

HOUSE BILL No. 4145

January 29, 1997, Introduced by Rep. Varga and referred to the Committee on Judiciary.

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
(MCL 750.1 to 750.568) by adding section 411r.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 SEC. 411R. (1) AS USED IN THIS SECTION:
2 (A) "ACTIVE MEMBER" MEANS A PERSON WHO IS ASSOCIATED WITH A
3 CRIMINAL ORGANIZATION AND WHO ENGAGES IN CONDUCT TO FURTHER THE
4 UNLAWFUL GOALS OF THAT CRIMINAL ORGANIZATION.
5 (B) "CRIMINAL ORGANIZATION" MEANS AN ORGANIZATION WHOSE MEM-
6 BERS COMMIT CRIMES AS A PURPOSE OF THAT ORGANIZATION.
7 (2) A PERSON SHALL NOT BE AN ACTIVE MEMBER OF AN ORGANIZA-
8 TION THAT HE OR SHE KNOWS IS A CRIMINAL ORGANIZATION.
9 (3) EXCEPT AS PROVIDED IN SUBSECTIONS (4) AND (5), A PERSON
10 WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR PUNISHABLE

1 BY IMPRISONMENT FOR NOT MORE THAN 90 DAYS OR A FINE OF NOT MORE
2 THAN \$100.00, OR BOTH.

3 (4) A PERSON WHO VIOLATES THIS SECTION WHEN HE OR SHE COM-
4 MITS A MISDEMEANOR TO FURTHER THE UNLAWFUL GOALS OF THE CRIMINAL
5 ORGANIZATION IS GUILTY OF A MISDEMEANOR PUNISHABLE BY IMPRISON-
6 MENT FOR NOT MORE THAN 1 YEAR OR A FINE OF NOT MORE THAN \$500.00,
7 OR BOTH. A TERM OF IMPRISONMENT IMPOSED UNDER THIS SUBSECTION
8 SHALL BE SERVED CONSECUTIVELY TO ANY TERM OF IMPRISONMENT IMPOSED
9 FOR THE MISDEMEANOR COMMITTED TO FURTHER THE GOALS OF THE CRIMI-
10 NAL ORGANIZATION. A PERSON SHALL NOT BE CONVICTED UNDER THIS
11 SUBSECTION AND SUBSECTION (3) FOR CONDUCT ARISING OUT OF THE SAME
12 TRANSACTION.

13 (5) A PERSON WHO VIOLATES THIS SECTION WHEN HE OR SHE COM-
14 MITS A FELONY TO FURTHER THE UNLAWFUL GOALS OF THE CRIMINAL
15 ORGANIZATION IS GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT FOR
16 NOT MORE THAN 4 YEARS OR A FINE OF NOT MORE THAN \$2,500.00, OR
17 BOTH. A TERM OF IMPRISONMENT IMPOSED UNDER THIS SUBSECTION SHALL
18 BE SERVED CONSECUTIVELY TO ANY TERM OF IMPRISONMENT IMPOSED FOR
19 THE FELONY COMMITTED TO FURTHER THE UNLAWFUL GOALS OF THE CRIMI-
20 NAL ORGANIZATION. A PERSON SHALL NOT BE CONVICTED UNDER THIS
21 SUBSECTION AND SUBSECTION (3) FOR CONDUCT ARISING OUT OF THE SAME
22 TRANSACTION.