

# Brief Review of Federal and State Definitions of the Terms “Gang,” “Gang Crime,” and “Gang Member” (as of December 2014)

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## **Federal Law**

Currently, federal law *defines* the term “criminal street gang” as “an ongoing group, club, organization, or association of five or more persons—

- (A) that has as one of its primary purposes the commission of one or more of the criminal offenses described in subsection (c);
- (B) the members of which engage, or have engaged within the past five years, in a continuing series of offenses described in subsection (c); and
- (C) the activities of which affect interstate or foreign commerce.” 18 USC § 521(a).

The offenses described in this section are:

- (1) “A federal felony involving a controlled substance (as defined in Section 102 of the Controlled Substances Act (21 USC § 802)) for which the maximum penalty is not less than five years;
- (2) A federal felony crime of violence that has as an element the use or attempted use of physical force against the person of another; and
- (3) A conspiracy to commit an offense described in paragraph (1) or (2).” 18 USC § 521(c).

The circumstances described in this section are that the offense described in subsection (c) was committed by a person who:

- (1) “Participates in a criminal street gang with knowledge that its members engage in or have engaged in a continuing series of offenses described in subsection (c);
- (2) Intends to promote or further the felonious activities of the criminal street gang or maintain or increase his or her position in the gang; and
- (3) Has been convicted within the past five years for:
  - (A) An offense described in subsection (c);
  - (B) A State offense—
    - (i) Involving a controlled substance (as defined in Section 102 of the Controlled Substances Act (21 USC § 802)) for which the maximum penalty is not less than five years’ imprisonment; or
    - (ii) That is a felony crime of violence that has as an element the use or attempted use of physical force against the person of another;
  - (C) Any federal or State felony offense that by its nature involves a substantial risk that physical force against the person of another may be used in the course of committing the offense; or
  - (D) A conspiracy to commit an offense described in subparagraph (A), (B), or (C).” 18 USC § 521(d).

## **National Crime Information Center — Gang File**

The definitions of “gang,” “gang crime,” and “gang member” of the Gang File (formerly part of the VGTOF) contained within the FBI’s National Crime Information Center (NCIC) share some similarities with those definitions used by the states:

### *“Gang” Definitions*

- Defines a gang as “a group of three or more persons
- With a common interest, bond, or activity
- Characterized by criminal or delinquent conduct.”

### *“Gang Crime” Definitions*

- Enumerates the exact crimes that are to be considered criminal activity.

### *“Gang Member” Definitions*

- Has a list of criteria, some of which a person must meet to be considered a gang member.
- Requires self-admission at the time of arrest or incarceration of gang membership OR any two of the criteria set forth.

## **State Law**

A review of current state laws for various states' definitions of the words "gang," "gang member," and "gang crime" reveals the following information:

### *"Gang" Definitions*

- Forty-three states and Washington, DC, have legislation that defines "gang."
- Thirty-four states define a gang as consisting of three or more persons.
- Twenty-seven states include a common name, identifying sign, or symbol as identifiers of gangs in their definitions.
- Thirty-six states refer to a gang as an "organization, association, or group."
- Twenty-five states and Washington, DC, use the term "criminal street gang" to describe a gang.
- Every definition includes criminal/illegal activity or behavior.

### *"Gang Member" Definitions*

- Fourteen states have legislation that defines a "gang member."
- Seven states have a list of criteria, some of which a person must meet to be considered a gang member.
- Of those, six states require that a person must meet at least two criteria to be considered a gang member.

### *"Gang Crime" Definitions*

- Thirty-one states define "gang crime/activity."
- Twenty states refer to it as a "pattern of criminal gang activity."
- Twenty-five states enumerate the exact crimes that are to be considered criminal gang activity.

**Definition of “Gang Member” by State**

State	Term(s)	Number	Criteria	Belongs to or Engages in
<p><b>Arizona</b> § 13-105</p>	<p>Criminal street gang member</p>	<p>2 or more of 7</p>	<ul style="list-style-type: none"> <li>• Self-proclamation</li> <li>• Witness testimony or official statement</li> <li>• Written or electronic correspondence</li> <li>• Paraphernalia or photographs</li> <li>• Tattoos</li> <li>• Clothing or colors</li> <li>• Any other indicia of street gang membership</li> </ul>	<p>N/A</p>
<p><b>Florida</b> § 874.03</p>	<p>Criminal gang member</p>	<p>2 or more</p>	<ul style="list-style-type: none"> <li>• Admits to criminal gang membership</li> <li>• Is identified as a criminal gang member by a parent or guardian</li> <li>• Is identified as a criminal gang member by a documented reliable informant</li> <li>• Adopts the style of dress of a criminal gang</li> <li>• Adopts the use of a hand sign identified as used by a criminal gang</li> <li>• Has a tattoo identified as used by a criminal gang</li> <li>• Associates with one or more known criminal gang members</li> <li>• Is identified as a criminal gang member by an informant of previously untested reliability and such identification is corroborated by independent information</li> <li>• Is identified as a criminal gang member by physical evidence</li> <li>• Has been observed in the company of one or more known criminal gang members four or more times Observation in a custodial setting requires a willful association. It is the intent of the legislature to allow this criterion to be used to identify gang members who recruit and organize in jails, prisons, and other detention settings</li> <li>• Has authored any communication indicating responsibility for the commission of any crime by the criminal gang</li> </ul>	<p>N/A</p>
<p><b>Florida</b> § 874.03</p>	<p>Criminal gang associate</p>	<p>N/A</p>	<p>N/A</p>	<p>“who admits to criminal gang association; or meets any single defining criterion for criminal gang membership”</p>

**Definition of “Gang Member” by State**

<b>State</b>	<b>Term(s)</b>	<b>Number</b>	<b>Criteria</b>	<b>Belongs to or Engages in</b>
<b>Idaho</b> § 18-8502	Criminal gang member	2 or more	<ul style="list-style-type: none"> <li>• Admits to gang membership</li> <li>• Is identified as a gang member</li> <li>• Resides in or frequents a particular gang’s area and adopts its style of dress, use of hand signs, or tattoos and associates with known gang members</li> <li>• Has been arrested more than once in the company of identified gang members for offenses that are consistent with usual gang activity</li> <li>• Is identified as a gang member by physical evidence such as photographs or other documentation</li> <li>• Has been stopped in the company of known gang members four or more times</li> </ul>	“who engages in a pattern of criminal gang activity”
<b>Illinois</b> § 740 ILCS 147-10	Street gang member Gang member	N/A	N/A	“who actually and in fact belongs to a gang, and any person who knowingly acts in the capacity of an agent for or accessory to, or is legally accountable for, or voluntarily associates himself with a course or pattern of gang-related criminal activity, whether in a preparatory, executory, or cover-up phase of any activity, or who knowingly performs, aids, or abets any such activity”
<b>Kansas</b> § 21-6313	Criminal street gang member	Admission of 3 or more	<ul style="list-style-type: none"> <li>• Is identified as a criminal street gang member by a parent or guardian</li> <li>• Is identified as a criminal street gang member by a state, county, or city law enforcement officer or correctional officer or by a documented reliable informant</li> <li>• Is identified as a criminal street gang member by an informant of previously untested reliability, and such identification is corroborated by independent information</li> </ul>	N/A

**Definition of “Gang Member” by State**

State	Term(s)	Number	Criteria	Belongs to or Engages in
<p><b>Kansas § 21-6313 (continued)</b></p>	<p>Criminal street gang member</p>	<p>Admission of 3 or more</p>	<ul style="list-style-type: none"> <li>• Frequents a particular criminal street gang’s area</li> <li>• Adopts such gang’s style of dress, color, or use of hand signs or tattoos</li> <li>• Associates with known criminal street gang members</li> <li>• Has been arrested more than once in the company of identified criminal street gang members for offenses that are consistent with usual criminal street gang activity</li> <li>• Is identified as a criminal street gang member by physical evidence including, but not limited to, photographs or other documentation</li> <li>• Has been stopped in the company of known criminal street gang members two or more times</li> <li>• Has participated in or undergone activities self-identified or identified by a reliable informant as criminal street gang initiation rituals</li> </ul>	<p>N/A</p>
<p><b>Kansas § 21-6313 (continued)</b></p>	<p>Criminal street gang associate</p>	<p>Admission of 2 or more</p>	<ul style="list-style-type: none"> <li>• Is identified as a criminal street gang member by a parent or guardian</li> <li>• Is identified as a criminal street gang member by a state, county, or city law enforcement officer or by a correctional officer or documented reliable informant</li> <li>• Is identified as a criminal street gang member by an informant of previously untested reliability, and such identification is corroborated by independent information</li> <li>• Frequents a particular criminal street gang’s area</li> <li>• Adopts such gang’s style of dress, color, or use of hand signs or tattoos</li> <li>• Associates with known criminal street gang members</li> <li>• Has been arrested more than once in the company of identified criminal street gang members for offenses that are consistent with usual criminal street gang activity</li> <li>• Is identified as a criminal street gang member by physical evidence including, but not limited to, photographs or other documentation</li> </ul>	<p>N/A</p>

## Definition of “Gang Member” by State

State	Term(s)	Number	Criteria	Belongs to or Engages in
<b>Kansas</b> § 21-6313 (continued)	Criminal street gang associate	Admission of 2 or more	<ul style="list-style-type: none"> <li>Has been stopped in the company of known criminal street gang members two or more times</li> <li>Has participated in or undergone activities self-identified or identified by a reliable informant as criminal street gang initiation rituals</li> </ul>	N/A
<b>Michigan</b> § 750.411u § 750.411v	Gang member Member of a gang	N/A	N/A	“who belongs to a gang”
<b>Mississippi</b> § 97-44-3	Street gang member Gang member	N/A	N/A	“who actually and in fact belongs to a gang, and any person who knowingly acts in the capacity of an agent for or accessory to, or is legally accountable for, or voluntarily associates himself with a gang-related criminal activity, whether in a preparatory, executory, or cover-up phase of any activity, or who knowingly performs, aids, or abets any such activity”
<b>Nebraska</b> § 43-245	Criminal street gang member	N/A	N/A	“who willingly or voluntarily becomes and remains a member of a criminal street gang”
<b>New Hampshire</b> § 651:6	Criminal street gang member	2 or more	<ul style="list-style-type: none"> <li>Admits to criminal street gang membership</li> <li>Is identified as a criminal street gang member by a law enforcement officer, parent, guardian, or documented reliable informant</li> <li>Resides in or frequents a particular criminal street gang’s area and adopts its style of dress, its use of hand or other signs, tattoos, or other physical markings, and associates with known criminal street gang members</li> <li>Has been arrested more than once in the company of individuals who are identified as criminal street gang members by law enforcement, for offenses that are consistent with usual criminal street gang activity</li> </ul>	N/A
<b>South Carolina</b> § 16-8-230	Criminal gang member	N/A	N/A	“who is an active member of a criminal gang”
<b>South Dakota</b> § 22-10A-1	Street gang member	2 or more	<ul style="list-style-type: none"> <li>Admits to gang membership</li> <li>Is identified as a gang member by a documented reliable informant</li> <li>Resides in or frequents a particular gang’s area and adopts its style of dress, use of hand signs, or tattoos and associates with known gang members</li> </ul>	“who engages in a pattern of street gang activity”

## Definition of “Gang Member” by State

State	Term(s)	Number	Criteria	Belongs to or Engages in
South Dakota § 22-10A-1 (continued)			<ul style="list-style-type: none"> <li>• Is identified as a gang member by an informant of previously untested reliability if such identification is corroborated by independent information</li> <li>• Has been arrested more than once in the company of identified gang members for offenses that are consistent with usual gang activity</li> <li>• Is identified as a gang member by physical evidence, such as photographs or other documentation</li> <li>• Has been stopped in the company of known gang members four or more times</li> </ul>	
Tennessee § 40-35-121	Criminal gang member	2 or more	<ul style="list-style-type: none"> <li>• Admits to criminal gang involvement</li> <li>• Is identified as a criminal gang member by a parent or guardian</li> <li>• Is identified as a criminal gang member by a documented reliable informant</li> <li>• Resides in or frequents a particular criminal gang’s area; adopts its style of dress, use of hand signs, or tattoos; and associates with known gang members</li> <li>• Is identified as a criminal gang member by an informant of previously untested reliability, and such identification is corroborated by independent information</li> <li>• Has been arrested more than once in the company of identified criminal gang members for offenses that are consistent with usual criminal gang activity</li> <li>• Is identified as a criminal gang member by physical evidence such as photographs or other documentation</li> </ul>	“who is a member of a criminal gang”
Washington § 9.94A.030	Criminal street gang associate or member	N/A	N/A	“who actively participates in any criminal street gang and who intentionally promotes, furthers, or assists in any criminal act by the criminal street gang”
Wisconsin § 939.22	Criminal gang member	N/A	N/A	“who participates in criminal gang activity . . . with a criminal gang”

**Definition of “Gang” by State**

State	Term(s)	Grouping	Number	Formality	Fact or Law	Purpose or Activity	Identifiers
<b>Alabama</b> § 13A-6-26	Street gang	Combination, confederation, alliance, network, conspiracy, understanding, or other similar arrangement	3 or more persons	N/A	In law or in fact	“that, through its membership or through the agency of any member, engages in a course or pattern of criminal activity”	N/A
<b>Alaska</b> § 11.81.900	Criminal street gang	Group	3 or more persons	N/A	N/A	“who, individually, jointly, or in combination, have committed or attempted to commit, within the preceding three years, for the benefit of, at the direction of, or in association with the group, two or more offenses under any of, or any combination of, the following . . . offenses”	“name or identifying sign, symbol, tattoo or other physical marking, style of dress, or use of hand signs”
<b>Arizona</b> § 13-105	Criminal street gang	Association	At least 1 person who is a criminal street gang member	Formal or informal	N/A	“members or associates individually or collectively engage in the commission, attempted commission, facilitation, or solicitation of any felony act”	N/A
<b>Arkansas</b> § 5-74-103	Criminal gang, organization, or enterprise	Group	3 or more individuals	N/A	N/A	“who commit a continuing series of two (2) or more predicate criminal offenses that are undertaken in concert with each other”	N/A
<b>California Penal Code</b> § 186.22	Criminal street gang	Organization, association, or group	3 or more persons	Formal or informal	N/A	“having as one of its primary activities the commission of one or more of the criminal acts . . . and whose members individually or collectively engage in or have engaged in a pattern of criminal gang activity”	“having a common name or common identifying sign or symbol”
<b>Colorado</b> § 18-23-101	Criminal street gang	Organization, association, or group	3 or more persons	Formal or informal	N/A	“which has as one of its primary objectives or activities the commission of one or more predicate criminal acts; and whose members individually or collectively engage in or have engaged in a pattern of criminal gang activity”	N/A

Definition of “Gang” by State

State	Term(s)	Grouping	Number	Formality	Fact or Law	Purpose or Activity	Identifiers
<b>Connecticut § 29-7n</b>	Gang	Group	N/A	N/A	N/A	“who, acting in concert with each other, or with adults, engage in illegal activities”	N/A
<b>Delaware 11 Del. C. § 616</b>	Criminal street gang	Organization, association, or group	3 or more persons	Formal or informal	N/A	“having as one of its primary activities the commission of one or more . . . criminal acts . . . and whose members individually or collectively engage in or have engaged in a pattern of criminal gang activity”	Common name, or common identifying sign or symbol
<b>Delaware 11 Del. C. § 617</b>	Criminal youth gang	Group	3 or more persons	N/A	N/A	“which either promotes, sponsors, assists in, participates in or requires as a condition of membership submission to group initiation that results in any felony or any class A misdemeanor”	Gang name, or other identifier. Identifier means “common identifying signs, symbols, tattoos, markings, graffiti or attire, or other distinguishing characteristics or indicia of gang membership”
<b>Florida § 874.03</b>	Criminal gang	Organization, association, or group	3 or more persons	Formal or informal	N/A	“that has as one of its primary activities the commission of criminal or delinquent acts . . . including, but not limited to, terrorist organizations and hate groups”	“common name or common identifying signs, colors, or symbols”
<b>Georgia § 16-15-3</b>	Criminal street gang	Organization, association, or group	3 or more persons	Formal or informal	In fact	“which engages in criminal gang activity . . . [s]uch term shall not include three or more persons, associated in fact, whether formal or informal, who are not engaged in criminal gang activity”	“common name or common identifying signs, symbols, tattoos, graffiti, attire, or other distinguishing characteristics, including, but not limited to, common activities, customs or behaviors”

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<b>Idaho</b> § 18-8502	Criminal gang	Organization, association, or group	3 or more persons	Formal or informal	N/A	“whose members individually or collectively engage in or have engaged in a pattern of criminal gang activity, having as one (1) of its primary activities the commission of one (1) or more . . . criminal acts”	Common name, or common identifying sign or symbol
<b>Illinois</b> § 740 ILCS 147/10	Streetgang Gang Organized gang Criminal street gang	Combination, confederation, alliance, network, conspiracy, understanding, or other similar conjoining	3 or more persons	N/A	In law or in fact	“with an established hierarchy that, through its membership or through the agency of any member engages in a course or pattern of criminal activity”	N/A
<b>Indiana</b> § 35-45-9-1	Criminal gang	Group	At least 3 members	N/A	N/A	“that specifically: (1) either (A) promotes, sponsors, or assists in; or (B) participates in; or (2) requires as a condition of membership or continued membership; the commission of a felony or an act that would be a felony if committed by an adult or the offense of battery”	N/A
<b>Iowa</b> § 723A.1	Criminal street gang	Organization, association, or group	3 or more persons	Formal or informal	N/A	“having as one of its primary activities the commission of one or more criminal acts . . . and whose members individually or collectively engage in or have engaged in a pattern of criminal gang activity”	Identifiable name or identifying sign or symbol

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<b>Kansas § 21-6313</b>	Criminal street gang	Organization, association, or group	3 or more persons	Formal or informal	N/A	“having as one of its primary activities the commission of one or more person felonies, person misdemeanors, felony violations of K.S.A. 21-5701 through 21-5717, and amendments thereto, any felony violation of the uniform controlled substances act . . . , or the comparable juvenile offenses, which if committed by an adult would constitute the commission of such felonies or misdemeanors; . . .and whose members, individually or collectively, engage in or have engaged in the commission, attempted commission, conspiracy to commit, or solicitation of two or more person felonies, person misdemeanors, felony violations of K.S.A. 21-5701 through 21-5717, and amendments thereto, any felony violation of any provision of the uniform controlled substances act prior to July 1, 2009, or the comparable juvenile offenses, which if committed by an adult would constitute the commission of such felonies or misdemeanors or any substantially similar offense from another jurisdiction”	Common name or common identifying sign or symbol
<b>Kentucky § 506.140</b>	Criminal gang	Alliance, network, or conspiracy	5 or more persons	N/A	In law or in fact	“that, through its membership or through the action of any member, engages in a continuing pattern of criminal activity. ‘Criminal gang’ shall not include fraternal organizations, unions, corporations, associations, or similar entities, unless organized for the primary purpose of engaging in criminal activity”	An established hierarchy
<b>Louisiana § 15:1404</b>	Criminal street gang	Organization, association, or group	3 or more persons	Formal or informal	N/A	“which has as one of its primary activities the commission of one or more of the criminal acts . . . or . . . , whose members individually or collectively engage in or have engaged in a pattern of criminal gang activity”	Or has a common name, or common identifying sign or symbol

**Definition of “Gang” by State**

State	Term(s)	Grouping	Number	Formality	Fact or Law	Purpose or Activity	Identifiers
<b>Maryland Criminal Law Code § 9-801</b>	Criminal gang	Group or association	3 or more persons	N/A	N/A	“whose members individually or collectively engage in a pattern of criminal gang activity; have as one of their primary objectives or activities the commission of one or more underlying crimes, including acts by juveniles that would be underlying crimes if committed by adults; and have in common . . .”	an overt or covert organizational or command structure
<b>Michigan § 750.411u § 750.411v</b>	Gang	Organization, association, or group	5 or more people	N/A	N/A	“. . .other than a nonprofit organization . . .”	. . . identifies itself by all of the following: <ul style="list-style-type: none"> <li>• 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</li> <li>• An established leadership or command structure</li> <li>• Defined membership criteria</li> </ul>
<b>Minnesota § 609.229</b>	Criminal gang	Organization, association, or group	3 or more persons	Formal or informal	N/A	“has as one of its primary activities the commission of one or more of the offenses . . . and includes members who individually or collectively engage in or have engaged in a pattern of criminal gang activity”	Common name, or common identifying sign or symbol

## Definition of “Gang” by State

State	Term(s)	Grouping	Number	Formality	Fact or Law	Purpose or Activity	Identifiers
<b>Mississippi</b> § 97-44-3	Street gang Gang Organized gang Criminal street gang	Combination, confederation, alliance, network conspiracy, understanding, or other similar conjoining	3 or more persons	N/A	In law or in fact	“with an established hierarchy that, through its membership or through the agency of any member engages in felonious criminal activity”	N/A
<b>Missouri</b> § 578.421	Criminal street gang	Organization, association, or group	3 or more persons	Formal or Informal	N/A	“having as one of its primary activities the commission of one or more criminal acts . . . whose members individually or collectively engage in or have engaged in a pattern of criminal gang activity”	Common name, or common identifying sign or symbol
<b>Montana</b> § 45-8-402	Criminal street gang	Organization, association, or group	3 or more persons	Formal or informal	N/A	“having as one of its primary activities the commission of one or more of the criminal acts . . . and whose members individually or collectively engage in or have engaged in a pattern of criminal gang activity”	Common name, or common identifying sign or symbol
<b>Nebraska</b> § 43-245	Criminal street gang	Group	3 or more people	N/A	N/A	“whose group identity or purposes include engaging in illegal activities”	Common identifying name, sign, or symbol
<b>Nevada</b> § 193.168	Criminal gang	Any combination of persons	N/A	Formal or informal	N/A	“so constructed that the organization will continue its operation even if individual members enter or leave the organization, which . . . has particular conduct, status and customs indicative of it; and has as one of its common activities engaging in criminal activity punishable as a felony, other than the conduct which constitutes the primary offense”	Common name or identifying symbol

**Definition of “Gang” by State**

State	Term(s)	Grouping	Number	Formality	Fact or Law	Purpose or Activity	Identifiers
<b>New Hampshire § 651:6</b>	Criminal street gang	Ongoing organization, association, or group	3 or more persons	Formal or informal	N/A	“which has as one of its primary objectives or activities the commission of criminal activity . . . and whose members individually or collectively have engaged in the commission, attempted commission, solicitation to commit, or conspiracy to commit two or more the following offenses, or a reasonably equivalent offense in another jurisdiction, on separate occasions within the preceding three years: violent crimes, as defined in RSA 651:5, XIII; distribution, sale, or manufacture of a controlled drug in violation of RSA 318-B:2; Class A felony theft; unlawful sale of a pistol or revolver; or witness tampering”	Common name, identifying sign, symbol, physical marking, style of dress, or use of hand sign
<b>New Jersey § 2C:33-29</b>	Criminal street gang	N/A	3 or more persons	N/A	In fact	“individually or in combination with other members of a criminal street gang, while engaging in gang-related activity, have committed or conspired or attempted to commit, within the preceding five years from the date of the present offense, excluding any period of imprisonment, one or more offenses on separate occasions of robbery, carjacking, aggravated assault, assault, aggravated sexual assault, sexual assault, arson, burglary, kidnapping, extortion, tampering with witnesses, and informants or a violation of chapter 11, section 3, 4, 5, 6, or 7 of chapter 35 or chapter 39 of Title 2C of the New Jersey Statutes”	Two of the following seven criteria that indicate criminal street gang membership apply: <ul style="list-style-type: none"> <li>• Self-proclamation</li> <li>• Witness testimony or official statement</li> <li>• Written or electronic correspondence</li> <li>• Paraphernalia or photographs</li> <li>• Tattoos</li> <li>• Clothing or colors</li> <li>• Any other indicia of street gang activity</li> </ul>

Definition of “Gang” by State

State	Term(s)	Grouping	Number	Formality	Fact or Law	Purpose or Activity	Identifiers
<b>North Carolina</b> § 14-50.16	Criminal street gang Street gang	Organization, association, or group	3 or more persons	Formal or informal	N/A	“that has as one of its primary activities the commission of one or more felony offenses, or delinquent acts that would be felonies if committed by an adult; has three or more members individually or collectively engaged in, or who have engaged in, criminal street gang activity; and . . .”	May have a common name, common identifying sign or symbol
<b>North Carolina</b> § 15A-1340.16	Criminal street gang	Organization, association, or group	3 or more persons	Formal or informal	N/A	“having as one of its primary activities the commission of felony or violent misdemeanor offenses, or delinquent acts that would be felonies or violent misdemeanors if committed by an adult, and . . .”	Common name or common identifying sign, colors, or symbols
<b>North Dakota</b> § 12.1-06.2-01	Criminal street gang	Organization, or group	3 or more persons	Formal or informal	N/A	“that acts in concert or agrees to act in concert with a purpose that any of those persons alone or in any combination commit or will commit two or more predicate gang crimes one of which occurs after August 1, 1995, and the last of which occurred within five years after the commission of a prior predicate gang crime”	N/A
<b>Ohio</b> § 2923.41	Criminal gang	Organization, association, or group	3 or more persons	Formal or informal	N/A	“has as one of its primary activities the commission of one or more of the offenses . . . the persons in the organization, association, or group individually or collectively engage in or have engaged in a pattern of criminal gang activity”	Common name or one or more common, identifying signs, symbols, or colors
<b>Oklahoma</b> 21 Okl. St. § 856	Criminal street gang	Organization, association, or group	5 or more persons	N/A	N/A	“that specifically either promotes, sponsors, or assists in, or participates in, and requires as a condition of membership or continued membership, the commission of one or more . . . criminal acts”	N/A

## Definition of “Gang” by State

State	Term(s)	Grouping	Number	Formality	Fact or Law	Purpose or Activity	Identifiers
<b>Oregon</b> <b>§ 336.109</b> <b>(Chapter 336</b> <b>Conduct of Schools)</b>	Gang	Group	N/A	N/A	N/A	N/A	Name; unique appearance or language, including hand signs; the claiming of geographical territory; or the espousing of a distinctive belief system that frequently results in criminal activity
<b>Pennsylvania</b> <b>§ 5131</b>	Criminal gang	Organization, association or group	3 or more persons	Formal or informal	N/A	“with or without an established hierarchy, that has as one of its primary activities the commission of criminal or delinquent acts”	N/A
<b>Rhode Island</b> <b>§ 12-19-39</b>	Criminal street gang	Organization, association, or group	3 or more persons	Formal or informal	N/A	“having as one of its primary activities the commission of criminal or delinquent acts; . . . ; and whose members individually or collectively engage in or have engaged in a pattern of criminal gang activity”	“having an identifiable name or common identifiable signs, colors or symbols”
<b>South Carolina</b> <b>§ 16-8-230</b>	Criminal gang	Organization, association, or group	5 or more persons	Formal or informal	N/A	“who form for the purpose of committing criminal activity and who knowingly and actively participate in a pattern of criminal gang activity”	N/A
<b>South Dakota</b> <b>§ 22-10A-1</b>	Street gang	Organization, association, or group	3 or more persons	Formal or informal	N/A	“have members or associates who, individually or collectively, engage in or have engaged in a pattern of street gang activity”	Common name, or common identifying signs, colors, or symbols
<b>Tennessee</b> <b>§ 40-35-121</b>	Criminal gang	Organization, association, or group	3 or more persons	Formal or informal	N/A	“has as one (1) of its activities the commission of criminal acts; and two (2) or more members who, individually or collectively, engage in or have engaged in a pattern of criminal gang activity”	N/A
<b>Texas</b> <b>Penal Code § 71.01</b>	Criminal street gang	N/A	3 or more persons	N/A	N/A	“who continuously or regularly associate in the commission of criminal activities”	Common identifying sign or symbol or an identifiable leadership

**Definition of “Gang” by State**

State	Term(s)	Grouping	Number	Formality	Fact or Law	Purpose or Activity	Identifiers
<b>Utah</b> § 76-9-802	Criminal street gang	Organization, association, or group	3 or more persons	Formal or informal	In fact (association)	“that is currently in operation; that has one of its primary activities the commission of one or more predicate gang crimes; . . . and whose members, acting individually or in concert with other members, engage in or have engaged in a pattern of criminal gang activity”	Identifying name, or identifying sign or symbol, or both
<b>Virginia</b> § 18.2-46.1	Criminal street gang	Organization, association, or group	3 or more persons	Formal or informal	N/A	“which has as one of its primary objectives or activities the commission of one or more criminal activities . . . and whose members individually or collectively have engaged in the commission of, attempt to commit, conspiracy to commit, or solicitation of two or more predicate criminal acts, at least one of which is an act of violence, provided such acts were not part of a common act or transaction”	Identifiable name or identifying sign or symbol
<b>Washington</b> § 9.94A.030	Criminal street gang	Organization, association, or group	3 or more persons	Formal or informal	N/A	“having as one of its primary activities the commission of criminal acts, and whose members or associates individually or collectively engage in or have engaged in a pattern of criminal street gang activity. This definition does not apply to employees engaged in concerted activities for their mutual aid and protection, or to the activities of labor and bona fide nonprofit organizations or their members or agents”	Common name or common identifying sign or symbol

**Definition of “Gang” by State**

State	Term(s)	Grouping	Number	Formality	Fact or Law	Purpose or Activity	Identifiers
<b>Washington, DC</b> § 22-951	Criminal street gang	Association or group	6 or more persons	N/A	N/A	“has as a condition of membership or continued membership, the committing of or actively participating in committing a crime of violence . . . or has as one of its purposes or frequent activities, the violation of the criminal laws of the District, or the United States, except for acts of civil disobedience”	N/A
<b>Wisconsin</b> § 939.22	Criminal gang	Organization, association, or group	3 or more persons	Formal or informal	N/A	“that has as one of its primary activities the commission of one or more one or more of the criminal acts, or acts that would be criminal if the actor were an adult . . . and whose members individually or collectively engage in or have engaged in a pattern of criminal gang activity”	Common name, or common identifying sign or symbol
<b>Wyoming</b> § 6-1-104	Criminal street gang	Organization, association, or group	5 or more persons	Formal or informal	N/A	“having as one (1) of its primary activities the commission of one (1) or more of the criminal acts . . . and whose members or associates individually or collectively engage in or have been engaged in a pattern of criminal street gang activity”	Common name or identifying sign or symbol

**Definition of “Gang Crime” by State**

(States that have been highlighted in gray DO NOT have enhanced penalties for gang crimes.)

State	Term(s)	Definition	Enumerated/Elucidated Violations
<p><b>Arkansas</b> §5-74-103</p>	<p>Predicate criminal offense</p>	<p>“any violation of Arkansas law that is a crime of violence or a crime of pecuniary gain”</p>	<p>N/A</p>
<p><b>California</b> <b>Penal Code</b> § 186.22</p>	<p>Pattern of criminal gang activity</p>	<p>“the commission of, attempted commission of, conspiracy to commit, or solicitation of, sustained juvenile petition for, or conviction of two or more of the following offenses, provided at least one of these offenses occurred after the effective date of this chapter and the last of those offenses occurred within three years after a prior offense, and the offenses were committed on separate occasions, or by two or more persons”</p>	<ul style="list-style-type: none"> <li>• Assault with a deadly weapon or by means of force likely to produce great bodily injury</li> <li>• Robbery</li> <li>• Unlawful homicide or manslaughter</li> <li>• Sale, possession for sale, transportation, manufacture, offer for sale, or offer to manufacture controlled substances</li> <li>• Shooting at an inhabited dwelling or occupied motor vehicle</li> <li>• Discharging or permitting the discharge of a firearm from a motor vehicle</li> <li>• Arson</li> <li>• Intimidation of witnesses and victims</li> <li>• Grand theft</li> <li>• Grand theft of any firearm, vehicle, trailer, or vessel</li> <li>• Burglary</li> <li>• Rape</li> <li>• Looting</li> <li>• Money laundering</li> <li>• Kidnapping</li> <li>• Mayhem</li> <li>• Aggravated mayhem</li> <li>• Torture</li> <li>• Felony extortion</li> <li>• Felony vandalism</li> <li>• Carjacking</li> <li>• Sale, delivery, or transfer of a firearm</li> <li>• Possession of a pistol, revolver, or other firearm</li> <li>• Threats to commit crimes resulting in death or great bodily injury</li> <li>• Theft or unlawful taking or driving of a vehicle</li> </ul>

### Definition of “Gang Crime” by State

(States that have been highlighted in gray DO NOT have enhanced penalties for gang crimes.)

<p><b>California Penal Code § 186.22 (continued)</b></p>			<ul style="list-style-type: none"> <li>• Counterfeiting, designing, using, or attempting to use an access card</li> <li>• Felony fraudulent use of an access card or account information</li> <li>• Unlawful use of personal identifying information to obtain credit, goods, services, or medical information</li> <li>• Wrongfully obtaining Department of Motor Vehicles documentation</li> <li>• Prohibited possession of a firearm</li> <li>• Carrying a concealed firearm</li> <li>• Carrying a loaded firearm</li> </ul>
<p><b>Colorado §18-23-101</b></p>	<p>Pattern of criminal gang activity</p>	<p>“the commission, attempt, conspiracy, or solicitation of two or more <i>predicate criminal acts</i> which are committed on separate occasions or by two or more persons”</p>	<p>“<i>predicate criminal acts</i> means the commission of or attempt, conspiracy, or solicitation to commit any of the following: any conduct defined as racketeering activity . . . any violation of section 18-8-706 [“Retaliation against a witness or victim”] or any criminal act committed in any jurisdiction of the United States, which, if committed in this state, would violate section 18-8-706”</p>
<p><b>Delaware 11 Del. C. § 616</b></p>	<p>Pattern of criminal gang activity</p>	<p>“the commission of, attempted commission of, conspiracy to commit, solicitation of, or conviction of 2 or more . . . criminal offenses, provided that at least one (1) of these offenses occurred after July 1, 2003, and that the last of those offenses occurred within 3 years after a prior offense, and provided that the offenses were committed on separate occasions or by 2 or more persons”</p>	<ul style="list-style-type: none"> <li>• Assault</li> <li>• Any criminal acts causing death</li> <li>• Any criminal acts relating to sexual offenses</li> <li>• Any criminal offenses relating to unlawful imprisonment or kidnapping</li> <li>• Any criminal acts of arson</li> <li>• Any criminal acts relating to burglary</li> <li>• Any criminal acts relating to robbery</li> <li>• Any criminal acts relating to theft or extortion . . . provided that such acts meet the requirements of felony offenses</li> <li>• Any criminal acts relating to riot, unlawful disruption, hate crimes, stalking, or bombs, provided that such acts meet the requirements of felony offenses</li> <li>• Any criminal acts involving deadly weapons or dangerous instruments</li> <li>• Any criminal acts involving controlled substances</li> </ul>
<p><b>Delaware 11 Del. C. § 616</b></p>	<p>Illegal gang participation</p>	<p>“a person who actively participates in any criminal street gang with knowledge that its members engage in or have engaged in a pattern of criminal gang activity and who knowingly promotes, furthers, or assists in any criminal conduct by members of that gang which would constitute a felony under Delaware law shall be guilty of illegal gang participation. Illegal gang participation is a Class F felony”</p>	<p>N/A</p>

**Definition of “Gang Crime” by State**

(States that have been highlighted in gray DO NOT have enhanced penalties for gang crimes.)

State	Term(s)	Definition	Enumerated/Elucidated Violations
<p><b>Florida</b> § 874.03</p>	<p>Criminal gang-related activity</p>	<p>N/A</p>	<ul style="list-style-type: none"> <li>• An activity committed with the intent to benefit, promote, or further the interests of a criminal gang, or for the purposes of increasing a person’s own standing or position within a criminal gang</li> <li>• An activity in which the participants are identified as criminal gang members or criminal gang associates acting individually or collectively to further any criminal purpose of a criminal gang</li> <li>• An activity that is identified as criminal gang activity by a documented reliable informant or</li> <li>• An activity that is identified as criminal gang activity by an informant of previously untested reliability and such identification is corroborated by independent information</li> </ul>
<p><b>Georgia</b> § 16-15-3</p>	<p>Criminal gang activity</p>	<p>“the commission, attempted commission, conspiracy to commit, or solicitation, coercion, or intimidation of another person to commit . . . offenses on or after July 1, 2006”</p>	<ul style="list-style-type: none"> <li>• Any offense defined as racketeering activity by Code Section 16-14-3</li> <li>• Any offense defined in Article 7 of Chapter 5 of this title, relating to stalking</li> <li>• Any offense defined in Code Section 16-6-1 as rape, 16-6-2 as aggravated sodomy, 16-6-3 as statutory rape, or 16-6-22.2 as aggravated sexual battery</li> <li>• Any offense defined in Article 3 of Chapter 10 of this title, relating to escape and other offenses related to confinement</li> <li>• Any offense defined in Article 4 of Chapter 11 of this title, relating to dangerous instrumentalities and practices</li> <li>• Any offense defined in Code Section 49-4A-11, relating to aiding or encouraging a child to escape from custody</li> <li>• Any offense of criminal trespass or criminal damage to property resulting from any act of gang-related painting on, tagging, marking on, writing on, or creating any form of graffiti on the property of another</li> <li>• Any criminal offense committed in violation of the laws of the United States or its territories, dominions, or possessions, any of the several states, or any foreign nation which, if committed in this state, would be considered criminal gang activity under this Code section; and</li> <li>• Any criminal offense in the state of Georgia, any other state, or the United States that involves violence, possession of a weapon, or use of a weapon, whether designated as a felony or not, and regardless of the maximum sentence that could be imposed or actually was imposed</li> </ul>

**Definition of “Gang Crime” by State**

(States that have been highlighted in gray DO NOT have enhanced penalties for gang crimes.)

State	Term(s)	Definition	Enumerated/Elucidated Violations
<p><b>Idaho</b> § 18-8502</p>	<p>Pattern of criminal gang activity</p>	<p>“the commission, attempted commission, or solicitation of two (2) or more of the following offenses, provided that the offenses are committed on separate occasions or by two (2) or more gang members”</p>	<ul style="list-style-type: none"> <li>• Robbery</li> <li>• Arson</li> <li>• Burglary</li> <li>• Murder or manslaughter</li> <li>• Any violation. . .that involves possession with intent to deliver, distribute, deliver, or manufacture of a prohibited substance</li> <li>• Any unlawful use or possession a weapon, bomb, or destructive device</li> <li>• Assault and battery</li> <li>• Criminal solicitation</li> <li>• Computer crime</li> <li>• Theft</li> <li>• Evidence falsified or concealed and witnesses intimidated or bribed</li> <li>• Forgery and counterfeiting</li> <li>• Gambling</li> <li>• Kidnapping</li> <li>• Mayhem</li> <li>• Prostitution</li> <li>• Rape</li> <li>• Racketeering</li> <li>• Malicious harassment</li> <li>• Terrorism</li> <li>• Money laundering and illegal investment</li> <li>• Sexual abuse of a child under the age of sixteen years</li> <li>• Sexual exploitation of a child</li> <li>• Lewd conduct with a minor child under sixteen</li> <li>• Sexual battery of a minor child sixteen or seventeen years of age</li> <li>• Escape or rescue of prisoners</li> <li>• Riot</li> <li>• Disturbing the peace</li> <li>• Malicious injury to property</li> <li>• Injuring jails</li> <li>• Injury by graffiti</li> <li>• Human trafficking</li> </ul>

### Definition of “Gang Crime” by State

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State	Term(s)	Definition	Enumerated/Elucidated Violations
<b>Illinois</b> <b>§ 740 ILCS 147/10</b>	Course or pattern of criminal activity	<p>“2 or more gang-related criminal offenses committed in whole or in part within this State when: (1) at least one such offense was committed after the effective date of this Act; (2) both offenses were committed within 5 years of each other; and (3) at least one offense involved the solicitation to commit, conspiracy to commit, attempt to commit, or commission of any offense defined as a felony or forcible felony”</p>	<ul style="list-style-type: none"> <li>• “‘Course or pattern of criminal activity’ also means one or more acts of criminal defacement of property under Section 21-1.3 of the Criminal Code of 1961 or the Criminal Code of 2012, if the defacement includes a sign or other symbol intended to identify the street gang”</li> <li>• “‘Street gang-related’ or ‘gang-related’ means any criminal activity, enterprise, pursuit, or undertaking directed by, ordered by, authorized by, consented to, agreed to, requested by, acquiesced in, or ratified by any gang leader, officer, or governing or policy-making person or authority, or by any agent, representative, or deputy of any such officer, person, or authority:               <ol style="list-style-type: none"> <li>(1) With the intent to increase the gang’s size, membership, prestige, dominance, or control in any geographical area; or</li> <li>(2) With the intent to provide the gang with any advantage in, or any control or dominance over any criminal market sector, including but not limited to, the manufacture, delivery, or sale of controlled substances or cannabis; arson or arson-for-hire; traffic in stolen property or stolen credit cards; traffic in prostitution, obscenity, or pornography; or that involves robbery, burglary, or theft; or</li> <li>(3) With the intent to exact revenge or retribution for the gang or any member of the gang; or</li> <li>(4) With the intent to obstruct justice, or intimidate or eliminate any witness against the gang or any member of the gang; or</li> <li>(5) With the intent to otherwise directly or indirectly cause any benefit, aggrandizement, gain, profit or other advantage whatsoever to or for the gang, its reputation, influence, or membership”</li> </ol> </li> </ul>
<b>Illinois</b> <b>§ 725 ILCS 173/5</b>	Gang crime	<p>“any criminal offense committed by a member of a ‘gang’ as that term is defined in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act when the offense is in furtherance of any activity, enterprise, pursuit, or undertaking of a gang.”</p>	N/A
<b>Iowa</b> <b>§ 723A.1</b>	Pattern of criminal gang activity	<p>“means the commission, attempt to commit, conspiring to commit, or solicitation or two or more criminal acts, provided the criminal acts were committed on separate dates or by two or more persons who are members of, or belong to, the same criminal street gang”</p>	<ol style="list-style-type: none"> <li>1. “<i>Criminal acts</i>” means any of the following or any combination of the following:               <ol style="list-style-type: none"> <li>a. An offense constituting a violation of <b>section 124.401</b> involving a controlled substance, a counterfeit substance, or a simulated controlled substance</li> <li>b. An offense constituting a violation of <b>chapter 711</b> involving a robbery or extortion</li> <li>c. An offense constituting a violation of <b>section 708.6</b> involving intimidation with a dangerous weapon</li> <li>d. An offense constituting a violation of <b>section 708.8</b></li> <li>e. An offense constituting a violation of <b>section 720.4</b></li> <li>f. Any other offense constituting a forcible felony as defined in <b>section 702.11</b></li> <li>g. An offense constituting a violation of <b>chapter 724</b></li> <li>h. Brandishing a dangerous weapon</li> </ol> </li> </ol>

### Definition of “Gang Crime” by State

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State	Term(s)	Definition	Enumerated/Elucidated Violations
<b>Kansas</b> § 21-6313	Criminal street gang activity	“the commission or attempted commission of, or solicitation or conspiracy to commit, one or more person felonies, person misdemeanors, felony violations of K.S.A. 21-5701 through 21-5717, and amendments thereto, any felony violation of any provision of the uniform controlled substances act prior to July 1, 2009, or the comparable juvenile offenses, which if committed by an adult would constitute the commission of such felonies or misdemeanors on separate occasions”	N/A
<b>Kentucky</b> § 506.140	Continuing pattern of criminal activity	“a conviction by any member or members of a criminal gang for the commission, attempt, or solicitation of two (2) or more felony offenses, the commission of two (2) or more violent misdemeanor offenses, or a combination of at least one (1) of these felony offenses and one (1) of these violent misdemeanor offenses, on separate occasions within a two (2)-year period for the purpose of furthering gang activity”	N/A “Violent misdemeanor offense” means KRS 508.030, 508.050, 508.070, 508.080, 508.120, 508.150, 509.030, and 509.080”
<b>Louisiana</b> § 15:1404	Pattern of criminal gang activity	“the commission or attempted commission of two or more of the following offenses, provided that the offenses occurred within a three-year period, and the offenses are committed on separate occasions by two or more persons”	<ul style="list-style-type: none"> <li>• Aggravated battery or second-degree battery</li> <li>• Armed robbery</li> <li>• First- or second-degree murder or manslaughter</li> <li>• Sale, possession for sale, transportation, manufacture, offer for sale, or offer to manufacture controlled substances</li> <li>• Illegal use of weapons or dangerous instrumentalities</li> <li>• Aggravated arson</li> <li>• Intimidating, impeding, or injuring witnesses; or injuring officers</li> <li>• Theft of any vehicle, trailer, or vessel</li> <li>• Assault by drive-by shooting</li> <li>• Riot or inciting to riot</li> <li>• Aggravated criminal damage to property</li> <li>• Simple burglary</li> <li>• Looting</li> </ul>

### Definition of “Gang Crime” by State

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State	Term(s)	Definition	Enumerated/Elucidated Violations
<b>Maryland Criminal Law Code § 9-801</b>	Pattern of criminal gang activity	“means the commission of, attempted commission of, conspiracy to commit, or solicitation of two or more underlying crimes or acts by a juvenile that would be an underlying crime if committed by an adult, provided the crimes or acts were not part of the same incident”	(f) “Underlying crime” means: (1) a crime of violence as defined under § 14-101 of this article; (2) a violation of § 3-203 (second-degree assault), § 4-203 (wearing, carrying, or transporting a handgun), § 9-302 (inducing false testimony or avoidance of subpoena), § 9-303 (retaliation for testimony), § 9-305 (intimidating or corrupting juror), § 11-303 (human trafficking), § 11-304 (receiving earnings of a prostitute), or § 11-306 (a)(2), (3), or (4) (house of prostitution) of this article; (3) a felony violation of § 3-701 (extortion), § 4-503 (manufacture or possession of destructive device), § 5-602 (distribution of CDS), § 5-603 (manufacturing CDS or equipment), § 6-103 (second-degree arson), § 6-202 (first-degree burglary), § 6-203 (second-degree burglary), § 6-204 (third-degree burglary), § 7-104 (theft), or § 7-105 (unauthorized use of a motor vehicle) of this article; or (4) a felony violation of § 5-133 of the Public Safety Article
<b>Minnesota § 617.91</b>	Gang activity	“the commission of one or more of the offenses”	<ul style="list-style-type: none"> <li>• offenses listed in section 609.11, subdivision 9;</li> <li>• criminal damage to property in the first or second degree under section 609.595, subdivision 1 or 1a;</li> <li>• trespass under section 609.605;</li> <li>• disorderly conduct under section 609.72; or</li> <li>• unlawful possession of a firearm by a minor under section 624.713, subdivision 1, clause (1)</li> </ul>
<b>Mississippi § 97-44-3</b>	N/A	N/A	<ul style="list-style-type: none"> <li>• “Street gang-related or gang-related means any criminal activity, enterprise, pursuit, or undertaking directed by, ordered by, authorized by, consented to, agreed to, requested by, acquiesced in, or ratified by any gang leader, officer, or governing or policy-making person or authority, or by any agent, representative, or deputy of any such officer, person, or authority:</li> <li>• With intent to increase the gang’s size, membership, prestige, dominance, or control in any geographical area; or</li> <li>• With intent to exact revenge or retribution for the gang or any member of the gang; or</li> <li>• With intent to provide the gang with any advantage in, or any control or dominance over, any criminal market sector, including but not limited to the unlawful manufacture, delivery, possession, or sale of controlled substances; arson; traffic in stolen property or stolen credit cards; traffic in prostitution, obscenity, or pornography; or that involves robbery, armed robbery, burglary, or larceny; or</li> <li>• With intent to obstruct justice, or intimidate or eliminate any witness against the gang or any member of the gang; or</li> <li>• With intent to otherwise directly or indirectly, cause any benefit, aggrandizement, gain, profit, or other advantage whatsoever to or for the gang, its reputation, influence, or membership”</li> </ul>

### Definition of “Gang Crime” by State

(States that have been highlighted in gray DO NOT have enhanced penalties for gang crimes.)

State	Term(s)	Definition	Enumerated/Elucidated Violations
<b>Missouri</b> § 578.421	Pattern of criminal street gang activity	“the commission, attempted commission, or solicitation of two or more of the following offenses, provided at least one of those offenses occurred after August 28, 1993, and the last of those offenses occurred within three years after a prior offense, and the offenses are committed on separate occasions, or by two or more persons”	<ul style="list-style-type: none"> <li>• Assault with a deadly weapon or by means of force likely to cause serious physical injury</li> <li>• Robbery, arson, and those offenses under chapter 569, RSMo, which are related to robbery and arson</li> <li>• Murder or manslaughter</li> <li>• Any violation of the provisions of chapter 195, RSMo, which involves the distribution, delivery, or manufacture of a substance prohibited by chapter 195, RSMo</li> <li>• Unlawful use of a weapon, which is a felony</li> <li>• Tampering with witnesses and victims</li> </ul>
<b>Montana</b> § 45-8-405	Pattern of criminal street gang activity	“the commission, solicitation, conspiracy, or attempt, the adjudication as a delinquent youth for the commission, attempt, or solicitation, or the conviction of two or more of the offenses listed in subsection (2) within a 3-year period which offenses were committed on separate occasions”	<ul style="list-style-type: none"> <li>• Deliberate homicide</li> <li>• Assault with a weapon</li> <li>• Intimidation</li> <li>• Kidnapping</li> <li>• Aggravated kidnapping</li> <li>• Robbery</li> <li>• Sexual intercourse without consent</li> <li>• Aggravated promotion of prostitution</li> <li>• Criminal mischief</li> <li>• Arson</li> <li>• Burglary</li> <li>• Theft</li> <li>• Forgery</li> <li>• Tampering with witnesses and informants</li> <li>• Bringing armed men into the state</li> <li>• Unlawful possession of a firearm by a convicted person</li> <li>• Carrying a concealed weapon</li> <li>• Possession of a deadly weapon by a prisoner</li> <li>• Possession of a destructive device</li> <li>• Possession of explosives</li> <li>• Possession of a sawed-off firearm</li> <li>• Sale, possession for sale, transportation, manufacture, offer for sale, offer to manufacture, or other offense involving a dangerous drug</li> <li>• Use of threat to coerce criminal street gang membership or use of violence to coerce criminal street gang membership</li> </ul>

**Definition of “Gang Crime” by State**

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State	Term(s)	Definition	Enumerated/Elucidated Violations
<p><b>New Jersey</b> § 2C:33-29</p>	<p>Gang criminality</p>	<p>“A person is guilty of the crime of gang criminality if, while knowingly involved in criminal street gang activity, he commits, attempts to commit, or conspires to commit, whether as a principal or an accomplice, any crime specified in . . . A crime is committed while involved in a criminal street gang-related activity if the crime was committed for the benefit of, at the direction of, or in association with a criminal street gang”</p>	<p>any crime specified in chapters 11 through 18, 20, 33, 35 or 37 of Title 2C of the New Jersey Statutes; N.J.S.2C:34-1; N.J.S.2C:39-3; N.J.S.2C:39-4; section 1 of P.L.1998, c.26 (C.2C:39-4.1); N.J.S.2C:39-9</p>
<p><b>North Carolina</b> § 14-50.16</p>	<p>Criminal street gang activity</p>	<p>“to commit, to attempt to commit, or to solicit, coerce, or intimidate another person to commit an act or acts, with the specific intent that such act or acts were intended or committed for the purpose, or in furtherance, of the person’s involvement in a criminal street gang or street gang. An act or acts are included if accompanied by the necessary mens rea or criminal intent and would be chargeable by indictment under the following laws of this State:”</p>	<p>“(1) Any offense under Article 5 of Chapter 90 of the General Statutes (Controlled Substances Act). (2) Any offense under Chapter 14 of the General Statutes except Articles 9, 22A, 40, 46, 47, 59 thereof; and further excepting G.S. 14-78.1, 14-82, 14-86, 14-145, 14-179, 14-183, 14-184, 14-186, 14-190.9, 14-195, 14-197, 14-201, 14-247, 14-248, 14-313 thereof.”</p>
<p><b>North Carolina</b> § 14-50.16</p>	<p>Pattern of criminal street gang activity</p>	<p>“engaging in, and having a conviction for, at least two prior incidents of criminal street gang activity, that have the same or similar purposes, results, accomplices, victims, or methods of commission or otherwise are interrelated by common characteristics and are not isolated and unrelated incidents, provided that at least one of these offenses occurred after December 1, 2008, and the last of the offenses occurred within three years, excluding any periods of imprisonment, of prior criminal street gang activity. Any offenses committed by a defendant prior to indictment for an offense based upon a pattern of street gang activity shall not be used as the basis for any subsequent indictments for offenses involving a pattern of street gang activity.”</p>	

### Definition of “Gang Crime” by State

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State	Term(s)	Definition	Enumerated/Elucidated Violations
<p><b>North Dakota</b> § 12.1-06.2-01</p>	<p>Predicate gang crime</p>	<p>“the commission, attempted commission, or solicitation of any felony, misdemeanor crime of violence, or misdemeanor crime of pecuniary gain”</p>	<ul style="list-style-type: none"> <li>• “crime of violence means any violation of state law where a person purposely or knowingly causes or threatens to cause death or physical bodily injury to another person or persons”</li> <li>• “crime of pecuniary gain means any violation of state law that directly results or was intended to result in the defendant alone, or in association with others, receiving income, benefit, property, money, or anything of value”</li> </ul>
<p><b>Ohio</b> § 2923.41</p>	<p>Pattern of criminal gang activity</p>	<p>“persons in the criminal gang have committed, attempted to commit, conspired to commit, been complicitors in the commission of, or solicited, coerced, or intimidated another to commit, attempt to commit, conspire to commit, or be in complicity in the commission of two or more of any of the following offenses:”</p>	<ul style="list-style-type: none"> <li>• A felony or an act committed by a juvenile that would be a felony if committed by an adult</li> <li>• An offense of violence or an act committed by a juvenile that would be an offense of violence if committed by an adult</li> <li>• A violation of section 2907.04 (Unlawful Sexual Conduct with Minor), 2909.06 (Sexual Imposition), 2911.211 (Aggravated Trespass), 2917.04 (Failure to Disperse), 2919.23 (Interference with Custody), or 2919.24 (Contributing to Unruliness or Delinquency of a Child) of the Revised Code, section 2921.04 (Intimidation of Attorney, Victim or Witness in Criminal Case), or 2923.16 (Improperly Handling Firearms in a Motor Vehicle) of the Revised Code, section 2925.03 (Trafficking in Drugs), of the Revised Code if the offense is trafficking in marijuana, or section 2927.12 (Ethnic Intimidation) of the Revised Code</li> </ul> <p>There is a “pattern of criminal gang activity” if all of the following apply with respect to the offenses that are listed in division (B)(1)(a), (b), or (c) of this section and that persons in the criminal gang committed, attempted to commit, conspired to commit, were in complicity in committing, or solicited, coerced, or intimidated another to commit, attempt to commit, conspire to commit, or be in complicity in committing:</p> <ul style="list-style-type: none"> <li>• At least one of the two or more offenses is a felony</li> <li>• At least one of those two or more offenses occurs on or after January 1, 1999</li> <li>• The last of those two or more offenses occurs within five years after at least one of those offenses</li> <li>• The two or more offenses are committed on separate occasions or by two or more persons</li> </ul>

Definition of "Gang Crime" by State

(States that have been highlighted in gray DO NOT have enhanced penalties for gang crimes.)

Table with 4 columns: State, Term(s), Definition, and Enumerated/Elucidated Violations. The first row details Oklahoma's definition and 15 enumerated violations.

### Definition of “Gang Crime” by State

(States that have been highlighted in gray DO NOT have enhanced penalties for gang crimes.)

State	Term(s)	Definition	Enumerated/Elucidated Violations
<p><b>South Carolina</b> § 16-8-230</p>	<p>Pattern of criminal gang activity</p>	<p>“the commission or attempted commission of, commission as an accessory before or after the fact to, or solicitation or conspiracy to commit, by a criminal gang member, while knowingly and actively participating in criminal gang activity, four or more . . . offenses occurring within a two-year period, provided that at least three of these offenses occurred after July 1, 2007”</p>	<ul style="list-style-type: none"> <li>• A violent offense as defined in Section 16-1-60 committed as a part of criminal gang activity</li> <li>• Financial transaction card crimes as defined in Chapter 14 of Title 16 committed as a part of criminal gang activity</li> <li>• First-degree lynching as defined in Section 16-3-210 committed as a part of criminal gang activity</li> <li>• Second-degree lynching as defined in Section 16-3-220 committed as a part of criminal gang activity</li> <li>• Breaking into a motor vehicle as defined in Section 16-13-160 committed as a part of criminal gang activity</li> <li>• Grand larceny as defined in Section 16-13-30 committed as a part of criminal gang activity</li> <li>• Blackmail as defined in Section 16-17-640 committed as a part of criminal gang activity</li> <li>• Malicious injury to property as defined in Sections 16-11-510, 16-11-520, 16-11-530, and 16-11-535 committed as a part of criminal gang activity</li> <li>• Drug offense as defined in Sections 44-53-370 and 44-53-375 committed as a part of criminal gang activity</li> <li>• Harassment, stalking, or aggravated stalking as defined in Article 17, Chapter 3 of Title 16 committed as a part of criminal gang activity</li> <li>• Pointing a firearm at any person as defined in Section 16-23-410 committed as a part of criminal gang activity</li> <li>• Discharging a firearm at or into dwellings, structures, enclosures, vehicles, or equipment as defined in Section 16-23-440 committed as a part of criminal gang activity</li> <li>• The common law offense of assault and battery of a high and aggravated nature committed as a part of criminal gang activity</li> <li>• The common law offense of obstruction of justice committed as a part of criminal gang activity</li> </ul>
<p><b>South Dakota</b> § 22-10A-1</p>	<p>Pattern of street gang activity</p>	<p>“the commission, attempted commission, or solicitation by any member or members of a street gang of two or more felony or violent misdemeanor offenses on separate occasions within a three-year period for the purpose of furthering gang activity”</p>	<p>N/A</p>

**Definition of “Gang Crime” by State**

(States that have been highlighted in gray DO NOT have enhanced penalties for gang crimes.)

<p><b>Tennessee</b> § 40-35-121</p>	<p>Pattern of criminal gang activity</p>	<p>“Prior convictions for the commission or attempted commission of, facilitation of, solicitation of, or conspiracy to commit”</p>	<ul style="list-style-type: none"> <li>• Two (2) or more criminal gang offenses that are classified as felonies; or</li> <li>• Three (3) or more criminal gang offenses that are classified as misdemeanors; or</li> <li>• One (1) or more criminal gang offenses that are classified as felonies and two (2) or more criminal gang offenses that are classified as misdemeanors; and</li> <li>• The criminal gang offenses are committed on separate occasions; and</li> <li>• The criminal gang offenses are committed within a five-year period</li> <li>• “Criminal gang offense” means</li> <li>• (A) A criminal offense committed prior to July 1, 2013 that:             <ul style="list-style-type: none"> <li>• (i) During the perpetration of which the defendant knowingly causes, or threatens to cause, death or bodily injury to another person or persons and specifically includes rape of a child, aggravated rape and rape; or</li> <li>• (ii) Results, or was intended to result, in the defendant’s receiving income, benefit, property, money or anything of value from the commission of any aggravated burglary, or from the illegal sale, delivery, or manufacture of a controlled substance, controlled substance analogue, or firearm; or</li> </ul> </li> <li>• (B) The commission or attempted commission, facilitation of, solicitation of, or conspiracy to commit any of the following offenses on or after July 1, 2013:             <ul style="list-style-type: none"> <li>• (i) First-degree murder, as defined in § 39-13-202;</li> <li>• (ii) Second-degree murder, as defined in § 39-13-210;</li> <li>• (iii) Voluntary manslaughter, as defined in § 39-13-211;</li> <li>• (iv) Assault, as defined in § 39-13-101;</li> <li>• (v) Aggravated assault, as defined in § 39-13-102;</li> <li>• (vi) Kidnapping, as defined in § 39-13-303;</li> <li>• (vii) Aggravated kidnapping, as defined in § 39-13-304;</li> <li>• (viii) Especially aggravated kidnapping, as defined in § 39-13-305;</li> <li>• (ix) Robbery, as defined in § 39-13-401;</li> <li>• (x) Aggravated robbery, as defined in § 39-13-402;</li> <li>• (xi) Especially aggravated robbery, as defined in § 39-13-403;</li> <li>• (xii) Carjacking, as defined in § 39-13-404;</li> <li>• (xiii) Rape, as defined in § 39-13-503;</li> <li>• (xiv) Aggravated rape, as defined in § 39-13-502;</li> <li>• (xv) Rape of a child, as defined in § 39-13-522;</li> <li>• (xvi) Aggravated burglary, as defined in § 39-14-403;</li> <li>• (xvii) Especially aggravated burglary, as defined in § 39-14-404;</li> <li>• (xviii) Aggravated criminal trespass, as defined in § 39-14-406;</li> <li>• (xix) Coercion of witness, as defined in § 39-16-507;</li> <li>• (xx) Retaliation for past action, as defined in § 39-16-510;</li> <li>• (xxi) Riot, as defined in § 39-17-302;</li> <li>• (xxii) Aggravated riot, as defined in § 39-17-303;</li> <li>• (xxiii) Inciting to riot, as defined in § 39-17-304;</li> <li>• (xxiv) The illegal sale, delivery or manufacture of a controlled substance or controlled substance analogue, as defined in §§ 39-17-417 and 39-17-454;</li> </ul> </li> </ul>
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Definition of "Gang Crime" by State

(States that have been highlighted in gray DO NOT have enhanced penalties for gang crimes.)

<p>Tennessee § 40-35-121 (continued)</p>			<ul style="list-style-type: none"> <li>• (xxv) Possession of a controlled substance or controlled substance analogue with intent to sell, deliver, or manufacture, as defined in § 39-17-417(a)(4) and § 39 17-454;</li> <li>• (xxvi) Unlawful carrying or possession of a weapon, as defined in § 39-17-1307;</li> <li>• (xxvii) Trafficking for commercial sex acts, as defined in § 39-13-309.</li> <li>• As used in this subsection (a), "prior conviction" means a criminal gang offense for which a criminal gang member was convicted prior to the commission of the instant criminal gang offense by the defendant and includes convictions occurring prior to July 1, 1997. "Prior conviction" includes convictions under the laws of any other state, government, or country which, if committed in this state, would have constituted a criminal gang offense. In the event that a conviction from a jurisdiction other than Tennessee is not specifically named the same as a criminal gang offense, the elements of the offense in the other jurisdiction shall be used by the Tennessee court to determine if the offense is a criminal gang offense</li> <li>• Convictions for multiple criminal gang offenses committed as part of a single course of conduct within twenty-four (24) hours are not committed on "separate occasions." However, acts which constitute criminal gang offenses under subdivision (a)(3)(A) shall not be construed to be a single course of conduct</li> </ul>
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### Definition of “Gang Crime” by State

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State	Term(s)	Definition	Enumerated/Elucidated Violations
<p><b>Texas</b> Fam. Code § 54.0491</p>	<p>Gang-related conduct</p>	<p>“conduct that violates a penal law of the grade of Class B misdemeanor or higher and in which a child engages with the intent to:</p> <ul style="list-style-type: none"> <li>• further the criminal activities of a criminal street gang of which the child is a member;</li> <li>• gain membership in a criminal street gang; or</li> <li>• avoid detection as a member of a criminal street gang”</li> </ul>	<p>N/A</p>
<p><b>Utah</b> § 78A-6-1202</p>	<p>Gang activity</p>	<p>“any criminal activity that is conducted as part of an organized youth gang. It includes any criminal activity that is done in concert with other gang members, or done alone if it is to fulfill gang purposes. ‘Gang activity’ does not include graffiti”</p>	<p>N/A</p>
<p><b>Utah</b> § 76-9-802</p>	<p>Pattern of criminal gang activity</p>	<p>“committing, attempting to commit, conspiring to commit, or soliciting the commission of two or more predicate gang crimes within five years; the predicate gang crimes are: committed by two or more persons; or committed by an individual at the direction of, or in association with a criminal street gang; and the criminal activity was committed with the specific intent to promote, further, or assist in any criminal conduct by members of the criminal street gang”</p>	<p>“Predicate gang crime” means any of the following offenses:</p> <ul style="list-style-type: none"> <li>• Title 41, Chapter 1a, Motor Vehicle Act: Section 41-1a-1313, regarding possession of a motor vehicle without an identification number</li> <li>• Section 41-1a-1315, regarding false evidence of title and registration</li> <li>• Section 41-1a-1316, regarding receiving or transferring stolen vehicles</li> <li>• Section 41-1a-1317, regarding selling or buying a motor vehicle without an identification number; or</li> <li>• Section 41-1a-1318, regarding the fraudulent alteration of an identification number</li> </ul> <p>Any criminal violation of the following provisions:</p> <ul style="list-style-type: none"> <li>• Title 58, Chapter 37, Utah Controlled Substances Act</li> <li>• Title 58, Chapter 37a, Utah Drug Paraphernalia Act</li> <li>• Title 58, Chapter 37b, Imitation Controlled Substances Act; or</li> <li>• Title 58, Chapter 37c, Utah Controlled Substance Precursor Act</li> <li>• Sections 76-5-102 through 76-5-103.5, which address assault offenses</li> <li>• Title 76, Chapter 5, Part 2, Criminal Homicide</li> <li>• Sections 76-5-301 through 76-5-304, which address kidnapping and related offenses</li> <li>• Any felony offense under Title 76, Chapter 5, Part 4, Sexual Offenses;</li> </ul>

**Definition of “Gang Crime” by State**

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State	Term(s)	Definition	Enumerated/Elucidated Violations
<p><b>Utah</b>  <b>§ 76-9-802</b>  <b>(continued)</b></p>	<p>Pattern of criminal gang activity</p>		<ul style="list-style-type: none"> <li>• Title 76, Chapter 6, Part 1, Property Destruction</li> <li>• Title 76, Chapter 6, Part 2, Burglary and Criminal Trespass</li> <li>• Title 76, Chapter 6, Part 3, Robbery</li> <li>• Any felony offense under Title 76, Chapter 6, Part 4, Theft, or under Title 76, Chapter 6, Part 6, Retail Theft, except Sections 76-6-404.5, 76-6-405, 76-6-407, 76-6-408, 76-6-409, 76-6-409.1, 76-6-409.3, 76-6-409.6, 76-6-409.7, 76-6-409.8, 76-6-409.9, 76-6-410, and 76-6-410.5</li> <li>• Title 76, Chapter 6, Part 5, Fraud, except Sections 76-6-504, 76-6-505, 76-6-507, 76-6-508, 76-6-509, 76-6-510, 76-6-511, 76-6-512, 76-6-513, 76-6-514, 76-6-516, 76-6-517, 76-6-518, and 76-6-520</li> <li>• Title 76, Chapter 6, Part 11, Identity Fraud Act</li> <li>• Title 76, Chapter 8, Part 3, Obstructing Governmental Operations, except Sections 76-8-302, 76-8-303, 76-8-304, 76-8-307, 76-8-308, and 76-8-312</li> <li>• Section 76-8-508, which includes tampering with a witness; Section 76-8-508.3, which includes retaliation against a witness or victim</li> <li>• Section 76-8-509, which includes extortion or bribery to dismiss a criminal proceeding</li> <li>• Title 76, Chapter 10, Part 3, Explosives</li> <li>• Title 76, Chapter 10, Part 5, Weapons</li> <li>• Title 76, Chapter 10, Part 15, Bus Passenger Safety Act</li> <li>• Title 76, Chapter 10, Part 16, Pattern of Unlawful Activity Act</li> <li>• Section 76-10-1801, which addresses communications fraud</li> <li>• Title 76, Chapter 10, Part 19, Money Laundering and Currency Transaction Reporting Act; or</li> <li>• Section 76-10-2002, which addresses burglary of a research facility</li> </ul> <p>“Predicate gang crime” also includes:</p> <ul style="list-style-type: none"> <li>• Any state or federal criminal offense that by its nature involves a substantial risk that physical force may be used against another in the course of committing the offense; and</li> <li>• Any felony violation of a criminal statute of any other state, the United States, or any district, possession, or territory of the United States which would constitute a violation of any offense in Subsection (4)(a) if committed in this state</li> </ul>

**Definition of “Gang Crime” by State**

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State	Term(s)	Definition	Enumerated/Elucidated Violations
<p>Virginia § 18.2-46.1</p>	<p>N/A</p>	<p>N/A</p>	<p>Predicate criminal act means</p> <ul style="list-style-type: none"> <li>• An act of violence</li> <li>• Any violation of §18.2-42 (Assault or Battery by a Mob), 18.2-46.3 (Recruitment of Persons for Criminal Street Gang; Penalty), 18.2-51 (Shooting, Stabbing, Etc., with Intent to Maim, Kill, Etc.), 18.2-51.1 (Malicious Bodily Injury to Law-Enforcement Officers, Firefighters, Search and Rescue Personnel, or Emergency Medical Service Providers; Penalty; Lesser-Included Offense), 18.2-51.2 (Aggravated Malicious Wounding; Penalty), 18.2-51.3 (Prohibition Against Reckless Endangerment of Others by Throwing Objects from Places Higher than One Story; Penalty), 18.2-51.6 (Strangulation of Another; Penalty), 18.2-52 (Malicious Bodily Injury by Means of any Caustic Substance or Agent or Use of any Explosive or Fire), 18.2-52.1 (Possession of Infectious Biological Substances or Radiological Agents; Penalties), 18.2-53 (Shooting, Etc., in Committing or Attempting a Felony), 18.2-55 (Bodily Injuries Caused by Prisoners, State Juvenile Probationers and State and Local Adult Probationers or Adult Parolees), 18.2-56.1 (Reckless Handling of Firearms; Reckless Handling While Hunting), 18.2-57 (Assault and Battery), 18.2-57.2 (Assault and Battery Against a Family or Household Member; Penalty), 18.2-59 (Extorting Money, Etc., by Threats), 18.2-83 (Threats to Bomb or Damage Buildings or Means of Transportation; False Information as to Danger to Such Buildings, etc.; Punishment; Venue), 18.2-89 (Burglary; How Punished), 18.2-90 (Entering Dwelling House, etc., with Intent to Commit Murder, Rape, Robbery or Arson; Penalty), 18.2-95 (Grand Larceny Defined; How Punished), 18.2-108.1 (Receipt of Stolen Firearm), 18.2-121 (Entering Property of Another for Purpose of Damaging it, Etc), 18.2-127 (Injuries to Churches, Church Property, Cemeteries, Burial Grounds, Etc.; Penalty), 18.2-128 (Trespass upon Church or School Property), 18.2-137 (Injuring, Etc., Any Property, Monument, Etc), 18.2-138 (Damaging Public Buildings, Etc.; Penalty), 18.2-146 (Breaking, Injuring, Defacing, Destroying or Preventing the Operation of Vehicle, Aircraft or Boat), 18.2-147 (Entering or Setting in Motion, Vehicle, Aircraft, Boat, Locomotive or Rolling Stock of Railroad; Exceptions), § 18.2-248.01 (Transporting Controlled Substances Into the Commonwealth; Penalty), 18.2-248.03 (Manufacturing, Selling, Giving, Distributing, or Possessing with Intent to Manufacture, Sell, Give, or Distribute Methamphetamine; Penalty), 18.2-255 (Distribution of Certain Drugs to Persons Under 18 Prohibited; Penalty), 18.2-255.2 (Prohibiting the Sale or Manufacture of Drugs on or Near Certain Properties; Penalty), 18.2-279 (Discharging Firearms or Missiles within or at Building or Dwelling House; Penalty), 18.2-282.1 (Brandishing a Machete or Other Bladed Weapon with Intent to Intimidate; Penalty),</li> </ul>

**Definition of “Gang Crime” by State**

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State	Term(s)	Definition	Enumerated/Elucidated Violations
<p><b>Virginia</b>  <b>§ 18.2-46.1</b>                      (continued)</p>	<p>N/A</p>	<p>N/A</p>	<p>18.2-286.1 (Shooting from Vehicles so as to Endanger Persons; Penalty), 18.2-287.4 (Carrying Loaded Firearms in Public Areas Prohibited; Penalty), 18.2-289 (Use of Machine Gun for Crime of Violence), 18.2-300 (Possession or Use of “Sawed-off” Shotgun or Rifle), 18.2-308.1 (Possession of Firearm, Stun Weapon, or Other Weapon on School Property Prohibited), 18.2-308.2 (Possession or Transportation of Firearms, Firearms Ammunition, Stun Weapons, Explosives or Concealed Weapons by Convicted Felons; Penalties; Petition for Permit; When Issued), 18.2-308.2:01 (Possession or Transportation of Certain Firearms by Certain Persons), 18.2-308.4 (Possession of Firearms While in Possession of Certain Substances), 18.2-355 (Taking, detaining, etc., person for prostitution, etc., or consenting thereto), 18.2-356 (Receiving Money for Procuring Person), or 18.2-357 (Receiving money from earnings of male or female prostitute)</p> <ul style="list-style-type: none"> <li>• A felony violation of § 18.2-60.3 (Stalking; Penalty);</li> <li>• A felony violation of § 18.2-248 (Manufacturing, Selling, Giving, Distributing, or Possessing with Intent to Manufacture, Sell, Give, or Distribute a Controlled Substance or an Imitation Controlled Substance Prohibited; Penalties) or of § 18.2-248.1 (Penalties for Sale, Gift, Distribution or Possession with Intent to Sell, Give or Distribute Marijuana) or a conspiracy to commit a felony violation of § 18.2-248 (Manufacturing, Selling, Giving, Distributing, or Possessing with Intent to Manufacture, Sell, Give, or Distribute a Controlled Substance or an Imitation Controlled Substance Prohibited; Penalties) or 18.2-248.1 (Penalties for Sale, Gift, Distribution or Possession with Intent to Sell, Give or Distribute Marijuana);</li> <li>• Any violation of a local ordinance adopted pursuant to § 15.2-1812.2 (Willful and Malicious Damage to or Defacement of Public or Private Facilities; Penalty); or</li> <li>• Any substantially similar offense under the laws of another state or territory of the United States, the District of Columbia, or the United States</li> </ul>

**Definition of “Gang Crime” by State**

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State	Term(s)	Definition	Enumerated/Elucidated Violations
<p><b>Washington</b> § 9.94A.030</p>	<p>Criminal street gang-related offense</p>	<p>“any felony or misdemeanor offense, whether in this state or elsewhere, that is committed for the benefit of, at the direction of, or in association with any criminal street gang, or is committed with the intent to promote, further, or assist in any criminal conduct by the gang, or is committed for one or more of the following reasons”</p>	<ul style="list-style-type: none"> <li>• To gain admission, prestige, or promotion within the gang</li> <li>• To increase or maintain the gang’s size, membership, prestige, dominance, or control in any geographical area</li> <li>• To exact revenge or retribution for the gang or any member of the gang</li> <li>• To obstruct justice, or intimidate or eliminate any witness against the gang or any member of the gang</li> <li>• To directly or indirectly cause any benefit, aggrandizement, gain, profit, or other advantage for the gang, its reputation, influence, or membership</li> <li>• To provide the gang with any advantage in, or any control or dominance over any criminal market sector, including, but not limited to, manufacturing, delivering, or selling any controlled substance (chapter 69.50 RCW); arson (chapter 9A.48 RCW); trafficking in stolen property (chapter 9A.82 RCW); promoting prostitution (chapter 9A.88 RCW); human trafficking (RCW 9A.40.100); promoting commercial sexual abuse of a minor (RCW 9.68A.101); or promoting pornography (chapter 9.68 RCW)</li> </ul>
<p><b>Washington</b> § 9.94A.030</p>	<p>Pattern of criminal street gang activity</p>	<p>“the commission, attempt, conspiracy, or solicitation of, or any prior juvenile adjudication of or adult conviction of, two or more of the following criminal street gang-related offenses: . . . ; that at least one of the offenses . . . shall have occurred after July 1, 2008; that the most recent committed offense . . . occurred within three years of a prior offense . . . ; and of the offenses that were committed . . . , the offenses occurred on separate occasions or were committed by two or more persons”</p>	<ul style="list-style-type: none"> <li>• Any “serious violent” felony offense as defined in RCW 9.94A.030, excluding Homicide by Abuse (RCW 9A.32.055) and Assault of a Child 1 (RCW 9A.36.120)</li> <li>• Any “violent” offense as defined by RCW 9.94A.030, excluding Assault of a Child 2 (RCW 9A.36.130)</li> <li>• Delivery or Possession with Intent to Deliver a Controlled Substance (chapter 69.50 RCW)</li> <li>• Any violation of the firearms and dangerous weapon act (chapter 9.41 RCW)</li> <li>• Theft of a Firearm (RCW 9A.56.300)</li> <li>• Possession of a Stolen Firearm (RCW 9A.56.310)</li> <li>• Malicious Harassment (RCW 9A.36.080)</li> <li>• Harassment where a subsequent violation or deadly threat is made (RCW 9A.46.020(2)(b))</li> <li>• Criminal Gang Intimidation (RCW 9A.46.120)</li> <li>• Any felony conviction by a person eighteen years of age or older with a special finding of involving a juvenile in a felony offense under section 302 of this act</li> <li>• Residential Burglary (RCW 9A.52.025)</li> <li>• Burglary 2 (RCW 9A.52.030)</li> <li>• Malicious Mischief 1 (RCW 9A.48.070)</li> <li>• Malicious Mischief 2 (RCW 9A.48.080)</li> <li>• Theft of a Motor Vehicle (RCW 9A.56.065)</li> <li>• Possession of a Stolen Motor Vehicle (RCW 9A.56.068)</li> <li>• Taking a Motor Vehicle Without Permission 1 (RCW 9A.56.070)</li> <li>• Taking a Motor Vehicle Without Permission 2 (RCW 9A.56.075)</li> <li>• Extortion 1 (RCW 9A.56.120)</li> <li>• Extortion 2 (RCW 9A.56.130)</li> <li>• Intimidating a Witness (RCW 9A.72.110)</li> <li>• Tampering with a Witness (RCW 9A.72.120)</li> <li>• Reckless Endangerment (RCW 9A.36.050)</li> <li>• Coercion (RCW 9A.36.070)</li> <li>• Harassment (RCW 9A.46.020)</li> <li>• Malicious Mischief 3 (RCW 9A.48.090)</li> </ul>

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State	Term(s)	Definition	Enumerated/Elucidated Violations
<p>Wisconsin § 941.38</p>	<p>Pattern of criminal gang activity</p>	<p>“the commission of, attempt to commit or solicitation to commit one or more of the following crimes, or acts that would be crimes if the actor were an adult, committed for the benefit of, at the direction of or in association with any criminal gang, with the specific intent to promote, further or assist in any criminal conduct by criminal gang members”</p>	<ul style="list-style-type: none"> <li>• Manufacture, distribution, or delivery of a controlled substance or controlled substance analog</li> <li>• First-degree intentional homicide</li> <li>• Second-degree intentional homicide</li> <li>• Battery</li> <li>• Battery, special circumstances</li> <li>• Battery or threat to witness</li> <li>• Mayhem</li> <li>• Sexual assault</li> <li>• False imprisonment</li> <li>• Taking hostages</li> <li>• Kidnapping</li> <li>• Intimidation of witnesses</li> <li>• Intimidation of victims</li> <li>• Criminal damage to property</li> <li>• Criminal damage to or threat to criminally damage the property of a witness</li> <li>• Arson of buildings or damage by explosives</li> <li>• Burglary</li> <li>• Theft</li> <li>• Taking, driving, or operating a vehicle, or removing a part or component of a vehicle, without the owner’s consent</li> <li>• Robbery</li> <li>• Sexual assault of a child</li> <li>• Repeated acts of sexual assault of the same child</li> <li>• A crime under s. 943.81, 943.82, 943.83, 943.85, 943.86, 943.87, 943.88, 943.89, or 943.90 or, if the victim is a financial institution, as defined in s. 943.80 (2), a crime under s. 943.84 (1) or (2)</li> <li>• Sexual assault of a child placed in substitute care</li> </ul>

**Definition of “Gang Crime” by State**

(States that have been highlighted in gray DO NOT have enhanced penalties for gang crimes.)

State	Term(s)	Definition	Enumerated/Elucidated Violations
<p><b>Wyoming</b> § 6-1-104</p>	<p>Pattern of criminal street gang activity</p>	<p>“the commission of, conviction or adjudication for or solicitation, conspiracy or attempt to commit two (2) or more . . . offenses . . . on separate occasions within a three (3) year period”</p>	<p>Offenses that form a pattern of criminal street gang activity include:</p> <ul style="list-style-type: none"> <li>• A violent felony as defined in paragraph (xii) of this subsection</li> <li>• Promoting prostitution in violation of W.S. 6-4-103</li> <li>• Felony property destruction and defacement in violation of W.S. 6-3-201 and punishable under W.S. 6-3-201(b)(iii)</li> <li>• Theft in violation of W.S. 6-3-402</li> <li>• Wrongful taking or disposing of property in violation of W.S. 6-3-403</li> <li>• Forgery in violation of W.S. 6-3-602</li> <li>• Influencing, intimidating or impeding jurors, witnesses and officers, or obstructing or impeding justice in violation of W.S. 6-5-305</li> <li>• Possession of a firearm by a person convicted of certain felony offenses in violation of W.S. 6-8-102</li> <li>• Wearing or carrying concealed weapons in violation of W.S. 6-8-104</li> <li>• Possession, manufacture or disposition of a deadly weapon with unlawful intent in violation of W.S. 6-8-103</li> <li>• Blackmail in violation of W.S. 6-2-402</li> <li>• 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</li> <li>• Sports bribery in violation of W.S. 6-3-609</li> <li>• Aggravated cruelty to animals in violation of W.S. 6-3-203(c)</li> <li>• The unlawful sale or possession with intent to manufacture, distribute or dispense a controlled substance in violation of W.S. 35-7-1031</li> <li>• Simple assault in violation of W.S. 6-2-501(a)</li> <li>• Battery in violation of W.S. 6-2-501(b)</li> </ul>