



**House
Legislative
Analysis
Section**

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GANG MEMBERSHIP

House Bill 4433
Sponsor: Rep. Ilona Varga
Committee: Judiciary

Complete to 2-18-94

A SUMMARY OF HOUSE BILL 4433 AS INTRODUCED 3-4-94

The bill would amend the Michigan Penal Code to prohibit a person from being an active member of an organization that he or she knew to be a criminal organization. Generally, violation of this prohibition would be a misdemeanor punishable by up to 90 days in jail, a fine of up to \$100, or both. However, to be a member of a criminal organization when committing a misdemeanor to further the organization's unlawful goals would be a misdemeanor punishable by up to one year in jail, a fine of up to \$500, or both. Membership while committing a felony would be a felony punishable by imprisonment for up to four years, a fine of up to \$2,500, or both.

Any incarceration for committing a crime while a member would be served consecutively to any incarceration imposed for the underlying offense. For conduct arising out of the same transaction, a person could not be convicted for both membership and committing a crime while being a member.

A "criminal organization" would be an organization whose members commit crimes as a purpose of that organization. An "active member" would be someone who was associated with a criminal organization and who engaged in conduct to further the unlawful goals of that organization.

MCL 750.411j

House Bill 4433 (2-18-94)