

D R A F T

SUMMARY

Requires imposition of sentencing enhancement of 36 to 60 months upon conviction of gang-related felony.

A BILL FOR AN ACT

Relating to criminal street gangs.

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

SECTION 1. (1) Notwithstanding ORS 161.605, the court shall sentence a person who is convicted of a felony to a term of imprisonment that is 36 to 60 months longer than the presumptive or mandatory minimum sentence, whichever would otherwise be imposed, if the person committed the crime:

(a)(A) For the benefit, or at the direction, of a criminal street gang;

or

(B) In association with a criminal street gang; and

(b) With the intent to:

(A) Assist in criminal conduct by criminal street gang members;

(B) Promote the criminal street gang; or

(C) Further the purposes of the criminal street gang.

(2) If the sentence otherwise required by law under subsection (1) of this section is a sentence of probation, the court shall sentence the person who committed the crime under the circumstances described in subsection (1) of this section to a term of imprisonment of 36 to 60 months.

(3) The facts required to be found to sentence a defendant under

1 **this section are enhancement facts, as defined in ORS 136.760, and ORS**
2 **136.765 to 136.785 apply to making determinations of those facts.**

3 **(4) As used in this section:**

4 **(a) “Criminal street gang” means a group of at least three persons**
5 **that has:**

6 **(A) As one of its primary activities the commission of criminal acts**
7 **or acts that if committed by an adult would constitute criminal acts;**

8 **(B) A common name, common style of dress or common identifying**
9 **signs, colors or symbols; and**

10 **(C) At least two members who engage in or have engaged in a pat-**
11 **tern of criminal street gang activity.**

12 **(b) “Pattern of criminal street gang activity” means the commis-**
13 **sion of, or an attempt, solicitation or conspiracy to commit, on sepa-**
14 **rate occasions within a three-year period:**

15 **(A) At least two felony offenses;**

16 **(B) At least three misdemeanor offenses;**

17 **(C) At least one felony and two misdemeanor offenses; or**

18 **(D) A comparable number of acts that if committed by an adult**
19 **would constitute misdemeanors or felonies.**

20 **SECTION 2. Section 1 of this 2013 Act applies to conduct occurring**
21 **on or after the effective date of this 2013 Act.**

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