

HOUSE SUBSTITUTE FOR  
SENATE BILL NO. 291

(As amended December 19, 2008)

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

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1           SEC. 411U. (1) IF A PERSON WHO IS AN ASSOCIATE OR A MEMBER OF  
2 A GANG COMMITS A FELONY OR ATTEMPTS TO COMMIT A FELONY AND THE  
3 PERSON'S ASSOCIATION OR MEMBERSHIP IN THE GANG PROVIDES THE MOTIVE,  
4 MEANS, OR OPPORTUNITY TO COMMIT THE FELONY, THE PERSON IS  
5 GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 20  
6 YEARS. AS USED IN THIS SECTION:

7           (A) "GANG" MEANS AN ONGOING ORGANIZATION, ASSOCIATION, OR  
8 GROUP OF 5 OR MORE PEOPLE[, OTHER THAN A NONPROFIT ORGANIZATION,] THAT  
9 IDENTIFIES ITSELF BY ALL OF THE  
FOLLOWING:

1           (i) A UNIFYING MARK, MANNER, PROTOCOL, OR METHOD OF EXPRESSING  
2 MEMBERSHIP, INCLUDING A COMMON NAME, SIGN OR SYMBOL, MEANS OF  
3 RECOGNITION, GEOGRAPHICAL OR TERRITORIAL SITES, OR BOUNDARY OR  
4 LOCATION.

5           (ii) AN ESTABLISHED LEADERSHIP OR COMMAND STRUCTURE.

6           (iii) DEFINED MEMBERSHIP CRITERIA.

7           (B) "GANG MEMBER" OR "MEMBER OF A GANG" MEANS A PERSON WHO  
8 BELONGS TO A GANG.

9           (2) A SENTENCE IMPOSED UNDER THIS SECTION IS IN ADDITION TO  
10 THE SENTENCE IMPOSED FOR THE CONVICTION OF THE UNDERLYING FELONY OR  
11 THE ATTEMPT TO COMMIT THE UNDERLYING FELONY AND MAY BE SERVED  
12 CONSECUTIVELY WITH AND PRECEDING ANY TERM OF IMPRISONMENT IMPOSED  
13 FOR THE CONVICTION OF THE FELONY OR ATTEMPT TO COMMIT THE FELONY.

14           Enacting section 1. This amendatory act takes effect April 1,  
15 2009.