

SB0122/108878/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 122
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Obstructing Justice – Penalties” and substitute “Comprehensive Crime Bill of 2018”; in line 3, after “of” insert “adding certain crimes relating to firearms to a certain list of crimes for which certain evidence may be gathered by, and a judge may grant an order authorizing, interception of oral, wire, or electronic communications; making conforming changes; authorizing the State, in a criminal case involving the unlawful possession of certain firearms, to appeal from a decision of a trial court that excludes evidence offered by the State or requires the return of property alleged to have been seized in violation of certain constitutional provisions; altering penalties for certain crimes relating to firearms; altering the list of controlled dangerous substances applicable to a certain prohibition against volume dealing in controlled dangerous substances;”; in line 5, after “juror;” insert “providing that the use of a firearm in the commission of a felony or other crime of violence constitutes a crime of violence; eliminating parole eligibility for certain violent offenders under certain circumstances; authorizing, for purposes of filing a certain petition for certain immigration status, a certain victim or victim’s family member to request a certain certifying official to certify victim helpfulness on a Form I-918, Supplement B certification under certain circumstances; providing that, for the purpose of this Act, a victim shall be considered to be helpful, to have been helpful, or likely to be helpful under certain circumstances; requiring the certifying official to sign and complete the certification in a certain manner and within a certain period of time under certain circumstances; providing that certain conditions are not required in order to request or obtain the certification; authorizing the certifying official to withdraw the certification only under certain circumstances; authorizing a certifying entity to disclose the immigration status of a victim or person requesting the certification only under certain circumstances; restricting a court from ordering a certain substance use evaluation and commitment for certain defendants charged with, convicted of, or serving a sentence for a crime of violence under certain”

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circumstances; establishing the Tyrone Ray Violent Crime Fund as a special, nonlapsing fund; specifying the purpose of the Fund; requiring the Executive Director of the Governor's Office of Crime Control and Prevention to administer the Fund; providing for certain funds to be received by the Governor's Office of Crime Control and Prevention for the administration of the Fund; authorizing the Executive Director to require the recipients of certain funds to meet certain requirements as a condition of receiving funds; requiring the Governor's Office of Crime Control and Prevention to make certain information available in a certain format on or before a certain date each year; requiring the Governor's Office of Crime Control and Prevention to provide certain notice to the Governor and the Legislative Policy Committee each year; requiring the State Treasurer to hold the Fund and the Comptroller, in conjunction with the Executive Director, to account for the Fund; specifying the contents of the Fund; specifying the purpose for which the Fund may be used; providing for the investment of money in and expenditures from the Fund; requiring the Governor, in certain fiscal years, to include certain appropriations of money in the annual budget bill for certain purposes; requiring the Executive Director to establish certain measures for tracking the performance of certain activities or programs; requiring a certain local government or nonprofit entity that receives certain funds to comply with certain requirements as a condition of receiving certain funds; establishing the Task Force to Study Maryland's Criminal Gang Statutes; providing for the composition, chair, and staffing of the Task Force; prohibiting a member of the Task Force from receiving certain compensation, but authorizing the reimbursement of certain expenses; requiring the Task Force to study and make recommendations regarding certain matters; requiring the Task Force to report its findings and recommendations to the Governor and the General Assembly on or before a certain date; providing for the termination of the Task Force;"; after line 5, insert:

"BY repealing and reenacting, with amendments,
Article - Courts and Judicial Proceedings
Section 10-402(c)(2), 10-406(a), and 12-302(c)
Annotated Code of Maryland
(2013 Replacement Volume and 2017 Supplement)";

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in line 8, after “Section” insert “4-203, 4-204, 5-612, 5-621,”; in the same line, strike “and”; in the same line, after “9-305” insert “, and 14-101(a) and (d)”; and after line 10, insert:

“BY repealing and reenacting, without amendments,

Article – Criminal Law

Section 5-622

Annotated Code of Maryland

(2012 Replacement Volume and 2017 Supplement)

BY adding to

Article - Criminal Procedure

Section 11-930 and 11-931 to be under the new part “Part IV. Petition for U
Nonimmigrant Status”

Annotated Code of Maryland

(2008 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,

Article - Health - General

Section 8-505(a), 8-506(a), and 8-507(a)

Annotated Code of Maryland

(2015 Replacement Volume and 2017 Supplement)

BY adding to

Article - Public Safety

Section 4-301 and 4-302 to be under the new subtitle “Subtitle 3. The Tyrone Ray
Violent Crime Fund”; and 4-801 through 4-808 to be under the new
subtitle “Subtitle 8. Miscellaneous Grant Programs”

Annotated Code of Maryland

(2011 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,

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Article - Public Safety
Section 5-133(c), (d), and (e)
Annotated Code of Maryland
(2011 Replacement Volume and 2017 Supplement)".

AMENDMENT NO. 2

On page 1, after line 12, insert:

"Article – Courts and Judicial Proceedings

10–402.

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

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

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

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

1. Of the commission of:

A. Murder;

B. Kidnapping;

C. Rape;

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- D. A sexual offense in the first or second degree;
- E. Child abuse in the first or second degree;
- F. Child pornography under § 11–207, § 11–208, or § 11–208.1 of the Criminal Law Article;
- G. Gambling;
- H. Robbery under § 3–402 or § 3–403 of the Criminal Law Article;
- I. A felony under Title 6, Subtitle 1 of the Criminal Law Article;
- J. Bribery;
- K. Extortion;
- L. Dealing in a controlled dangerous substance, including a violation of § 5–617 or § 5–619 of the Criminal Law Article;
- M. A fraudulent insurance act, as defined in Title 27, Subtitle 4 of the Insurance Article;
- N. An offense relating to destructive devices under § 4–503 of the Criminal Law Article;
- O. A human trafficking offense under § 11–303 of the Criminal Law Article;

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

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

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

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

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

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

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

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

2. If:

A. A person has created a barricade situation; and

B. Probable cause exists for the investigative or law

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enforcement officer to believe a hostage or hostages may be involved.

10-406.

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

- (1) Murder;
- (2) Kidnapping;
- (3) Rape;
- (4) A sexual offense in the first or second degree;
- (5) Child abuse in the first or second degree;
- (6) Child pornography under § 11-207, § 11-208, or § 11-208.1 of the Criminal Law Article;
- (7) Gambling;
- (8) Robbery under § 3-402 or § 3-403 of the Criminal Law Article;
- (9) A felony under Title 6, Subtitle 1 of the Criminal Law Article;
- (10) Bribery;
- (11) Extortion;

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(12) Dealing in a controlled dangerous substance, including a violation of § 5–617 or § 5–619 of the Criminal Law Article;

(13) A fraudulent insurance act, as defined in Title 27, Subtitle 4 of the Insurance Article;

(14) An offense relating to destructive devices under § 4–503 of the Criminal Law Article;

(15) A human trafficking offense under § 11–303 of the Criminal Law Article;

(16) Sexual solicitation of a minor under § 3–324 of the Criminal Law Article;

(17) An offense relating to obstructing justice under § 9–302, § 9–303, or § 9–305 of the Criminal Law Article;

(18) Sexual abuse of a minor under § 3–602 of the Criminal Law Article;

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

(20) Abuse or neglect of a vulnerable adult under § 3–604 or § 3–605 of the Criminal Law Article;

(21) An offense relating to Medicaid fraud under §§ 8–509 through 8–515 of the Criminal Law Article; [or]

(22) **AN OFFENSE INVOLVING A FIREARM UNDER § 5–134, § 5–136,**

§ 5-138, § 5-140, § 5-141, OR § 5-144 OF THE PUBLIC SAFETY ARTICLE; OR

(23) A conspiracy or solicitation to commit an offense listed in items (1) through [(21)] (22) of this subsection.

12-302.

(c) (1) In a criminal case, the State may appeal as provided in this subsection.

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

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

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

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

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

(ii) The appeal shall be made before jeopardy attaches to the

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defendant. However, in all cases the appeal shall be taken no more than 15 days after the decision has been rendered and shall be diligently prosecuted.

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

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

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

2. A. Pending the prosecution and determination of an appeal taken under this paragraph or paragraph (2) of this subsection, in a case in which the defendant is charged with a crime of violence, as defined in § 14–101 of the Criminal Law Article, the court may release the defendant on any terms and conditions that the court considers appropriate or may order the defendant remanded to custody pending the outcome of the appeal.

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

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Procedure Article.

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

and after line 13, insert:

“4-203.

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

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

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

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

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

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

(b) This section does not prohibit:

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

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

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

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

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

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

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

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

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

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

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

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

(7) the wearing, carrying, or transporting of a handgun by a supervisory employee:

(i) in the course of employment;

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

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

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

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

(i) the handgun is unloaded;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4–204.

(a) (1) In this section, “firearm” means:

(i) a weapon that expels, is designed to expel, or may readily be

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converted to expel a projectile by the action of an explosive; or

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

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

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

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

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

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

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

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

(iii) THE COURT MAY NOT SUSPEND THE FIRST 5 YEARS OF A

MANDATORY MINIMUM SENTENCE IMPOSED UNDER SUBPARAGRAPH (I)2 OF THIS PARAGRAPH.

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

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

5-612.

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

(1) 50 pounds or more of marijuana;

(2) 448 grams or more of cocaine;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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(3) Except as provided in § 4–305 of the Correctional Services Article, the person is not eligible for parole during the mandatory minimum sentence.

5–621.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(ii) a machine gun; or

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(iii) equipped with a firearm silencer.

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

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

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

(ii) the charges against the person are dismissed.

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

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

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

5-622.

(a) In this section, “firearm” includes:

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

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

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

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

(1) a felony under this title;

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

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

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

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

On page 4, after line 7, insert:

“14–101.

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

(1) abduction;

(2) arson in the first degree;

(3) kidnapping;

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- (4) manslaughter, except involuntary manslaughter;
- (5) mayhem;
- (6) maiming, as previously proscribed under former Article 27, §§ 385 and 386 of the Code;
- (7) murder;
- (8) rape;
- (9) robbery under § 3-402 or § 3-403 of this article;
- (10) carjacking;
- (11) armed carjacking;
- (12) sexual offense in the first degree;
- (13) sexual offense in the second degree;
- (14) use of a [handgun] FIREARM in the commission of a felony or other crime of violence;
- (15) child abuse in the first degree under § 3-601 of this article;
- (16) sexual abuse of a minor under § 3-602 of this article if:
 - (i) the victim is under the age of 13 years and the offender is an adult at the time of the offense; and
 - (ii) the offense involved:

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

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

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

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

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

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

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

(20) assault in the first degree;

(21) assault with intent to murder;

(22) assault with intent to rape;

(23) assault with intent to rob;

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

and

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

(d) (1) (I) [On] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, ON conviction for a second time of a crime of violence committed on or after October 1, 1994, a person shall be sentenced to imprisonment for the term allowed by law, but not less than 10 years, if the person:

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

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

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

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

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

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

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

(Over)

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

Article – Criminal Procedure

11-928. RESERVED.

11-929. RESERVED.

PART IV. PETITION FOR U NONIMMIGRANT STATUS.

11-930.

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

(B) “CERTIFYING ENTITY” MEANS:

(1) A STATE OR LOCAL LAW ENFORCEMENT AGENCY;

(2) A STATE’S ATTORNEY OR DEPUTY OR ASSISTANT STATE’S ATTORNEY;

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

(4) AN AGENCY THAT HAS CRIMINAL DETECTION OR

INVESTIGATIVE JURISDICTION IN THE AGENCY'S RESPECTIVE AREAS OF EXPERTISE, INCLUDING CHILD PROTECTIVE SERVICES, THE COMMISSION ON CIVIL RIGHTS, AND THE DEPARTMENT OF LABOR, LICENSING, AND REGULATION.

(C) "CERTIFYING OFFICIAL" MEANS:

(1) THE HEAD OF A CERTIFYING ENTITY;

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

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

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

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

11-931.

(A) FOR PURPOSES OF FILING A PETITION WITH THE UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES FOR U NONIMMIGRANT STATUS, A

(Over)

VICTIM OR THE VICTIM'S FAMILY MEMBER MAY REQUEST A CERTIFYING OFFICIAL OF A CERTIFYING ENTITY TO CERTIFY VICTIM HELPFULNESS ON A FORM I-918, SUPPLEMENT B CERTIFICATION IF THE VICTIM:

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

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

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

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

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

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

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

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

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

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

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

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

(1) TO COMPLY WITH STATE OR FEDERAL LAW;

(Over)

- (2) IF ORDERED BY A COURT OF COMPETENT JURISDICTION;**
- (3) AS REQUIRED UNDER THE MARYLAND RULES; OR**
- (4) IF AUTHORIZED BY THE VICTIM OR A PERSON REQUESTING THE CERTIFICATION.**

Article – Health – General

8-505.

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

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

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

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

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

(2) IF A DEFENDANT IS CHARGED WITH, CONVICTED OF, OR SERVING A SENTENCE FOR A CRIME OF VIOLENCE AS DEFINED UNDER § 14-101 OF THE CRIMINAL LAW ARTICLE, A COURT MAY NOT ORDER THE DEPARTMENT

TO EVALUATE A DEFENDANT UNDER THIS SECTION UNDER ANY OF THE FOLLOWING CIRCUMSTANCES:

(I) BEFORE OR DURING A CRIMINAL TRIAL;

(II) BEFORE SENTENCING; OR

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

8-506.

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

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

(2) After an initial evaluation, the Department:

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

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

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

(Over)

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

8-507.

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

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

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

(2) IF A DEFENDANT IS CHARGED WITH, CONVICTED OF, OR SERVING A SENTENCE FOR A CRIME OF VIOLENCE AS DEFINED UNDER § 14-101 OF THE CRIMINAL LAW ARTICLE, A COURT IN A CRIMINAL CASE MAY NOT COMMIT A DEFENDANT TO THE DEPARTMENT FOR TREATMENT UNDER THIS SECTION UNDER ANY OF THE FOLLOWING CIRCUMSTANCES:

(I) BEFORE OR DURING TRIAL;

(II) BEFORE SENTENCING; OR

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

Article – Public Safety

SUBTITLE 3. THE TYRONE RAY VIOLENT CRIME FUND.

4-301.

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

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

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

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

(C) THE PURPOSE OF THE FUND IS TO:

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

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

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

(Over)

(4) PROVIDE FUNDING FOR COMMUNITY POLICING ACTIVITIES IN THE 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.

(Over)

(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.

SUBTITLE 8. MISCELLANEOUS GRANT PROGRAMS.

4-801.

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

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

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

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

(1) REQUIRE A MATCHING FUND;

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

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

4-802.

(Over)

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

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

4-803.

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

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

4-804.

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

(B) FOR FISCAL YEARS 2020 THROUGH 2023, EACH YEAR THE GOVERNOR SHALL APPROPRIATE \$466,600 IN THE ANNUAL STATE BUDGET FOR

THE DEPARTMENT, IN COORDINATION WITH THE ATTORNEY GENERAL, TO FORM A DESIGNATED UNIT OF LAW ENFORCEMENT OFFICERS WHO ARE SELECTED, TRAINED, AND EQUIPPED TO WORK AS A TEAM TO INVESTIGATE:

- (1) FIREARM TRAFFICKING;
- (2) STRAW PURCHASES AS DEFINED IN § 5-101 OF THIS ARTICLE;
- (3) THE MOVEMENT OF ILLEGAL FIREARMS; AND
- (4) ANY OFFENSE RELATED TO AN OFFENSE IN ITEMS (1) THROUGH (3) OF THIS SUBSECTION THAT MAY EXCEED THE CAPABILITIES OF OTHER INVESTIGATING UNITS WITHIN THE DEPARTMENT.

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

4-805.

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

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

(Over)

4-806.

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

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

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

4-807.

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

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

(2) SHALL COMPLY WITH ANY DATA SHARING AND REPORTING REQUIREMENTS ESTABLISHED BY THE EXECUTIVE DIRECTOR OF THE

GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION UNDER § 4-808 OF THIS SUBTITLE AS A CONDITION OF RECEIVING FUNDING.

4-808.

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

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

(C) (1) 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 OUTCOME-BASED PERFORMANCE MEASURES UNDER THIS SECTION FOR THE PREVIOUS FISCAL YEAR.

(2) 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 PARAGRAPH (1) OF THIS SUBSECTION.

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

5-133.

(Over)

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

(i) a crime of violence;

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

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

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

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

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

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

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

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supervision, probation, and parole:

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

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

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

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

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

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

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

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

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

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

(Over)

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

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

2. under the supervision of a qualified instructor;

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

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

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

(1) the regulated firearm is unloaded;

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

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

SECTION 2. AND BE IT FURTHER ENACTED, That:

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

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- (b) The Task Force consists of the following members:
- (1) two members of the Senate of Maryland, appointed by the President of the Senate;
 - (2) two members of the House of Delegates, appointed by the Speaker of the House;
 - (3) the Secretary of State Police, or the Secretary's designee;
 - (4) the Secretary of Public Safety and Correctional Services, or the Secretary's designee;
 - (5) the Secretary of Juvenile Services, or the Secretary's designee;
 - (6) the Attorney General, or the Attorney General's designee;
 - (7) the Public Defender, or the Public Defender's designee;
 - (8) a representative of the Maryland Judiciary, appointed by the Chief Judge of the Court of Appeals;
 - (9) the Executive Director of the Governor's Office of Crime Control and Prevention, or the Executive Director's designee; and
 - (10) the following members, appointed by the Governor:
 - (i) one representative of the Maryland State's Attorney's Association;
 - (ii) one representative of local law enforcement agencies;

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

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

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

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

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

(e) A member of the Task Force:

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

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

(f) The Task Force shall:

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

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

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

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in line 8, strike “2.” and substitute “3.”; and in line 9, after the period insert “Section 2 of this Act shall remain effective for a period of 1 year and 1 month and, at the end of June 30, 2019, Section 2 of this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.”.