

## Session 114 - (2001-2002)

**H 4977 General Bill, By Knotts, Rivers, G.M. Smith, J.H. Neal, Taylor, Wilkins, Whatley, Lourie, J.E. Smith, Kelley, Weeks, Altman, Bales, Barfield, Battle, Bingham, Bowers, Carnell, Chellis, Cobb-Hunter, Dantzler, Davenport, Delleney, Emory, Fleming, Frye, Gilham, Gourdine, Govan, Harrison, J. Hines, Howard, Huggins, Jennings, Keegan, Klauber, Limehouse, Lucas, Martin, McGee, Miller, J.M. Neal, Ott, Rice, Rodgers, Scarborough, Sharpe, Simrill, D.C. Smith, W.D. Smith, Snow, Stille, Townsend, Trotter, Webb, A. Young and J. Young**

**Summary:** Criminal Street Gang Prevention Act

A BILL TO AMEND CHAPTER 8, TITLE 16, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO OFFENSES AGAINST PUBLIC JUSTICE, BY ADDING ARTICLE 5 SO AS TO ENACT THE CRIMINAL STREET GANG PREVENTION ACT, TO INCLUDE DEFINITIONS RELATING TO CRIMINAL STREET GANGS AND CRIMINAL STREET GANG ACTIVITY; TO PROVIDE THAT IT IS UNLAWFUL TO ACTIVELY PARTICIPATE IN A CRIMINAL STREET GANG WITH KNOWLEDGE THAT ITS MEMBERS ENGAGE IN A PATTERN OF CRIMINAL STREET GANG ACTIVITY; TO PROVIDE THAT IT IS UNLAWFUL FOR A PERSON TO ENGAGE IN THE COMMISSION OF A CRIMINAL ACT OR DELINQUENCY FOR THE PURPOSE OF BENEFITING, PROMOTING, OR FURTHERING THE INTERESTS OF A CRIMINAL STREET GANG; TO PROVIDE FOR ENHANCED SENTENCING FOR THE COMMISSION OF A CRIMINAL ACT OR DELINQUENCY FOR THE PURPOSE OF BENEFITING, PROMOTING, OR FURTHERING THE INTERESTS OF A CRIMINAL STREET GANG; TO PROVIDE THAT IT IS UNLAWFUL FOR A PERSON TO RECRUIT ANOTHER PERSON TO JOIN A CRIMINAL STREET GANG OR TO DISSUADE ANOTHER PERSON FROM WITHDRAWING FROM A CRIMINAL STREET GANG; TO PROVIDE ADDITIONAL PENALTIES FOR PERSONS WHO THREATEN OR USE VIOLENCE WHEN SOLICITING OR RECRUITING ANOTHER TO PARTICIPATE IN A CRIMINAL STREET GANG; TO PROVIDE THAT IT IS UNLAWFUL TO DISSUADE OR PREVENT ANOTHER PERSON FROM TESTIFYING IN CERTAIN TRIALS, PROCEEDINGS, OR INQUIRIES; TO PROVIDE THAT PROPERTY, PROCEEDS, AND PROFITS DERIVED FROM OR USED TO FACILITATE THE CRIMINAL ACTIVITY OF A CRIMINAL STREET GANG OR MEMBER OF A CRIMINAL STREET GANG IS CONTRABAND SUBJECT TO FORFEITURE; TO PROVIDE THAT IT IS UNLAWFUL FOR A PERSON TO DEFACE THE REAL OR PERSONAL PROPERTY OF ANOTHER WITH GRAFFITI OR TO POSSESS AN INSTRUMENT OF GRAFFITI; TO PROVIDE THAT IT IS UNLAWFUL FOR A PERSON IN A MOTOR VEHICLE TO PARTICIPATE IN A DRIVE-BY SHOOTING OR TO UNLAWFULLY DISCHARGE A FIREARM OR WEAPON IN THE GENERAL DIRECTION OF ANOTHER PERSON OUTSIDE THE MOTOR VEHICLE; TO PROVIDE THAT PRIVATE BUILDINGS USED IN CRIMINAL GANG ACTIVITY ARE A NUISANCE AND FOR THE ABATEMENT OF NUISANCES; TO CREATE A CIVIL CAUSE OF ACTION IN FAVOR OF THE STATE OR A POLITICAL SUBDIVISION OF THE STATE FOR DAMAGES CAUSED BY CRIMINAL GANG ACTIVITY; TO PROVIDE THAT THE IDENTITY OF AN INFORMANT AND MATTERS EXEMPT FROM DISCLOSURE UNDER THE FREEDOM OF INFORMATION ACT, ARE EXEMPT FROM DISCOVERY OR DISCLOSURE IN CIVIL ACTIONS BROUGHT UNDER THIS ARTICLE; TO PROVIDE THAT IT IS UNLAWFUL FOR A MEMBER OF A STREET GANG TO OWN OR POSSESS A FIREARM, AMMUNITION, OR DANGEROUS WEAPON THAT IS CAPABLE OF BEING USED IN A PATTERN OF CRIMINAL GANG ACTIVITY OR IN THE COMMISSION OF A CRIMINAL ACT OR DELINQUENCY FOR THE PURPOSE OF BENEFITING, PROMOTING, OR FURTHERING THE INTERESTS OF A CRIMINAL STREET GANG, AND FOR THE SEIZURE AND FORFEITURE OF FIREARMS, AMMUNITION, OR DANGEROUS WEAPONS IN THE POSSESSION OF A MEMBER OF A CRIMINAL STREET GANG; TO PROVIDE FOR NOTICE TO SHERIFFS AND LAW ENFORCEMENT AGENCIES WHEN A PERSON IN CUSTODY OR KNOWN FOR CRIMINAL GANG ACTIVITY IS RELEASED FROM CUSTODY; TO PROVIDE THAT THE PROVISIONS OF THIS ARTICLE DO NOT APPLY TO EMPLOYEES LAWFULLY ENGAGED IN COLLECTIVE BARGAINING ACTIVITIES FOR THEIR MUTUAL AID AND PROTECTION, OR THE LAWFUL ACTIVITIES OF LABOR ORGANIZATIONS OR THEIR MEMBERS OR AGENTS; TO PROVIDE THAT THIS ARTICLE DOES NOT PREVENT THE GOVERNING BODY OF A COUNTY OR MUNICIPALITY FROM ADOPTING AND ENFORCING CERTAIN ORDINANCES RELATING TO CRIMINAL STREET GANGS AND GANG VIOLENCE; AND TO PROVIDE THAT THE STATE LAW ENFORCEMENT DIVISION MUST DEVELOP A STATEWIDE CRIMINAL STREET GANG DATABASE TO FACILITATE THE EXCHANGE OF CERTAIN INFORMATION BETWEEN LAW ENFORCEMENT AGENCIES RELATING TO CRIMINAL STREET GANGS AND GANG-RELATED INCIDENTS, AND TO PROVIDE PENALTIES FOR VIOLATIONS OF THE PROVISIONS OF THIS ARTICLE.

**03/26/02 House Introduced and read first time HJ-30**

**03/26/02 House Referred to Committee on Judiciary HJ-32**

**03/27/02 Scrivener's error corrected**