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2001



HOUSE BILL 01-1269

BY REPRESENTATIVE(S) Chavez, Boyd, Garcia, Groff, Grossman, Hefley, Jahn, Jameson, Larson, Mace, Marshall, Ragsdale, Romanoff, Saliman, Sanchez, Tapia, Veiga, Vigil, and Weddig;
also SENATOR(S) Epps, Arnold, Cairns, Evans, Hagedorn, Hillman, May, McElhany, Nichol, and Teck.

CONCERNING PUNISHMENT OF CRIMINAL GANG ACTIVITIES.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Title 18, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW ARTICLE to read:

ARTICLE 23
Gang Recruitment Act

18-23-101. Definitions. AS USED IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "CRIMINAL STREET GANG" MEANS ANY ONGOING ORGANIZATION, ASSOCIATION, OR GROUP OF THREE OR MORE PERSONS, WHETHER FORMAL OR INFORMAL:

Capital letters indicate new material added to existing statute; dashes through the words indicate deletions from existing statutes and such material not part of act.

(a) WHICH HAS AS ONE OF ITS PRIMARY OBJECTIVES OR ACTIVITIES THE COMMISSION OF ONE OR MORE PREDICATE CRIMINAL ACTS; AND

(b) WHOSE MEMBERS INDIVIDUALLY OR COLLECTIVELY ENGAGE IN OR HAVE ENGAGED IN A PATTERN OF CRIMINAL GANG ACTIVITY.

(2) "PATTERN OF CRIMINAL GANG ACTIVITY" MEANS THE COMMISSION, ATTEMPT, CONSPIRACY, OR SOLICITATION OF TWO OR MORE PREDICATE CRIMINAL ACTS WHICH ARE COMMITTED ON SEPARATE OCCASIONS OR BY TWO OR MORE PERSONS.

(3) "PREDICATE CRIMINAL ACTS" MEANS THE COMMISSION OF OR ATTEMPT, CONSPIRACY, OR SOLICITATION TO COMMIT ANY OF THE FOLLOWING:

(a) ANY CONDUCT DEFINED AS RACKETEERING ACTIVITY IN SECTION 18-17-103 (5);

(b) ANY VIOLATION OF SECTION 18-8-706 OR ANY CRIMINAL ACT COMMITTED IN ANY JURISDICTION OF THE UNITED STATES WHICH, IF COMMITTED IN THIS STATE, WOULD VIOLATE SECTION 18-8-706.

18-23-102. Recruitment of juveniles for a criminal street gang.

(1) A PERSON COMMITS RECRUITMENT OF A JUVENILE FOR A CRIMINAL STREET GANG IF HE OR SHE IS EIGHTEEN YEARS OF AGE OR OLDER AND:

(a) KNOWINGLY SOLICITS, INVITES, RECRUITS, ENCOURAGES, COERCES, OR OTHERWISE CAUSES A PERSON YOUNGER THAN EIGHTEEN YEARS OF AGE TO ACTIVELY PARTICIPATE IN OR BECOME A MEMBER OF A CRIMINAL STREET GANG; OR

(b) BY USE OF FORCE, THREAT, OR INTIMIDATION DIRECTED AT ANY PERSON, OR BY THE INFLECTION OF BODILY INJURY UPON ANY PERSON, KNOWINGLY PREVENTS A PERSON YOUNGER THAN EIGHTEEN YEARS OF AGE FROM LEAVING A CRIMINAL STREET GANG.

(2) RECRUITMENT OF A JUVENILE FOR A CRIMINAL STREET GANG IS A CLASS 1 MISDEMEANOR.

(3) NOTHING IN THIS SECTION SHALL AFFECT THE ABILITY TO CHARGE CRIMINAL OFFENSES UNDER ARTICLE 17 OF THIS TITLE.

SECTION 2. Effective date - applicability. This act shall take effect March 1, 2002, and shall apply to offenses committed on or after said date.

SECTION 3. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Doug Dean
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Stan Matsunaka
PRESIDENT OF
THE SENATE

Judith Rodrigue
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Karen Goldman
SECRETARY OF
THE SENATE

APPROVED _____

Bill Owens
GOVERNOR OF THE STATE OF COLORADO