

HOUSE BILL No. 6207

November 12, 1992, Introduced by Reps. Varga, DeMars, Palamara, Pitoniak, Anthony, Weeks and Profit and referred to the Committee on Judiciary.

A bill to amend Act No. 328 of the Public Acts of 1931, entitled as amended

"The Michigan penal code,"

as amended, being sections 750.1 to 750.568 of the Michigan Compiled Laws, by adding section 411h.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Act No. 328 of the Public Acts of 1931, as
2 amended, being sections 750.1 to 750.568 of the Michigan Compiled
3 Laws, is amended by adding section 411h to read as follows:

4 SEC. 411H. (1) AS USED IN THIS SECTION:

5 (A) "ACTIVE MEMBER" MEANS A PERSON WHO IS ASSOCIATED WITH A
6 CRIMINAL ORGANIZATION AND WHO ENGAGES IN CONDUCT TO FURTHER THE
7 UNLAWFUL GOALS OF THAT CRIMINAL ORGANIZATION.

8 (B) "CRIMINAL ORGANIZATION" MEANS AN ORGANIZATION WHOSE
9 MEMBERS, AS A PURPOSE OF THAT ORGANIZATION, COMMIT CRIMES.

1 (2) A PERSON SHALL NOT BE AN ACTIVE MEMBER OF AN
2 ORGANIZATION THAT HE OR SHE KNOWS IS A CRIMINAL ORGANIZATION.

3 (3) EXCEPT AS PROVIDED IN SUBSECTIONS (4) AND (5), A PERSON
4 WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR PUNISHABLE
5 BY IMPRISONMENT FOR NOT MORE THAN 90 DAYS OR A FINE OF NOT MORE
6 THAN \$100.00, OR BOTH.

7 (4) A PERSON WHO VIOLATES THIS SECTION WHEN HE OR SHE COM-
8 MITS A MISDEMEANOR TO FURTHER THE UNLAWFUL GOALS OF THE CRIMINAL
9 ORGANIZATION IS GUILTY OF A MISDEMEANOR PUNISHABLE BY IMPRISON-
10 MENT FOR NOT MORE THAN 1 YEAR OR A FINE OF NOT MORE THAN \$500.00,
11 OR BOTH. A TERM OF IMPRISONMENT IMPOSED UNDER THIS SUBSECTION
12 SHALL BE SERVED CONSECUTIVELY TO ANY TERM OF IMPRISONMENT IMPOSED
13 FOR THE MISDEMEANOR COMMITTED TO FURTHER THE GOALS OF THE CRIMI-
14 NAL ORGANIZATION. A PERSON SHALL NOT BE CONVICTED UNDER THIS
15 SUBSECTION AND SUBSECTION (3) FOR CONDUCT ARISING OUT OF THE SAME
16 TRANSACTION.

17 (5) A PERSON WHO VIOLATES THIS SECTION WHEN HE OR SHE COM-
18 MITS A FELONY TO FURTHER THE UNLAWFUL GOALS OF THE CRIMINAL ORGA-
19 NIZATION IS GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT
20 MORE THAN 4 YEARS OR A FINE OF NOT MORE THAN \$2,500.00, OR BOTH.
21 A TERM OF IMPRISONMENT IMPOSED UNDER THIS SUBSECTION SHALL BE
22 SERVED CONSECUTIVELY TO ANY TERM OF IMPRISONMENT IMPOSED FOR THE
23 FELONY COMMITTED TO FURTHER THE UNLAWFUL GOALS OF THE CRIMINAL
24 ORGANIZATION. A PERSON SHALL NOT BE CONVICTED UNDER THIS SUBSEC-
25 TION AND SUBSECTION (3) FOR CONDUCT ARISING OUT OF THE SAME
26 TRANSACTION.