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18 USC CHAPTER 26 – CRIMINAL STREET GANGS 01/06/03

–EXPCITE–

TITLE 18 – CRIMES AND CRIMINAL PROCEDURE

PART I – CRIMES

CHAPTER 26 – CRIMINAL STREET GANGS

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Sec.

521. Criminal street gangs.

AMENDMENTS

1996 – Pub. L. 104–294, title VI, Sec. 604(a)(2), Oct. 11, 1996,

110 Stat. 3506, added chapter analysis.

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18 USC Sec. 521 01/06/03

–EXPCITE–

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Sec. 521. Criminal street gangs

–STATUTE–

(a) Definitions. –

"conviction" includes a finding, under State or Federal law, that a person has committed an act of juvenile delinquency involving a violent or controlled substances felony.

"criminal street gang" means an ongoing group, club, organization, or association of 5 or more persons –

(A) that has as 1 of its primary purposes the commission of 1 or more of the criminal offenses described in subsection (c);

(B) the members of which engage, or have engaged within the past 5 years, in a continuing series of offenses described in subsection (c); and

(C) the activities of which affect interstate or foreign commerce.

"State" means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

(b) Penalty. – The sentence of a person convicted of an offense described in subsection (c) shall be increased by up to 10 years if the offense is committed under the circumstances described in subsection (d).

(c) Offenses. – The offenses described in this section are –

(1) a Federal felony involving a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)) for which the maximum penalty is not less than 5 years;

(2) a Federal felony crime of violence that has as an element the use or attempted use of physical force against the person of

another; and

(3) a conspiracy to commit an offense described in paragraph

(1) or (2).

(d) Circumstances. – The circumstances described in this section are that the offense described in subsection (c) was committed by a person who –

(1) participates in a criminal street gang with knowledge that its members engage in or have engaged in a continuing series of offenses described in subsection (c);

(2) intends to promote or further the felonious activities of the criminal street gang or maintain or increase his or her position in the gang; and

(3) has been convicted within the past 5 years for –

(A) an offense described in subsection (c);

(B) a State offense –

(i) involving a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)) for which the maximum penalty is not less than 5 years' imprisonment; or

(ii) that is a felony crime of violence that has as an element the use or attempted use of physical force against the person of another;

(C) any Federal or State felony offense that by its nature involves a substantial risk that physical force against the person of another may be used in the course of committing the offense; or

(D) a conspiracy to commit an offense described in

subparagraph (A), (B), or (C).

–SOURCE–

(Added Pub. L. 103–322, title XV, Sec. 150001(a), Sept. 13, 1994,

108 Stat. 2034; amended Pub. L. 104–294, title VI, Sec. 607(q),

Oct. 11, 1996, 110 Stat. 3513; Pub. L. 107–273, div. B, title IV,

Sec. 4002(b)(3), Nov. 2, 2002, 116 Stat. 1807.)

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#### AMENDMENTS

2002 – Subsec. (a). Pub. L. 107–273 realigned margins of par.

defining "State".

1996 – Subsec. (a). Pub. L. 104–294 inserted par. defining

"State" at end.

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