (ii)   the transfer by inheritance of title, and not of possession, of a  
12 regulated firearm;

13                    (iii)   a member of the armed forces of the United States or the  
14 National Guard while performing official duties;

15                    (iv)   the temporary transfer or possession of a regulated firearm if the  
16 person is:

17                            1.    participating in marksmanship training of a recognized  
18 organization; and

19                            2.    under the supervision of a qualified instructor;

20                    (v)    a person who is required to possess a regulated firearm for  
21 employment and who holds a permit under Subtitle 3 of this title; or

22                    (vi)   the possession of a firearm for self-defense or the defense of  
23 others against a trespasser into the residence of the person in possession or into a residence  
24 in which the person in possession is an invited guest.

25            **[(e)] (F)**     This section does not apply to a respondent transporting a regulated  
26 firearm if the respondent is carrying a civil protective order requiring the surrender of the  
27 regulated firearm and:

28                    (1)    the regulated firearm is unloaded;

29                    (2)    the respondent has notified the law enforcement unit, barracks, or  
30 station that the regulated firearm is being transported in accordance with the civil  
31 protective order; and

1           (3) the respondent transports the regulated firearm directly to the law  
2 enforcement unit, barracks, or station.

3                           **Article – State Finance and Procurement**

4 6–226.

5           (a) (2) (i) Notwithstanding any other provision of law, and unless  
6 inconsistent with a federal law, grant agreement, or other federal requirement or with the  
7 terms of a gift or settlement agreement, net interest on all State money allocated by the  
8 State Treasurer under this section to special funds or accounts, and otherwise entitled to  
9 receive interest earnings, as accounted for by the Comptroller, shall accrue to the General  
10 Fund of the State.

11                       (ii) The provisions of subparagraph (i) of this paragraph do not apply  
12 to the following funds:

13                               101. the Advance Directive Program Fund; [and]

14                               102. the Make Office Vacancies Extinct Matching Fund; AND

15                               **103. THE TYRONE RAY VIOLENCE INTERVENTION AND**  
16 **PREVENTION FUND.**

17           SECTION 2. AND BE IT FURTHER ENACTED, That:

18           (a) There is a Task Force to Study Maryland’s Criminal Gang Statutes.

19           (b) The Task Force consists of the following members:

20                       (1) two members of the Senate of Maryland, appointed by the President of  
21 the Senate;

22                       (2) two members of the House of Delegates, appointed by the Speaker of  
23 the House;

24                       (3) the Secretary of State Police, or the Secretary’s designee;

25                       (4) the Secretary of Public Safety and Correctional Services, or the  
26 Secretary’s designee;

27                       (5) the Secretary of Juvenile Services, or the Secretary’s designee;

28                       (6) the Attorney General, or the Attorney General’s designee;

29                       (7) the Public Defender, or the Public Defender’s designee;

1           (8) a representative of the Maryland Judiciary, appointed by the Chief  
2 Judge of the Court of Appeals;

3           (9) the Executive Director of the Governor's Office of Crime Control and  
4 Prevention, or the Executive Director's designee; and

5           (10) the following members, appointed by the Governor:

6           (i) one representative of the Maryland State's Attorney's  
7 Association;

8           (ii) one representative of local law enforcement agencies;

9           (iii) one representative of the Maryland Retailer's Association;

10          (iv) one representative of the American Civil Liberties Union; and

11          (v) any other member with expertise relevant to the work of the  
12 Task Force.

13          (c) The Governor shall designate the chair of the Task Force.

14          (d) The Governor's Office of Crime Control and Prevention shall provide staff for  
15 the Task Force.

16          (e) A member of the Task Force:

17           (1) may not receive compensation as a member of the Task Force; but

18           (2) is entitled to reimbursement for expenses under the Standard State  
19 Travel Regulations, as provided in the State budget.

20          (f) The Task Force shall:

21           (1) study existing State prohibitions on criminal gang-related activity and  
22 the efficacy of existing law in being used to obtain criminal convictions against individuals  
23 who engage in criminal gang-related activity; and

24           (2) make recommendations regarding changes to State law to better deter,  
25 prosecute, and punish criminal gang-related activity.

26          (g) On or before December 31, 2018, the Task Force shall report its findings and  
27 recommendations to the Governor and, in accordance with § 2-1246 of the State  
28 Government Article, the General Assembly.

29          SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
30 October 1, 2018. Section 2 of this Act shall remain effective for a period of 1 year and 1

1 month and, at the end of June 30, 2019, Section 2 of this Act, with no further action required  
2 by the General Assembly, shall be abrogated and of no further force and effect.

Approved:

---

Governor.

---

President of the Senate.

---

Speaker of the House of Delegates.