

SENATE BILL No. 1396

September 28, 2000, Introduced by Senators SCHUETTE, HAMMERSTROM, SIKKEMA, GOUGEON and HOFFMAN and referred to the Committee on Judiciary.

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
(MCL 750.1 to 750.568) by adding section 411r.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 411R. (1) AN INDIVIDUAL SHALL NOT KNOWINGLY SOLICIT OR
2 ATTEMPT TO SOLICIT ANOTHER INDIVIDUAL TO JOIN A JUVENILE GANG.

3 (2) AN INDIVIDUAL WHO VIOLATES SUBSECTION (1) IS GUILTY OF A
4 CRIME AS FOLLOWS:

5 (A) EXCEPT AS PROVIDED IN SUBDIVISION (B), THE INDIVIDUAL IS
6 GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 4
7 YEARS OR A FINE OF NOT MORE THAN \$5,000.00, OR BOTH.

8 (B) IF THE INDIVIDUAL WAS PREVIOUSLY CONVICTED OF VIOLATING
9 THIS SECTION OR A SUBSTANTIALLY SIMILAR LAW OF ANOTHER STATE, A
10 POLITICAL SUBDIVISION OF ANOTHER STATE, OR THE UNITED STATES, THE
11 INDIVIDUAL IS GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT FOR

1 NOT MORE THAN 10 YEARS OR A FINE OF NOT MORE THAN \$10,000.00, OR
2 BOTH.

3 (3) AS USED IN THIS SECTION:

4 (A) "JUVENILE GANG" MEANS A FORMAL OR INFORMAL ASSOCIATION
5 OF 3 OR MORE INDIVIDUALS, AT LEAST 1 OF WHOM IS 17 YEARS OF AGE
6 OR LESS, THAT WAS ORGANIZED IN WHOLE OR IN PART TO ENGAGE IN
7 UNLAWFUL JUVENILE ACTIVITY OR THAT ENGAGES IN UNLAWFUL JUVENILE
8 ACTIVITY.

9 (B) "UNLAWFUL JUVENILE ACTIVITY" MEANS CONDUCT THAT IF
10 ENGAGED IN BY AN ADULT WOULD BE A MISDEMEANOR OR A FELONY.