

9971

I N A S S E M B L Y

February 22, 2010

Introduced by M. of A. BENJAMIN -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to the crime of criminal street gang recruitment of a minor

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Section 460.10 of the penal law is amended by adding a new
2 subdivision 5 to read as follows:

3 5. "CRIMINAL STREET GANG" MEANS ANY ONGOING ORGANIZATION, ASSOCIATION,
4 OR GROUP OF THREE OR MORE PERSONS, WHETHER FORMAL OR INFORMAL, HAVING AS
5 ONE OF ITS PRIMARY ACTIVITIES THE COMMISSION OF ONE OR MORE CRIMINAL
6 ACTS, WHICH HAS AN IDENTIFIABLE NAME OR IDENTIFYING SIGN OR SYMBOL, AND
7 WHOSE MEMBERS INDIVIDUALLY OR COLLECTIVELY ENGAGE IN OR HAVE ENGAGED IN
8 CRIMINAL STREET GANG ACTIVITY.

9 S 2. The penal law is amended by adding a new section 460.65 to read
10 as follows:

11 S 460.65 CRIMINAL STREET GANG RECRUITMENT OF A MINOR.

12 A PERSON IS GUILTY OF CRIMINAL STREET GANG RECRUITMENT OF A MINOR WHEN
13 HE OR SHE COERCES, SOLICITS, RECRUITS OR INDUCES A PERSON UNDER SIXTEEN
14 YEARS OF AGE TO JOIN OR REMAIN A MEMBER OF A CRIMINAL STREET GANG, OR
15 CONSPIRES TO DO SO.

16 CRIMINAL STREET GANG RECRUITMENT OF A MINOR IS A CLASS C FELONY.

17 S 3. This act shall take effect on the first of November next succeeding
18 the date on which it shall have become a law.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
[] is old law to be omitted.

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