

9971

I N   A S S E M B L Y

February 22, 2010

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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.

LBD15185-01-9