



## Legislation Text

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**File #:** Int 0183-2006, **Version:** A

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### Proposed Int. No. 183-A

By Council Members Vallone Jr., Fidler, Gennaro, Gentile, Nelson, Recchia Jr., Vacca, Weprin, Felder, Jackson, Arroyo and Oddo

A Local Law to amend the administrative code of the city of New York, in relation to criminal street gang activity.

Be it enacted by the Council as follows:

Section 1. Legislative intent and findings. The City Council finds and declares that it is the right of every person, regardless of race, color, creed, religion, national origin, sex, sexual orientation, age, or disability to be secure and protected from fear, intimidation and physical harm caused by the activities of violent groups and individuals. The City Council also recognizes the constitutional right of every citizen to harbor and express beliefs on any subject whatsoever, to associate with others who share similar beliefs, to petition lawfully constituted authority for a redress of perceived grievances, and to participate in the electoral process.

The City Council further finds that neighborhoods and schools throughout New York City are easily terrorized by street gangs, and that action must be taken to ensure that gangs are thwarted in their efforts to recruit members, or to prevent members from leaving. The Council believes that reasonable laws must be instituted to make it a crime to solicit someone to join a gang, or to deter or attempt to deter a person from leaving a gang.

§ 2. Title 10 of the administrative code of the city of New York is amended by adding a new section 10-168 to read as follows:

§10-168. Engaging in criminal street gang activity.

a. For the purposes of this section, a “criminal street gang” shall mean a group of three or more persons

having as one of its substantial activities or purposes the commission of one or more of the felonies or misdemeanors defined in any of the following articles of the penal law: one hundred twenty, relating to assault and related offenses; one hundred twenty-five, relating to homicide; one hundred thirty, relating to sex offenses; one hundred thirty-five, relating to kidnapping, coercion and related offenses; one hundred forty, relating to burglary and related offenses; one hundred forty-five, relating to criminal mischief and related offenses; one hundred fifty, relating to arson; one hundred fifty-five, relating to larceny; one hundred sixty, relating to robbery; one hundred sixty-five, relating to theft; two hundred fifteen, relating to judicial proceedings; two hundred twenty, relating to controlled substances offenses; two hundred twenty-one, relating to offenses involving marihuana; two hundred twenty-five, relating to gambling offenses; two hundred thirty, relating to prostitution offenses or two hundred sixty-five, relating to firearms and other dangerous weapons; or harassment in the first or second degree or aggravated harassment in the second degree, as defined in article two hundred forty of the penal law.

b. A person is guilty of engaging in criminal street gang activity when he or she, being a member of a criminal street gang or acting in concert with a member of a criminal street gang, and knowing that such group is a criminal street gang, engages in any of the following activities:

1. solicitation of another to join such criminal street gang for the purpose of such person engaging in any of the crimes set forth in subdivision (a) of this section; or

2. deterring or attempting to deter another who knows the group is a criminal street gang from leaving such criminal street gang.

c. Penalties. Any person who violates the provisions of this section shall be guilty of a class A misdemeanor.

§ 3. This local law shall take effect ninety days after it shall have become a law.

11/20/09

