

Act No. 564
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 Kahn and Pappageorge

ENROLLED SENATE BILL No. 291

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 411u.

The People of the State of Michigan enact:

Sec. 411u. (1) If a person who is an associate or a member of a gang commits a felony or attempts to commit a felony and the person's association or membership in the gang provides the motive, means, or opportunity to commit the felony, the person is guilty of a felony punishable by imprisonment for not more than 20 years. 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" or "member of a gang" means a person who belongs to a gang.

(2) A sentence imposed under this section is in addition to the sentence imposed for the conviction of the underlying felony or the attempt to commit the underlying felony and may be served consecutively with and preceding any term of imprisonment imposed for the conviction of the felony or attempt to commit the felony.

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

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 _____

Governor