

SUBSTITUTE FOR
SENATE BILL NO. 660

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) A PERSON SHALL NOT CAUSE, ENCOURAGE, RECRUIT,
2 SOLICIT, OR COERCE ANOTHER TO JOIN, PARTICIPATE IN, OR ASSIST A
3 GANG IN COMMITTING A FELONY. A PERSON WHO VIOLATES THIS SUBSECTION
4 IS GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN
5 5 YEARS OR A FINE OF NOT MORE THAN \$5,000.00, OR BOTH.

6 (2) A PERSON SHALL NOT COMMUNICATE, DIRECTLY OR INDIRECTLY, TO
7 ANOTHER PERSON A THREAT OF INJURY OR DAMAGE TO THE PERSON OR
8 PROPERTY OF THAT PERSON OR TO AN ASSOCIATE OR RELATIVE OF THAT
9 PERSON WITH THE INTENT TO DO EITHER OF THE FOLLOWING:

10 (A) DETER THE OTHER PERSON FROM ASSISTING A GANG MEMBER OR

1 ASSOCIATE OF A GANG TO WITHDRAW FROM THE GANG.

2 (B) PUNISH OR RETALIATE AGAINST THE OTHER PERSON FOR HAVING
3 WITHDRAWN FROM A GANG.

4 (3) A PERSON WHO VIOLATES SUBSECTION (2) IS GUILTY OF A FELONY
5 PUNISHABLE FOR NOT MORE THAN 20 YEARS OR A FINE OF NOT MORE THAN
6 \$20,000.00, OR BOTH.

7 (4) A SENTENCE IMPOSED UNDER THIS SECTION IS IN ADDITION TO A
8 SENTENCE IMPOSED FOR THE CONVICTION OF ANOTHER FELONY OR ATTEMPT TO
9 COMMIT A FELONY ARISING OUT OF THE SAME TRANSACTION AND MAY BE
10 ORDERED TO BE SERVED CONSECUTIVELY WITH AND PRECEDING A TERM OF
11 IMPRISONMENT IMPOSED FOR THE CONVICTION OF THAT FELONY OR ATTEMPT
12 TO COMMIT THAT FELONY.

13 (5) AS USED IN THIS SECTION:

14 (A) "GANG" MEANS AN ONGOING ORGANIZATION, ASSOCIATION, OR
15 GROUP OF 5 OR MORE PEOPLE THAT IDENTIFIES ITSELF BY ALL OF THE
16 FOLLOWING CHARACTERISTICS:

17 (i) A UNIFYING MARK, MANNER, PROTOCOL, OR METHOD OF EXPRESSING
18 MEMBERSHIP, INCLUDING A COMMON NAME, SIGN OR SYMBOL, MEANS OF
19 RECOGNITION, AND GEOGRAPHICAL, TERRITORIAL SITES, BOUNDARY, OR
20 LOCATION.

21 (ii) AN ESTABLISHED LEADERSHIP OR COMMAND STRUCTURE.

22 (iii) DEFINED MEMBERSHIP CRITERIA.

23 (B) "GANG MEMBER" MEANS A PERSON WHO BELONGS TO A GANG.

24 Enacting section 1. This amendatory act takes effect 90 days
25 after the date it is enacted into law.

26 Enacting section 2. This amendatory act does not take effect
27 unless Senate Bill No. 661 of the 94th Legislature is enacted into

1 law.