

## **COMMITTEE BILL ANALYSIS**

**Bill:** Senate Bill 965

**Printer's No.:** 2376

**Sponsor:** Sen. Pileggi

**Prepared by:** Gregg Warner

**Synopsis:** This bill amends the Crimes Code, Title 18, and the Judicial Code, Title 42 of the Pennsylvania Consolidated Statutes, adding a criminal offense for recruiting criminal street gang members and providing for the sentencing for offenses committed in association with a criminal street gang.

### **Summary:**

#### **Crimes Code**

A person commits the offense of recruiting criminal street gang members by (1) knowingly soliciting, inviting, encouraging or otherwise causing or attempting to cause a person to participate or remain in a criminal street gang (misdemeanor of the second degree); (2) knowingly using physical menace, force, threats or other intimidation causing or attempting to cause a person to participate or remain in a criminal street gang (misdemeanor of the first degree); or (3) knowingly inflicting serious bodily injury on any person causing or attempting to cause a person to participate or remain in a criminal street gang (felony of the third degree). If the subject of the recruiting is under 16 years of age under (2) or (3) the offense is a felony of the third degree.

It is not a defense to this offense that the subject of the recruiting did not join the gang.

“Criminal street gang” means a formal or informal ongoing organization, association or group, with or without an established hierarchy, that has as one of its primary activities the commission of criminal or delinquent acts and that consists of three or more persons who have a common name or common identifying signs, colors or symbols that law enforcement use to identify the groups or subgroups.

#### **Judicial Code**

The Pennsylvania Commission on Sentencing shall provide for a sentence enhancement within its guidelines for a crime of violence or drug dealing if the offense was knowingly committed at the direction of or for the purpose of benefiting, promoting or furthering the interests of a criminal street gang.

#### **Effective date**

This act takes effect in 60 days.

**Background:** On May 4, 2011 the House of Representatives passed House Bill 1121 by a vote of 195 to 0. House Bill 1121 also provides a sentencing enhancement for offenses committed in association with a criminal street gang. House Bill 1121 is before the Senate Judiciary Committee.