

Gang Sentencing Enhancement Act

Section 1. Short Title.

This act may be cited as the Gang Sentencing Enhancement Act.

Section 2. Definitions.

A. "Criminal street gang" means an ongoing organization, association, or group of three or more persons, whether formal or informal, having as one of its primary activities the commission of criminal acts, and whose members individually or collectively engage in or have engaged in a pattern of criminal gang activity.

B. "Pattern of criminal gang activity" means the commission, attempted commission, or solicitation of two or more predicate offenses within a three-year period, on separate occasions or by two or more persons.

C. "Gang-related offense" means any felony or violent misdemeanor committed: 1. For the benefit of, at the direction of, or in association with a criminal street gang; and 2. With the specific intent to promote, further, or assist in criminal conduct by gang members.

D. "Juvenile" means any individual under the age of eighteen (18).

Section 3. Adult Gang Enhancement.

A. Any adult convicted of a gang-related offense shall receive, in addition to the sentence imposed for the underlying offense:

1. An additional term of two (1) years for a fourth-degree felony;
2. An additional term of four (3) years for a third-degree felony;
3. An additional term of six (5) years for a second-degree felony; or
4. An additional term of eight (7) years for a first-degree felony.

B. The enhanced term shall be served consecutively to the sentence for the underlying offense.

Section 4. Juvenile Gang Activity.

A. Juvenile adjudications. If a juvenile is adjudicated delinquent for a gang-related offense, the court shall impose the following in addition to the standard juvenile disposition:

1. Mandatory gang intervention programming, including counseling, mentorship, or diversion programs specifically targeting gang disengagement;
2. Up to six (6) months additional probationary supervision for a misdemeanor offense;
3. Up to twelve (12) months additional probationary supervision for a felony offense;
4. If the juvenile commits a violent felony gang-related offense, mandatory placement in a secure juvenile treatment facility for a period not less than six (6) months and not to exceed two (2) years, with review hearings every six (6) months.

B. Graduated sanctions. The court shall tailor sanctions based on the seriousness of the offense and the juvenile's prior history, including:

1. Enhanced community service requirements;
2. Mandatory school attendance and educational programs;
3. Electronic monitoring or curfew enforcement;
4. Family counseling or parental accountability measures.

C. Repeat juvenile offenders. A juvenile with two or more prior adjudications for gang-related offenses within a three-year period may be subject to:

1. Extended jurisdiction juvenile (EJJ) prosecution, allowing the juvenile court to retain jurisdiction until the juvenile's twenty-first (21st) birthday; and
2. A blended sentence that combines juvenile sanctions with a stayed adult sentence, which may be activated if the juvenile fails to comply with treatment, probation, or court orders.

Section 5. Alternative and Preventive Measures.

A. Before imposing a secure facility placement, the court shall consider community-based alternatives, including intensive case management, vocational training, restorative justice programs, and gang-exit services.

B. Counties are encouraged to establish multidisciplinary gang intervention teams, including law enforcement, schools, social services, and community organizations, to address root causes of juvenile gang involvement.

Section 6. Severability.

If any provision of this act or its application is held invalid, the invalidity does not affect other provisions or applications of the act that can be given effect without the invalid provision or application.