

2004 SESSION

INTRODUCED

040190104

HOUSE BILL NO. 572

Offered January 14, 2004

Prefiled January 13, 2004

A BILL to amend and reenact § 18.2-46.1 of the Code of Virginia, relating to crimes by gangs; definitions; penalties.

Patrons—Albo and O'Bannon

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-46.1 of the Code of Virginia is amended and reenacted as follows:

§ 18.2-46.1. Definitions.

As used in this article unless the context requires otherwise or it is otherwise provided:

"Act of violence" means those felony offenses described in subsection A of § 19.2-297.1.

"Criminal street gang" means any ongoing organization, association, or group of three or more persons, whether formal or informal, (i) which has as one of its primary objectives or activities the commission of one or more predicate criminal acts, (ii) which has an identifiable name or identifying sign or symbol, and (iii) whose members individually or collectively engage in or have engaged in a pattern of criminal gang activity the commission of, attempt to commit, conspiracy to commit, or solicitation of two or more predicate criminal acts, provided such acts were not part of a common act, transaction, or scheme.

"Pattern of criminal gang activity" means commission of, attempt to commit, conspiracy to commit, or solicitation of two or more predicate criminal acts, at least one of which is an act of violence, provided such predicate criminal acts (i) were not part of a common act, transaction or scheme or (ii) were committed by two or more persons who are members of, or belong to, the same criminal street gang.

"Predicate criminal act" means an act of violence any felony, any violation of §§ 18.2-51, 18.2-51.1, 18.2-52, 18.2-53, 18.2-55, 18.2-42, 18.2-56, 18.2-56.1, 18.2-56.2, 18.2-57, 18.2-57.2, 18.2-60, 18.2-60.3, 18.2-67.4, 18.2-67.5, 18.2-121, 18.2-127, 18.2-128, 18.2-137, 18.2-138, 18.2-146, or § 18.2-147, 18.2-255.2, 18.2-280, 18.2-282, 18.2-287.4, 18.2-308, 18.2-308.1, 18.2-405, 18.2-406, or § 18.2-415, or any violation of a local ordinance adopted pursuant to § 18.2-138.1.

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 is \$1,252,379 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.

INTRODUCED

HB572