

(i) sentencing a defendant who is convicted of a felony or of a misdemeanor that resulted in serious physical injury or death to the victim to the jurisdiction of the Division of Correction; or

(ii) referring a defendant to the Patuxent Institution.

(2) The party that requests the report has the burden of establishing that the investigation should be ordered.

(3) If required under § 11-402 of the Criminal Procedure Article, the report shall include a victim impact statement.

(4) ~~IF THE DEFENDANT HAS BEEN CONVICTED OF A FELONY OR MISDEMEANOR THAT IS RELATED TO THE DEFENDANT'S MEMBERSHIP IN A GROUP WHOSE MEMBERS, WITH KNOWLEDGE, INDIVIDUALLY OR COLLECTIVELY COMMIT, ATTEMPT TO COMMIT, ENGAGE IN CONSPIRACY TO COMMIT, OR SOLICIT ANOTHER TO COMMIT CRIMINAL ACTS~~ CRIMINAL GANG, AS DEFINED IN § 9-801 OF THE CRIMINAL LAW ARTICLE, THE REPORT MAY INCLUDE INFORMATION REGARDING THE GROUP AFFILIATION OF THE DEFENDANT.

Article - Criminal Law

SUBTITLE 8. CRIMINAL GANG OFFENSES.

9-801.

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

(B) "COERCE" MEANS TO COMPEL OR ATTEMPT TO COMPEL ANOTHER BY THREAT OF HARM OR OTHER ADVERSE CONSEQUENCES.

(C) "CRIMINAL GANG" MEANS A GROUP ~~WHOSE MEMBERS, WITH KNOWLEDGE, INDIVIDUALLY OR COLLECTIVELY COMMIT, ATTEMPT TO COMMIT, ENGAGE IN CONSPIRACY TO COMMIT, OR SOLICIT ANOTHER TO COMMIT CRIMINAL ACTS~~ OR ANY ASSOCIATION OF THREE OR MORE PERSONS:

(1) THAT FORMS TO ENGAGE IN CRIMINAL ACTIVITY, INCLUDING ACTS BY JUVENILES THAT WOULD BE CRIMES IF COMMITTED BY ADULTS, FOR THE PURPOSES OF PECUNIARY GAIN OR TO CREATE AN ATMOSPHERE OF FEAR AND INTIMIDATION EITHER COLLECTIVELY OR WITH KNOWLEDGE OF THE ACTS OF THE MEMBERS OF THE GROUP; AND

(2) WHOSE MEMBERS HAVE A COMMON IDENTIFYING SIGN, SYMBOL, OR NAME.

(D) "SOLICIT" HAS THE MEANING STATED IN § 11-301 OF THIS ARTICLE.

9-802.

(A) A PERSON MAY NOT THREATEN ~~ANOTHER~~ AN INDIVIDUAL, OR A FRIEND OR FAMILY MEMBER OF AN INDIVIDUAL, WITH PHYSICAL VIOLENCE WITH THE