S T A T E O F N E W Y O R K

6980

I N S E N A T E

March 3, 2010

Introduced by Sen. DIAZ -- read twice and ordered printed, and when printed to be committed 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:

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

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

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

S 460.65 CRIMINAL STREET GANG RECRUITMENT OF A MINOR.

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

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

S 3. This act shall take effect on the first of November next succeeding 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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