

2012 -- S 2653

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2012

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A N A C T

RELATING TO CRIMINAL PROCEDURE -- SENTENCE AND EXECUTION

Introduced By: Senators Jabour, Crowley, Pichardo, and Hodgson

Date Introduced: March 01, 2012

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1           SECTION 1. Chapter 12-19 of the General Laws entitled "Sentence and Execution" is  
2 hereby amended by adding thereto the following section:

3           **12-19-39. Criminal street gang enhancement.** – (a) "Criminal street gang" means an  
4 ongoing organization, association, or group of three (3) or more persons, whether formal or  
5 informal, having as one of its primary activities the commission of criminal or delinquent acts;  
6 having an identifiable name or common identifiable signs, colors or symbols; and whose  
7 members individually or collectively engage in or have engaged in a pattern of criminal gang  
8 activity.

9           (b) Any person who is convicted of any felony or misdemeanor or attempted felony or  
10 misdemeanor that is knowingly committed for the benefit, at the direction of, or in association  
11 with any criminal street gang or criminal street gang member, with the intent to promote, further,  
12 or assist in the affairs of a criminal street gang or criminal conduct by criminal street gang  
13 members, in addition and consecutive to the sentence provided for the commission of the  
14 underlying offense, shall be subject to the following:

15           (1) A person who is convicted of a misdemeanor shall be imprisoned for an additional  
16 term of not more than one year.

17           (2) A person who is convicted of a felony shall be imprisoned for an additional term of  
18 not more than one half (1/2) of the maximum term of imprisonment of the underlying offense.

19           (3) A person who is convicted of a felony punishable by life imprisonment shall not be

1 paroled until a minimum of fifteen (15) calendar years have been served in the custody of the  
2 department of corrections.

3 (4) If the underlying offense is a felony and committed on the grounds of or within one  
4 thousand feet (1,000') of a public or private elementary, secondary, postsecondary or vocational  
5 school, or any public or private two (2) year or four (4) year institution of higher education, or on  
6 any school bus, the extended term shall not be more than four (4) years.

7 (c) This section does not create a separate offense, but provides an additional enhanced  
8 sentence for the underlying offense.

9 (d) The enhanced sentence provided in this section shall run consecutively to the sentence  
10 provided for the underlying offense.

11 (e) The imposition or execution of the sentence provided in this section may not be  
12 suspended.

13 SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

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1           This act would provide that anyone who commits criminal acts as an informal or formal  
2 member of a criminal street gang will be subject to enhanced penalties for the crime which will  
3 run consecutive to the sentence and may not be suspended.

4           This act would take effect upon passage.

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