

Act No. 563
Public Acts of 2008
Approved by the Governor
January 15, 2009
Filed with the Secretary of State
January 16, 2009
EFFECTIVE DATE: April 1, 2009

**STATE OF MICHIGAN
94TH LEGISLATURE
REGULAR SESSION OF 2008**

**Introduced by Senators Jansen, Barcia, Birkholz, Anderson, Gleason, Pappageorge, Hardiman, Kuipers,
Richardville and Gilbert**

ENROLLED SENATE BILL No. 660

AN ACT to amend 1931 PA 328, entitled "An act to revise, consolidate, codify, and add to the statutes relating to crimes; to define crimes and prescribe the penalties and remedies; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at such trials; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act," (MCL 750.1 to 750.568) by adding section 411v.

The People of the State of Michigan enact:

Sec. 411v. (1) A person shall not cause, encourage, recruit, solicit, or coerce another to join, participate in, or assist a gang in committing a felony. A person who violates this subsection is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than \$5,000.00, or both.

(2) A person shall not communicate, directly or indirectly, to another person a threat of injury or damage to the person or property of that person or to an associate or relative of that person with the intent to do either of the following:

(a) Deter the other person from assisting a gang member or associate of a gang to withdraw from the gang.

(b) Punish or retaliate against the other person for having withdrawn from a gang.

(3) A person who violates subsection (2) is guilty of a felony punishable for not more than 20 years or a fine of not more than \$20,000.00, or both.

(4) A sentence imposed under this section is in addition to a sentence imposed for the conviction of another felony or attempt to commit a felony arising out of the same transaction and may be ordered to be served consecutively with and preceding a term of imprisonment imposed for the conviction of that felony or attempt to commit that felony.

(5) As used in this section:

(a) "Gang" means an ongoing organization, association, or group of 5 or more people, other than a nonprofit organization, that identifies itself by all of the following:

(i) A unifying mark, manner, protocol, or method of expressing membership, including a common name, sign or symbol, means of recognition, geographical or territorial sites, or boundary or location.

(ii) An established leadership or command structure.

(iii) Defined membership criteria.

(b) "Gang member" means a person who belongs to a gang.

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

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

This act is ordered to take immediate effect.

Carol Morey Viventi

Secretary of the Senate

Richard J. Brown

Clerk of the House of Representatives

Approved

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Governor