

House Bill 3297

Sponsored by Representative G SMITH

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Creates crime of criminal gang recruitment. Punishes by maximum of five years' imprisonment, \$125,000 fine, or both.

Expands certain crimes to include conduct of member of criminal gang.

A BILL FOR AN ACT

1
2 Relating to criminal gangs; creating new provisions; and amending ORS 163.185, 164.365 and 164.415.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. (1) As used in this section:**

5 (a) **"Criminal gang" means an alliance, network, association or group of five or more**
6 **persons with an established hierarchy:**

7 (A) **That, through its membership or through the action of a member, engages in crimi-**
8 **nal gang activity; and**

9 (B) **That has:**

10 (i) **A common name, insignia, flag or other means of recognition;**

11 (ii) **A common identifying hand or body sign, signal or code;**

12 (iii) **A common identifying mode, style or color of dress;**

13 (iv) **An identifying tattoo or body marking;**

14 (v) **An initiation ritual; or**

15 (vi) **A claim of territory or jurisdiction.**

16 (b) **"Criminal gang activity" means to commit, attempt to commit or conspire to commit,**
17 **or to solicit, coerce or intimidate, another person to engage in conduct that constitutes a**
18 **crime punishable as a felony or a Class A misdemeanor or to attempt to commit a felony or**
19 **a Class A misdemeanor. "Criminal gang activity" includes conduct of a person committed**
20 **both before and after the person attains 18 years of age.**

21 (2) **A person commits the crime of criminal gang recruitment if the person, with the in-**
22 **tent of causing another person to engage in conduct that constitutes a crime punishable as**
23 **a felony or a Class A misdemeanor or to attempt to commit a felony or a Class A**
24 **misdemeanor, recruits another person to join or become a member of a criminal gang.**

25 (3) **Criminal gang recruitment is a Class C felony.**

26 **SECTION 2. ORS 164.415 is amended to read:**

27 164.415. (1) A person commits the crime of robbery in the first degree if the person violates ORS
28 164.395 and the person:

29 (a) **Is armed with a deadly weapon; *[or]***

30 (b) **Uses or attempts to use a dangerous weapon; *[or]***

31 (c) **Causes or attempts to cause serious physical injury to any person; **or****

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 **(d) Is a member of a criminal gang as defined in section 1 of this 2007 Act.**

2 (2) Robbery in the first degree is a Class A felony.

3 **SECTION 3.** ORS 164.365 is amended to read:

4 164.365. (1) A person commits the crime of criminal mischief in the first degree who, with intent
5 to damage property, and having no right to do so nor reasonable ground to believe that the person
6 has such right:

7 (a) Damages or destroys property of another:

8 (A) In an amount exceeding \$750;

9 (B) By means of an explosive;

10 (C) By starting a fire in an institution while the person is committed to and confined in the in-
11 stitution;

12 (D) Which is a livestock animal as defined in ORS 164.055;

13 (E) Which is the property of a public utility, telecommunications carrier, railroad, public trans-
14 portation facility or medical facility used in direct service to the public; or

15 (F) By intentionally interfering with, obstructing or adulterating in any manner the service of
16 a public utility, telecommunications carrier, railroad, public transportation facility or medical facil-
17 ity; [or]

18 (b) Intentionally uses, manipulates, arranges or rearranges the property of a public utility,
19 telecommunications carrier, railroad, public transportation facility or medical facility used in direct
20 service to the public so as to interfere with its efficiency; **or**

21 **(c) Damages or destroys property of another as described in paragraph (a) of this sub-**
22 **section and the person is a member of a criminal gang as defined in section 1 of this 2007**
23 **Act.**

24 (2) As used in subsection (1) of this section:

25 (a) "Institution" includes state and local correctional facilities, mental health facilities, juvenile
26 detention facilities and state training schools.

27 (b) "Medical facility" means a health care facility as defined in ORS 442.015, a licensed physi-
28 cian's office or anywhere a licensed medical practitioner provides health care services.

29 (c) "Public utility" has the meaning provided for that term in ORS 757.005 and includes any
30 cooperative, people's utility district or other municipal corporation providing an electric, gas, water
31 or other utility service.

32 (d) "Railroad" has the meaning provided for that term in ORS 824.020.

33 (e) "Public transportation facility" means any property, structure or equipment used for or in
34 connection with the transportation of persons for hire by rail, air or bus, including any railroad
35 cars, buses or airplanes used to carry out such transportation.

36 (f) "Telecommunications carrier" has the meaning given that term in ORS 133.721.

37 (3) Criminal mischief in the first degree is a Class C felony.

38 **SECTION 4.** ORS 163.185 is amended to read:

39 163.185. (1) A person commits the crime of assault in the first degree if the person:

40 (a) Intentionally causes serious physical injury to another by means of a deadly or dangerous
41 weapon; [or]

42 (b) Intentionally or knowingly causes serious physical injury to a child under six years of age;
43 **or**

44 **(c) Violates ORS 163.175 and the person is a member of a criminal gang as defined in**
45 **section 1 of this 2007 Act.**

1 (2) Assault in the first degree is a Class A felony.

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