

House Bill 381

By: Representatives Marin of the 66th, Floyd of the 69th, Post 2, Coan of the 67th, Post 1, Heard of the 70th, Post 3 and Thompson of the 69th, Post 1, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 15 of Title 16 of the Official Code of Georgia Annotated, relating to street
2 gang terrorism and prevention, so as to change certain provisions relating to prohibited street
3 gang activity participation and related punishments; to repeal conflicting laws; and for other
4 purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

7 Chapter 15 of Title 16 of the Official Code of Georgia Annotated, relating to street gang
8 terrorism and prevention, is amended by striking Code Section 16-15-4, relating to prohibited
9 street gang activity participation and related punishments, and inserting in lieu thereof the
10 following:

11 "16-15-4.

12 (a) It shall be unlawful for any person employed by or associated with a criminal street
13 gang to conduct or participate in such criminal street gang through a pattern of criminal
14 gang activity.

15 (b) It shall be unlawful for any person to acquire or maintain, directly or indirectly,
16 through a pattern of criminal gang activity or proceeds derived therefrom any interest in
17 or control of any real or personal property of any nature, including money.

18 (c) It shall be unlawful for any person who occupies a position of organizer, supervisory
19 position, or any other position of management with regard to a criminal street gang to
20 engage in, directly or indirectly, or conspire to engage in a pattern of criminal gang
21 activity.

22 (d) It shall be unlawful for any person to cause, encourage, solicit, or coerce another to
23 participate in a criminal street gang.

24 (e) It shall be unlawful for any person to communicate, directly or indirectly, with another
25 any threat of injury or damage to the person or property of the other person or to any

1 associate or relative of the other person with the intent to deter such person from assisting
2 a member or associate of a criminal street gang to withdraw from such criminal street gang.

3 (f) It shall be unlawful for any person to communicate, directly or indirectly, with another
4 any threat of injury or damage to the person or property of the other person or to any
5 associate or relative of the other person with the intent to punish or retaliate against such
6 person for having withdrawn from a criminal street gang.

7 (g)(1) Any person who violates subsection (a) or (b) of this Code section shall, in
8 addition to any other penalty imposed by law, be punished by imprisonment for not less
9 than ~~three~~ five nor more than 15 years or by a fine of not less than ~~\$5,000.00~~ \$10,000.00
10 nor more than ~~\$10,000.00~~ \$15,000.00, or both.

11 (2) Any person who violates subsection (c) of this Code section may, in addition to any
12 other penalty provided by law, be punished by imprisonment for an additional ten years
13 which shall be served consecutively to any other sentence imposed on such person by
14 law.

15 (3) Any person who violates subsection (d), (e), or (f) of this Code section shall, in
16 addition to any other penalty provided by law, be punished by imprisonment for not less
17 than ~~one~~ three nor more than ten years.

18 (h) Any crime committed in violation of this Code section shall be considered a separate
19 offense."

20

SECTION 2.

21 All laws and parts of laws in conflict with this Act are repealed.