

THE MICHIGAN PENAL CODE (EXCERPT)
Act 328 of 1931

***** 750.411v.added THIS ADDED SECTION IS EFFECTIVE APRIL 1, 2009 *****

750.411v.added Causing, encouraging, recruiting, soliciting, or coercing another to join, participate in, or assist gang in felony; violation as felony; threat of injury or damage as felony; additional sentence; definitions.

Sec. 411v. (1) A person shall not cause, encourage, recruit, solicit, or coerce another to join, participate in, or assist a gang in committing a felony. A person who violates this subsection is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than \$5,000.00, or both.

(2) A person shall not communicate, directly or indirectly, to another person a threat of injury or damage to the person or property of that person or to an associate or relative of that person with the intent to do either of the following:

- (a) Deter the other person from assisting a gang member or associate of a gang to withdraw from the gang.
- (b) Punish or retaliate against the other person for having withdrawn from a gang.

(3) A person who violates subsection (2) is guilty of a felony punishable for not more than 20 years or a fine of not more than \$20,000.00, or both.

(4) A sentence imposed under this section is in addition to a sentence imposed for the conviction of another felony or attempt to commit a felony arising out of the same transaction and may be ordered to be served consecutively with and preceding a term of imprisonment imposed for the conviction of that felony or attempt to commit that felony.

(5) As used in this section:

(a) "Gang" means an ongoing organization, association, or group of 5 or more people, other than a nonprofit organization, that identifies itself by all of the following:

(i) A unifying mark, manner, protocol, or method of expressing membership, including a common name, sign or symbol, means of recognition, and geographical or territorial sites, or boundary or location.

(ii) An established leadership or command structure.

(iii) Defined membership criteria.

(b) "Gang member" means a person who belongs to a gang.

History: Add. 2008, Act 563, Eff. Apr. 1, 2009.