



HOUSE BILL No. 5481

December 13, 1995, Introduced by Reps. Weeks, Kukuk, Kaza, Lowe, Jaye, Horton, Olshove, Hill, Galloway and Perricone and referred to the Committee on Judiciary and Civil Rights.

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 411r.

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 411r to read as follows:

4 SEC. 411R. (1) NOTWITHSTANDING ANY OTHER PROVISION, AN
5 INDIVIDUAL WHO COMMITS A GANG-RELATED OFFENSE SHALL BE PUNISHED
6 AS FOLLOWS:

7 (A) IF THE VIOLATION IS OTHERWISE PUNISHABLE UNDER THIS ACT
8 BY IMPRISONMENT FOR A TERM LESS THAN LIFE, BY IMPRISONMENT FOR

1 NOT MORE THAN TWICE THE TERM OF IMPRISONMENT OTHERWISE AUTHORIZED
2 FOR THE VIOLATION.

3 (B) IF THE VIOLATION IS OTHERWISE PUNISHABLE UNDER THIS ACT
4 BY IMPRISONMENT FOR LIFE OR ANY TERM OF YEARS, BY IMPRISONMENT
5 FOR LIFE OR ANY TERM OF YEARS.

6 (2) IN ADDITION TO THE PENALTY IN SUBSECTION (1), THE INDI-
7 VIDUAL MAY BE PUNISHED BY A FINE OF NOT MORE THAN TWICE THE FINE
8 OTHERWISE AUTHORIZED BY THIS ACT FOR THE VIOLATION.

9 (3) THE INDIVIDUAL SHALL NOT BE SUBJECT TO PROBATION, SUS-
10 PENSION OF SENTENCE, OR PAROLE DURING THE MINIMUM TERM OF
11 IMPRISONMENT.

12 (4) AS USED IN THIS SECTION, "GANG-RELATED OFFENSE" MEANS A
13 VIOLATION OF THIS ACT TO WHICH ALL OF THE FOLLOWING APPLY:

14 (A) THE OFFENSE IS PUNISHABLE BY IMPRISONMENT FOR MORE THAN
15 1 YEAR OR IS DESIGNATED AS A FELONY.

16 (B) THE INDIVIDUAL COMMITTED THE OFFENSE IN THE COURSE OF
17 HIS OR HER ASSOCIATION WITH A FORMAL OR INFORMAL GROUP OF INDI-
18 VIDUALS THAT IS ORGANIZED TO COMMIT CRIMES, THAT ENCOURAGES ITS
19 ASSOCIATES TO COMMIT CRIMES, OR THAT CONCEALS THE COMMISSION OF
20 CRIMES BY ITS ASSOCIATES.