

House Bill 2679

Sponsored by Representatives BARKER, OLSON (Presession filed.)

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 activity. Punishes by maximum of five years' imprisonment, \$125,000 fine, or both.

A BILL FOR AN ACT

1
2 Relating to criminal gang activity.

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

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

5 (a) **"Criminal act" includes:**

6 (A) **Assault in the fourth degree, as defined in ORS 163.160.**

7 (B) **Criminal mischief in the second degree, as defined in ORS 164.354.**

8 (C) **Disorderly conduct, as defined in ORS 166.023 or 166.025 (2)(b).**

9 (D) **Forgery in the second degree, as defined in ORS 165.007.**

10 (E) **Harassment, as described in ORS 166.065 (4).**

11 (F) **Interfering with a peace officer or parole or probation officer, as described in ORS**
12 **162.247.**

13 (G) **Interfering with public transportation, as described in ORS 166.116.**

14 (H) **Intimidation in the second degree, as defined in ORS 166.155.**

15 (I) **Prostitution, as defined in ORS 167.007.**

16 (J) **Theft in the second degree, as defined in ORS 164.045.**

17 (K) **Unlawful entry into a motor vehicle, as defined in ORS 164.272.**

18 (L) **Unlawful possession of a firearm, as defined in ORS 166.250.**

19 (M) **A violation of ORS 166.240.**

20 (N) **A violation of ORS 166.270 (2).**

21 (b) **"Criminal street gang" means any ongoing formal or informal organization, associ-**
22 **ation or group of three or more persons:**

23 (A) **That has as one of its primary activities the commission of criminal acts;**

24 (B) **That has a common name or common identifying sign or symbol; and**

25 (C) **Whose members individually or collectively engage in or have engaged in a pattern**
26 **of criminal acts.**

27 (2) **A person commits the crime of criminal gang activity if the person commits a crim-**
28 **inal act:**

29 (a) **For the benefit of, at the direction of or in association with a criminal street gang;**
30 **and**

31 (b) **With the specific intent to promote, further or assist in the criminal act.**

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

2 **(4) A conviction of criminal gang activity shall be entered into the Law Enforcement**
3 **Data System maintained by the Department of State Police as “gang related.”**

4 **(5) If a person convicted of criminal gang activity is sentenced to probation, the court**
5 **shall impose as conditions of probation that the person:**

6 **(A) Have no contact with members of a criminal street gang or involvement in criminal**
7 **acts;**

8 **(B) Not wear clothing or display other personal items depicting a gang name, sign or**
9 **symbol;**

10 **(C) Not drink alcohol or use any controlled substances;**

11 **(D) Submit to polygraph examinations as ordered by the court or the probation officer;**
12 **and**

13 **(E) Not possess a firearm or ammunition.**

14 **(6) A court may consider the fact that a felony was committed by an individual for the**
15 **benefit of, at the direction of or in association with a criminal street gang to be a substantial**
16 **and compelling reason to impose a departure sentence authorized by rules of the Oregon**
17 **Criminal Justice Commission. A conviction resulting in an enhanced sentence under this**
18 **subsection shall be entered into the Law Enforcement Data System maintained by the De-**
19 **partment of State Police as “gang related.”**

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