

Section 6-112(b)
 Annotated Code of Maryland
 (1999 Volume and 2004 Supplement)

BY adding to

Article - Criminal Law
 Section 9-801 through 9-803, inclusive, to be under the new subtitle "Subtitle
 8. Criminal Gang Offenses"
 Annotated Code of Maryland
 (2002 Volume and 2004 Supplement)

BY repealing and reenacting, with amendments,

Article - Education
 Section ~~7-303(a)(5)~~ 7-303(a) and (b)
 Annotated Code of Maryland
 (2004 Replacement Volume and 2004 Supplement)

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

Article - Correctional Services

6-112.

(b) (1) If a circuit court is satisfied that a presentence investigation report would help the sentencing process, the court may order the Division to complete a report before:

(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