

1 ARTICLE ONE HUNDRED FORTY (BURGLARY AND RELATED OFFENSES); ANY OFFENSE
2 DEFINED IN ARTICLE ONE HUNDRED FIFTY (ARSON); ANY OFFENSE DEFINED IN
3 ARTICLE ONE HUNDRED FIFTY-FIVE (LARCENY); ANY OFFENSE DEFINED IN ARTICLE
4 ONE HUNDRED SIXTY (ROBBERY); ANY OFFENSE DEFINED IN ARTICLE TWO HUNDRED
5 TEN (PERJURY AND RELATED OFFENSES); ANY OFFENSE DEFINED IN ARTICLE TWO
6 HUNDRED FIFTEEN (OTHER OFFENSES RELATING TO JUDICIAL AND OTHER
7 PROCEEDINGS); ANY OFFENSE DEFINED IN ARTICLE TWO HUNDRED TWENTY
8 (CONTROLLED SUBSTANCES OFFENSES); ANY OFFENSE DEFINED IN ARTICLE TWO
9 HUNDRED TWENTY-FIVE (GAMBLING OFFENSES); OR ANY ATTEMPT OR CONSPIRACY TO
10 COMMIT ANY OF THE FOREGOING OFFENSES.

11 S 280.05 GANG SOLICITATION, RECRUITMENT OR RETENTION.

12 A PERSON IS GUILTY OF GANG SOLICITATION, RECRUITMENT OR RETENTION WHEN
13 HE OR SHE:

14 1. INTENTIONALLY SOLICITS, RECRUITS, EMPLOYS, CAUSES, ENCOURAGES, OR
15 CONSPIRES TO CAUSE ANOTHER PERSON TO BE OR REMAIN AS A MEMBER OF A CRIM-
16 INAL STREET GANG THAT REQUIRES AS A CONDITION OF MEMBERSHIP OR CONTINUED
17 MEMBERSHIP THE COMMISSION OF OR PARTICIPATION IN GANG CRIMES; OR

18 2. INTENTIONALLY MAKES ANY COMMUNICATION, DIRECT OR INDIRECT, CONSTI-
19 TUTING A THREAT TO PERSON OR PROPERTY OR TO ANY ASSOCIATE OR RELATIVE OF
20 THE PERSON BEING SOLICITED, RECRUITED OR RETAINED AS A MEMBER OF A CRIM-
21 INAL STREET GANG THAT REQUIRES AS A CONDITION OF MEMBERSHIP OR CONTINUED
22 MEMBERSHIP THE COMMISSION OF OR PARTICIPATION IN GANG CRIMES.

23 GANG SOLICITATION, RECRUITMENT OR RETENTION IS A CLASS E FELONY.

24 S 280.10 GANG SOLICITATION, RECRUITMENT OR RETENTION OF MINORS.

25 A PERSON IS GUILTY OF GANG SOLICITATION, RECRUITMENT OR RETENTION OF
26 MINORS WHEN HE OR SHE:

27 1. INTENTIONALLY SOLICITS, RECRUITS, EMPLOYS, CAUSES, ENCOURAGES, OR
28 CONSPIRES TO CAUSE ANOTHER PERSON UNDER EIGHTEEN YEARS OF AGE TO BE OR
29 REMAIN AS A MEMBER OF A CRIMINAL STREET GANG THAT REQUIRES AS A CONDI-
30 TION OF MEMBERSHIP OR CONTINUED MEMBERSHIP THE COMMISSION OF OR PARTIC-
31 IPATION IN GANG CRIMES; OR

32 2. INTENTIONALLY MAKES ANY COMMUNICATION, DIRECT OR INDIRECT, CONSTI-
33 TUTING A THREAT TO A PERSON UNDER EIGHTEEN YEARS OF AGE, TO PROPERTY, OR
34 TO ANY ASSOCIATE OR RELATIVE OF THE MINOR BEING SOLICITED, RECRUITED OR
35 RETAINED AS A MEMBER OF A CRIMINAL STREET GANG THAT REQUIRES AS A CONDI-
36 TION OF MEMBERSHIP OR CONTINUED MEMBERSHIP THE COMMISSION OF OR PARTIC-
37 IPATION IN GANG CRIMES.

38 GANG SOLICITATION, RECRUITMENT OR RETENTION OF MINORS IS A CLASS D
39 FELONY.

40 S 280.15 COERCION OF A MINOR INTO CRIMINAL CONSPIRACY.

41 A PERSON IS GUILTY OF COERCION OF A MINOR INTO CRIMINAL CONSPIRACY
42 WHEN, WITH THE INTENT TO CAUSE PHYSICAL INJURY TO A PERSON UNDER EIGH-
43 TEEN YEARS OF AGE, HE OR SHE CAUSES SUCH PHYSICAL INJURY TO A PERSON
44 UNDER EIGHTEEN YEARS OF AGE FOR THE PURPOSE OF CAUSING OR COERCING SUCH
45 MINOR TO JOIN OR PARTICIPATE IN A CRIMINAL CONSPIRACY TO BENEFIT A CRIM-
46 INAL STREET GANG OR OTHER ORGANIZATION OF THREE OR MORE PERSONS WHICH
47 HAS A COMMON NAME, IDENTIFYING SIGN OR SYMBOL AND WHOSE MEMBERS INDIVID-
48 UALLY OR COLLECTIVELY ENGAGE IN CRIMINAL ACTIVITY.

49 COERCION OF A MINOR INTO CRIMINAL CONSPIRACY IS A CLASS D FELONY.

50 S 280.20 GANG LEADERSHIP.

51 A PERSON IS GUILTY OF GANG LEADERSHIP WHEN, AS A MEMBER OF A CRIMINAL
52 STREET GANG, HE OR SHE COMMANDS, COUNSELS, PERSUADES, INDUCES, ENTICES
53 OR COERCES ANY INDIVIDUAL TO COMMIT A CRIME WHERE THE PURPOSE OF SUCH
54 CRIME IS THE FURTHERANCE OF THE CRIMINAL OBJECTIVES OF SUCH CRIMINAL
55 STREET GANG.

56 GANG LEADERSHIP IS A CLASS D FELONY.

1 S 280.25 ABATEMENT OF PREMISES USED FOR GANG ACTIVITY.

2 1. ANY PLACE OR PREMISES THAT HAS BEEN USED ON MORE THAN TWO OCCA-
3 SIONS, WITHIN A SIX MONTH PERIOD OF TIME, FOR THE PURPOSE OF CONDUCTING
4 A PATTERN OF CRIMINAL STREET GANG ACTIVITY, OR ANY REAL PROPERTY THAT IS
5 ERECTED, ESTABLISHED, MAINTAINED, OWNED, LEASED, OR USED BY ANY CRIMINAL
6 STREET GANG FOR THE PURPOSE OF CONDUCTING CRIMINAL STREET GANG ACTIVITY
7 CONSTITUTES A NUISANCE, THAT SHALL BE ENJOINED, ABATED, AND PREVENTED,
8 AND FOR WHICH DAMAGES MAY BE RECOVERED, WHETHER IT IS A PUBLIC OR
9 PRIVATE NUISANCE.

10 2. ANY ACTION FOR AN INJUNCTION OR ABATEMENT FILED PURSUANT TO SUBDI-
11 VISION ONE OF THIS SECTION SHALL PROCEED ACCORDING TO THE PROVISIONS OF
12 THE CIVIL PRACTICE LAW AND RULES, EXCEPT THAT ALL OF THE FOLLOWING SHALL
13 APPLY:

14 (A) THE COURT SHALL NOT ASSESS A CIVIL PENALTY AGAINST ANY PERSON
15 UNLESS THAT PERSON KNEW OR SHOULD HAVE KNOWN OF THE UNLAWFUL ACTS
16 COMMITTED ON OR IN THE PREMISES;

17 (B) NO ORDER OF EVICTION OR CLOSURE MAY BE ENTERED;

18 (C) ALL INJUNCTIONS ISSUED SHALL BE LIMITED TO THOSE NECESSARY TO
19 PROTECT THE HEALTH AND SAFETY OF THE RESIDENTS OR THE PUBLIC OR THOSE
20 NECESSARY TO PREVENT FURTHER CRIMINAL ACTIVITY; AND

21 (D) SUIT MAY NOT BE FILED UNTIL A THIRTY-DAY NOTICE PERIOD OF THE
22 UNLAWFUL USE OR CRIMINAL CONDUCT HAS BEEN PROVIDED TO THE OWNER BY MAIL,
23 RETURN RECEIPT REQUESTED, POSTAGE PREPAID, TO THE LAST KNOWN ADDRESS.

24 3. NO NOT-FOR-PROFIT OR CHARITABLE ORGANIZATION WHICH IS CONDUCTING
25 ITS AFFAIRS WITH ORDINARY CARE AND SKILL, AND NO GOVERNMENTAL ENTITY,
26 SHALL BE ABATED PURSUANT TO THE PROVISIONS OF SUBDIVISIONS ONE AND TWO
27 OF THIS SECTION.

28 4. NOTHING IN THIS SECTION SHALL PRECLUDE ANY AGGRIEVED PERSON FROM
29 SEEKING ANY OTHER REMEDY PROVIDED BY LAW.

30 S 280.30 PREEMPTION.

31 NOTHING IN THIS ARTICLE SHALL PREEMPT AN APPROPRIATE ALTERNATIVE OR
32 ADDITIONAL CHARGE PURSUANT TO THIS CHAPTER, INCLUDING BUT NOT LIMITED
33 TO, A CHARGE PURSUANT TO SECTION 120.06 (GANG ASSAULT IN THE SECOND
34 DEGREE), OR SECTION 120.07 (GANG ASSAULT IN THE FIRST DEGREE); OR
35 PREVENT A LOCAL GOVERNING BODY FROM ADOPTING AND ENFORCING LAWS CONSIST-
36 ENT WITH THIS ACT RELATING TO CRIMINAL STREET GANG ACTIVITY AND CRIMINAL
37 STREET GANG VIOLENCE. WHERE LOCAL LAWS DUPLICATE OR SUPPLEMENT THIS ACT,
38 THIS ACT SHALL BE CONSTRUED AS PROVIDING ALTERNATIVE REMEDIES AND NOT AS
39 PREEMPTING SUCH LOCAL LAWS.

40 S 2. Severability. If any provision of this act, or the application
41 thereof to any person or circumstance, shall be adjudged by any court of
42 competent jurisdiction to be invalid or unconstitutional, such judgment
43 shall not affect, impair or invalidate the remainder thereof, but shall
44 be confined in its operation to the provision of this act, or in its
45 application to the person or circumstance, directly involved in the
46 controversy in which such judgment shall have been rendered.

47 S 3. This act shall take effect on the first of November next succeed-
48 ing the date on which it shall have become a law.