

THE MICHIGAN PENAL CODE (EXCERPT)
Act 328 of 1931

750.411u Associate or member of gang; commission or attempt to commit felony; membership in gang as motive, means, or opportunity; penalty; definitions; consecutive sentence.

Sec. 411u.

(1) If a person who is an associate or a member of a gang commits a felony or attempts to commit a felony and the person's association or membership in the gang provides the motive, means, or opportunity to commit the felony, the person is guilty of a felony punishable by imprisonment for not more than 20 years. As used in this section:

(a) "Gang" means an ongoing organization, association, or group of 5 or more people, other than a nonprofit organization, that identifies itself by all of the following:

(i) A unifying mark, manner, protocol, or method of expressing membership, including a common name, sign or symbol, means of recognition, geographical or territorial sites, or boundary or location.

(ii) An established leadership or command structure.

(iii) Defined membership criteria.

(b) "Gang member" or "member of a gang" means a person who belongs to a gang.

(2) A sentence imposed under this section is in addition to the sentence imposed for the conviction of the underlying felony or the attempt to commit the underlying felony and may be served consecutively with and preceding any term of imprisonment imposed for the conviction of the felony or attempt to commit the felony.

History: Add. 2008, Act 564, Eff. Apr. 1, 2009