

SENATE BILL No. 291

February 28, 2007, Introduced by Senators KAHN and PAPPAGEORGE 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 411u.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 411U. (1) IF AN INDIVIDUAL WHO IS AN ASSOCIATE OR A
2 MEMBER OF A GANG COMMITS A FELONY AND THE INDIVIDUAL'S ASSOCIATION
3 OR MEMBERSHIP IN THE GANG PROVIDES THE MOTIVE, MEANS, OR
4 OPPORTUNITY TO COMMIT THE FELONY, THE INDIVIDUAL IS GUILTY OF A
5 FELONY PUNISHABLE AS FOLLOWS:

6 (A) EXCEPT AS OTHERWISE PROVIDED IN SUBDIVISIONS (B) AND (C),
7 IMPRISONMENT FOR NOT LESS THAN 2 YEARS OR MORE THAN 20 YEARS.

8 (B) IF THE INDIVIDUAL HAS 1 PRIOR CONVICTION FOR VIOLATING
9 THIS SUBSECTION, IMPRISONMENT FOR NOT LESS THAN 5 YEARS OR MORE
10 THAN 20 YEARS.

1 (C) IF THE INDIVIDUAL HAS 2 OR MORE PRIOR CONVICTIONS FOR
2 VIOLATING THIS SUBSECTION, IMPRISONMENT FOR NOT LESS THAN 10 YEARS
3 OR MORE THAN 20 YEARS.

4 (2) AS USED IN THIS SECTION, "GANG" MEANS A GROUP OF
5 INDIVIDUALS, INCLUDING, BUT NOT LIMITED TO, INDIVIDUALS LESS THAN
6 18 YEARS OF AGE WORKING TO UNLAWFUL OR ANTISOCIAL ENDS.

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