INTRODUCED

HB496

 HOUSE BILL NO. 496 Offered January 9, 2008 Prefiled January 9, 2008 A BILL to amend and reenact \$ 18.2-46.1 of the Code of Virginia, relating to the definition "predicate criminal act" under the Crimes by Gangs Act. Patrons—Cosgrove, Jones, S.C. and Marsden 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: 1. That \$ 18.2-46.1 of the Code 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: "Criminal street gang" means any ongoing organization, association, or group of three or mot persons, whether formal or informal, (i) which has as one of its primary objectives or activities to commission of one or more criminal activities; (ii) which has an identifiable name or identifying sign symbol; and (iii) whose members individually or collectively have engaged in the commission of attempt to commit, conspiracy to commit, or solicitation of two or more predicate criminal acts, at lea one of which is an act of violence, provided such acts were not part of a common act or transaction. "Predicate criminal act" means (i) an act of violence; (ii) any violation of \$ 18.2-42, 18.2-46. 18.2-121, 18.2-51.1, 18.2-52, 18.2-53, 18.2-53, 18.2-55, 18.2-56.1, 18.2-57.2, 18.2-59, 18.2-82. 18.2-121, 18.2-127, 18.2-127, 18.2-137, 18.2-138, 18.2-146, 18.2-147, 18.2-154 that involves unlawy shooting, whether malicious or not, subsection H, H 1 or H 2 of \$ 18.2-248, \$ 18.2-248.01, 18.2-252. 18.2-255.2, 18.2-259, that involves the discharging of a firearm, whether malicious or not, 18.2-282. 		086191472
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 21 "Predicate criminal act" means (i) an act of violence; (ii) any violation of § 18.2-42, 18.2-46. 22 18.2-51, 18.2-51.1, 18.2-52, 18.2-53, 18.2-53.1, 18.2-55, 18.2-56.1, 18.2-57, 18.2-57.2, 18.2-59, 18.2-8 23 18.2-121, 18.2-127, 18.2-128, 18.2-137, 18.2-138, 18.2-146, 18.2-147, 18.2-154 that involves unlawy 24 shooting, whether malicious or not, subsection H, H 1 or H 2 of § 18.2-248, § 18.2-248.01, 18.2-25 25 18.2-255.2, 18.2-279 that involves the discharging of a firearm, whether malicious or not, 18.2-282. 		
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25 18.2-255.2, 18.2-279 that involves the discharging of a firearm, whether malicious or not, 18.2-282.		
		subsection C of § 18.2-248 or of § 18.2-248.1; (iv) any violation of a local ordinance adopted pursuant
29 the United States, the District of Columbia, or the United States. 30 2 That the provisions of this act may result in a net increase in periods of imprisonment.		

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
\$12,829 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.