

HOUSE BILL NO. HB0020

Criminal street gangs.

Sponsored by: Representative(s) Bagby, Barbuto and Steward
and Senator(s) Elliott and Ross

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; providing definitions; and providing
4 for an effective date.

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

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

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10 **6-2-403. Intimidation in furtherance of the interests**
11 **of a criminal street gang.**

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

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

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

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10 **Section 2.** W.S. 6-1-104(a) by creating new paragraphs
11 (xiv) and (xv) is amended to read:

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13 **6-1-104. Definitions.**

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

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18 (xiv) "Criminal street gang" means an ongoing
19 formal or informal organization, association or group of
20 five (5) or more persons having as one (1) of its primary
21 activities the commission of one (1) or more of the
22 criminal acts enumerated in paragraph (xv) of this
23 subsection, having a common name or identifying sign or
24 symbol and whose members or associates individually or

1 collectively engage in or have been engaged in a pattern of
2 criminal street gang activity;

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

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

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

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17 (C) Felony property destruction and
18 defacement in violation of W.S. 6-3-201 and punishable
19 under W.S. 6-3-201(b) (iii);

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

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

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

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

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

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

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

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

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(N) Possession, manufacture, transportation
and sale of any explosive, improvised explosive device or
incendiary apparatus with unlawful intent in violation of
W.S. 6-3-111;

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(O) Sports bribery in violation of W.S.

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6-3-609;

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(P) Aggravated cruelty to animals in

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violation of W.S. 6-3-203(c);

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(Q) The unlawful sale or possession with

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intent to manufacture, distribute or dispense a controlled

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substance in violation of W.S. 35-7-1031;

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(R) Simple assault in violation of W.S.

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6-2-501(a);

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(S) Battery in violation of W.S.

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6-2-501(b) .

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Section 3. This act is effective July 1, 2010.

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(END)