SUBSTITUTE FOR

SENATE BILL NO. 291

A bill to amend 1931 PA 328, entitled "The Michigan penal code,"

(MCL 750.1 to 750.568) by adding section 411u.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 SEC. 411U. (1) IF AN INDIVIDUAL WHO IS AN ASSOCIATE OR A
- 2 MEMBER OF A GANG COMMITS A FELONY OR ATTEMPTS TO COMMIT A FELONY
- 3 AND THE INDIVIDUAL'S ASSOCIATION OR MEMBERSHIP IN THE GANG PROVIDES
- 4 THE MOTIVE, MEANS, OR OPPORTUNITY TO COMMIT THE FELONY, THE
- 5 INDIVIDUAL IS GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT
- 6 MORE THAN 20 YEARS. AS USED IN THIS SECTION:
- 7 (A) "GANG" MEANS AN ONGOING ORGANIZATION, ASSOCIATION, OR
- 8 GROUP OF 5 OR MORE PERSONS THAT IDENTIFIES ITSELF BY ALL OF THE
- 9 FOLLOWING:

Senate Bill No. 291 as amended February 20, 2008

- 1 (i) A UNIFYING MARK, MANNER, PROTOCOL, OR METHOD OF EXPRESSING
- 2 MEMBERSHIP, INCLUDING<< >> A COMMON NAME, SIGN OR
- 3 SYMBOL, MEANS OF RECOGNITION, GEOGRAPHICAL OR TERRITORIAL SITES, OR
- BOUNDARY OR LOCATION.
- (ii) AN ESTABLISHED LEADERSHIP<- >> OR COMMAND 5
- 6 STRUCTURE.
- 7 (iii) DEFINED MEMBERSHIP CRITERIA.
- (B) "GANG MEMBER" OR "MEMBER OF A GANG" MEANS A PERSON WHO 8
- 9 BELONGS TO A GANG OR WHO KNOWINGLY PERFORMS, AIDS, OR ABETS THE
- 10 GANG IN THE COMMISSION OF A FELONY OR FELONIES.
- 11 (2) A SENTENCE IMPOSED UNDER THIS SECTION IS IN ADDITION TO
- THE SENTENCE IMPOSED FOR THE CONVICTION OF THE UNDERLYING FELONY OR 12
- 13 THE ATTEMPT TO COMMIT THE UNDERLYING FELONY AND SHALL BE SERVED
- CONSECUTIVELY WITH AND PRECEDING ANY TERM OF IMPRISONMENT IMPOSED 14
- FOR THE CONVICTION OF THE FELONY OR ATTEMPT TO COMMIT THE FELONY. 15
- Enacting section 1. This amendatory act takes effect 90 days 16
- after the date it is enacted into law. 17