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**HOUSE BILL NO. 569**

**AMENDMENT IN THE NATURE OF A SUBSTITUTE**

(Proposed by the House Committee for Courts of Justice  
on February 6, 2004)

(Patron Prior to Substitute—Delegate Albo)

*A BILL to amend and reenact § 18.2-46.3 of the Code of Virginia, relating to recruitment of juveniles for criminal street gang; penalty.*

**Be it enacted by the General Assembly of Virginia:**

**1. That § 18.2-46.3 of the Code of Virginia is amended and reenacted as follows:**

§ 18.2-46.3. Recruitment of juveniles for criminal street gang; penalty.

A. Any person ~~age eighteen years or older~~ who solicits, invites, recruits, encourages or otherwise causes or attempts to cause a ~~juvenile~~ another to actively participate in or become a member of what he knows to be a criminal street gang ~~shall be~~ is guilty of a Class 6 ~~felony~~ 1 misdemeanor. Any person age eighteen years or older who solicits, invites, recruits, encourages or otherwise causes or attempts to cause a juvenile to actively participate in or become a member of what he knows to be a criminal street gang is guilty of a Class 6 felony.

B. Any person who, in order to encourage an individual (a) to join a criminal street gang, (b) to remain as a participant in or a member of a criminal street gang, or (c) to submit to a demand made by a criminal street gang to commit a felony violation of Title 18.2, (i) uses force against the individual or a member of his family or household or (ii) threatens force against the individual or a member of his family or household, which threat would place any person in reasonable apprehension of death or bodily injury, is guilty of a Class 6 felony. The definition of "family or household member" set forth in § 16.1-228 applies to this section.

**2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities and cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.**

HOUSE SUBSTITUTE

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