



Duplicates/Conflicts with/Companion to/Relates to:  
Duplicates/Relates to Appropriation in the General Appropriation Act

### **SECTION III: NARRATIVE**

#### **BILL SUMMARY**

##### Synopsis:

SB 329 proposes to enact a new section of the Criminal Code to create the offense of soliciting or recruiting a child into a criminal street gang. The bill defines that offense as follows:

1. Soliciting or recruiting a child “to actively participate in a criminal street gang with the intent that the child who was solicited or recruited promote, further, assist or participate in the commission of one or more the criminal offenses described in the Criminal Code”;  
or
2. Threatening any person “with physical violence with the intent to coerce or induce a child to actively participate in a criminal street gang”.

The bill also provides definitions of “child” (a person under 18) and “criminal street gang” (“an ongoing group, club, organization or association of three or more persons that has as one of its primary purposes the commission of one or more of the criminal offenses described in the Criminal Code”).

The offense of soliciting or recruiting a child into a criminal street gang would be a fourth degree felony if the child is “from thirteen to eighteen” years of age, and a third degree felony is a child is under thirteen years of age.

#### **FISCAL IMPLICATIONS**

Note: major assumptions underlying fiscal impact should be documented.

Note: if additional operating budget impact is estimated, assumptions and calculations should be reported in this section.

#### **SIGNIFICANT ISSUES**

SB 329 creates a new fourth degree felony, which carries a basic sentence of 18 months, and a new third degree felony, which carries a basic sentence of three years. The crime of soliciting or recruiting a child into a criminal street gang as proposed in SB 329 would encompass a broad range of conduct, as the underlying criminal offenses can be any of the many offenses listed in the Criminal Code. While it is difficult to determine what the effect of passing SB 329 would be on the state’s prison population, these new felonies would likely lead to more people being incarcerated by the Corrections Department. The average per day cost to incarcerate someone in the state’s prison system is \$155.63/day; this average includes private and public facilities.

The fourth degree felony for soliciting or recruiting a child into a criminal street gang as proposed in SB 329 would be applicable when the child is “from thirteen to eighteen years of age”, which can be reasonably interpreted to include eighteen year olds. This conflicts with the definition of “child” provided in the bill, which includes only people under eighteen years of age.

**PERFORMANCE IMPLICATIONS**

**ADMINISTRATIVE IMPLICATIONS**

**CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

**TECHNICAL ISSUES**

**OTHER SUBSTANTIVE ISSUES**

**ALTERNATIVES**

**WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

**AMENDMENTS**