

HOUSE BILL NO. HB0159

Criminal street gangs.

Sponsored by: Representative(s) Steward, Bagby and Brown and Senator(s) Martin

A BILL

for

1 AN ACT relating to crimes and offenses; creating the crime
2 of intimidation in furtherance of the interests of a
3 criminal street gang; amending the offense of property
4 destruction and defacement to explicitly include graffiti;
5 providing definitions; and providing for an effective date.

6

7 *Be It Enacted by the Legislature of the State of Wyoming:*

8

9 **Section 1.** W.S. 6-2-403 is created to read:

10

11 **6-2-403. Intimidation in furtherance of the interests**
12 **of a criminal street gang.**

13

14 (a) A person is guilty of intimidation in furtherance
15 of the interests of a criminal street gang if he threatens
16 or intimidates by word or conduct to cause physical injury

1 to another person or damage to the property of another in
2 order to promote, further or assist in the interests of or
3 to cause, induce or solicit another person to participate
4 in a criminal street gang.

5

6 (b) Intimidation in furtherance of the interests of a
7 criminal street gang is a high misdemeanor punishable by
8 imprisonment of up to one (1) year, a fine of up to one
9 thousand dollars (\$1,000.00), or both.

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11 **Section 2.** W.S. 6-1-104(a) by creating new paragraphs
12 (xiv) and (xv) and 6-3-201(a) and by creating a new
13 subsection (d) are amended to read:

14

15 **6-1-104. Definitions.**

16

17 (a) As used in W.S. 6-1-101 through 6-10-203 unless
18 otherwise defined:

19

20 (xiv) "Criminal street gang" means an ongoing
21 formal or informal organization, association or group of
22 five (5) or more persons having as one (1) of its primary
23 activities the commission of one (1) or more of the
24 criminal acts enumerated in paragraph (xv) of this

1 subsection, having a common name or identifying sign or
2 symbol and whose members or associates individually or
3 collectively engage in or have been engaged in a pattern of
4 criminal street gang activity;

5
6 (xv) "Pattern of criminal street gang activity"
7 means the commission of, conviction or adjudication for or
8 solicitation, conspiracy or attempt to commit two (2) or
9 more of the offenses listed in this paragraph on separate
10 occasions within a three (3) year period. Offenses that
11 form a pattern of criminal street gang activity include:

12
13 (A) A violent felony as defined in
14 paragraph (xii) of this subsection;

15
16 (B) Promoting prostitution in violation of
17 W.S. 6-4-103;

18
19 (C) Property destruction and defacement in
20 violation of W.S. 6-3-201 and punishable under W.S.
21 6-3-201(b)(iii);

22
23 (D) Larceny in violation of W.S. 6-3-402;

24

1 (E) Wrongful taking or disposing of
2 property in violation of W.S. 6-3-403;

3

4 (F) Forgery in violation of W.S. 6-3-602;

5

6 (G) Influencing, intimidating or impeding
7 jurors, witnesses and officers, or obstructing or impeding
8 justice in violation of W.S. 6-5-305;

9

10 (H) Possession of a firearm by a person
11 convicted of certain felony offenses in violation of W.S.
12 6-8-102;

13

14 (J) Wearing or carrying concealed weapons
15 in violation of W.S. 6-8-104;

16

17 (K) Possession, manufacture or disposition
18 of a deadly weapon with unlawful intent in violation of
19 W.S. 6-8-103;

20

21 (M) Blackmail in violation of W.S. 6-2-402;

22

23 (N) Possession, manufacture, transportation
24 and sale of any explosive, improvised explosive device or

1 incendiary apparatus with unlawful intent in violation of
2 W.S. 6-3-111;

3

4 (O) Sports bribery in violation of W.S.
5 6-3-609;

6

7 (P) Aggravated cruelty to animals in
8 violation of W.S. 6-3-203(c);

9

10 (Q) The unlawful sale or possession with
11 intent to manufacture, distribute or dispense a controlled
12 substance in violation of W.S. 35-7-1031;

13

14 (R) Simple assault in violation of W.S.
15 6-2-501(a);

16

17 (S) Battery in violation of W.S.
18 6-2-501(b).

19

20 **6-3-201. Property destruction and defacement;**
21 **grading; penalties; aggregated costs or values.**

22

23 (a) A person is guilty of property destruction and
24 defacement if he knowingly defaces, injures, inscribes

1 graffiti on or destroys property of another without the
2 owner's consent.

3

4 (d) As used in this section, "graffiti" means any
5 form of painting, writing or inscription regardless of the
6 content or nature of the materials used which is applied to
7 any public or private surface without the consent of the
8 owner of the property.

9

10 **Section 3.** This act is effective July 1, 2009.

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(END)