

103^D CONGRESS
1ST SESSION

H. R. 2044

To amend title 18, United States Code, to discourage criminal street gang activity.

IN THE HOUSE OF REPRESENTATIVES

MAY 6, 1993

Mr. TORRES (for himself, Mr. GUTIERREZ, and Mr. PASTOR) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend title 18, United States Code, to discourage criminal street gang activity.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Criminal Street Gangs
5 Prevention Act of 1993”.

6 **SEC. 704. CRIMINAL STREET GANGS.**

7 (a) IN GENERAL.—Title 18, United States Code, is
8 amended by inserting after chapter 25 the following:

9 **“CHAPTER 26—CRIMINAL STREET GANGS**

“Sec.

“521. Criminal street gangs.

1 **“§ 521. Criminal street gangs**

2 “(a) Whoever, under the circumstances described in
3 subsection (c) of this section, commits an offense de-
4 scribed in subsection (b) of this section, shall, in addition
5 to any other sentence authorized by law, be sentenced to
6 a term of imprisonment of not more than 10 years and
7 may also be fined under this title. Such sentence of impris-
8 onment shall run consecutively to any other sentence im-
9 posed.

10 “(b) The offenses referred to in subsection (a) of this
11 section are—

12 “(1) any Federal felony involving a controlled
13 substance (as defined in section 102 of the Con-
14 trolled Substances Act) for which the maximum pen-
15 alty is not less than five years;

16 “(2) any Federal felony crime of violence; and

17 “(3) a conspiracy to commit any of the offenses
18 described in paragraphs (1) through (3) of this sub-
19 section.

20 “(c) The circumstances referred to in subsection (a)
21 of this section are that the offense described in subsection
22 (b) was committed as a member of, or on behalf of, a
23 criminal street gang and that person has been convicted,
24 within the past 5 years for—

25 “(1) any offense listed in subsection (b) of this
26 section;

1 “(2) any State offense—

2 “(A) involving a controlled substance (as
3 defined in section 102 of the Controlled Sub-
4 stances Act) for which the maximum penalty is
5 not less than one year after imprisonment; or

6 “(B) that is a crime of violence; for which
7 the maximum penalty is more than 1 year’s im-
8 prisonment; or

9 “(3) any Federal or State offense that involves
10 the theft or destruction of property for which the
11 maximum penalty is more than 1 year’s imprison-
12 ment; or

13 “(4) a conspiracy to commit any of the offenses
14 described in paragraphs (1) through (3) of this sub-
15 section.

16 “(d) For purposes of this section—

17 “(1) the term ‘criminal street gang’ means any
18 group, club, organization, or association of 5 or
19 more persons—

20 “(A) whose members engage or have en-
21 gaged within the past 5 years, in a continuing
22 series of violations of any offense treated in
23 subsection (b); and

24 “(B) whose activities affect interstate or
25 foreign commerce; and

1 “(2) the term ‘conviction’ includes a finding,
2 under State or Federal law, that a person has com-
3 mitted an act of juvenile delinquency involving a vio-
4 lent or controlled substances felony.”.

5 (b) CLERICAL AMENDMENT.—The table of chapters
6 for part I of title 18, United States Code, is amended by
7 inserting after the item relating to chapter 25 the follow-
8 ing:

“26. Criminal street gangs 521”.

