

107TH CONGRESS  
1ST SESSION

# H. R. 1775

To amend title 18, United States Code, to create an offense of solicitation or recruitment of persons in criminal street gang activity.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 9, 2001

Mr. GALLEGLY introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To amend title 18, United States Code, to create an offense of solicitation or recruitment of persons in criminal street gang activity.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Anti-Gang Violence  
5 Act of 2001”.

1 **SEC. 2. SOLICITATION OR RECRUITMENT OF PERSONS IN**  
2 **CRIMINAL STREET GANG ACTIVITY.**

3 (a) PROHIBITED CONDUCT.—Chapter 26 of title 18,  
4 United States Code, is amended by adding at the end the  
5 following:

6 **“§ 522. Recruitment of persons to participate in**  
7 **criminal street gang activity**

8 “(a) PROHIBITED CONDUCT.—It shall be unlawful  
9 for any person, to use any facility in, or travel in, inter-  
10 state or foreign commerce, or cause another to do so, to  
11 recruit, solicit, induce, command, or cause another person  
12 to be or remain as a member of a criminal street gang,  
13 or conspire to do so, with the intent that the person being  
14 recruited, solicited, induced, commanded, or caused to be  
15 or remain a member of such gang participate in an offense  
16 described in section 521(c).

17 “(b) PENALTIES.—

18 “(1) IN GENERAL.—Whoever violates subsection  
19 (a) shall, if the person recruited, solicited, induced,  
20 commanded, or caused—

21 “(A) is a minor, be imprisoned not less  
22 than 4 years and not more than 10 years, and  
23 fined under this title; or

24 “(B) is not a minor, be imprisoned not less  
25 than 1 year and not more than 10 years, and  
26 fined under this title.

1           “(2) LIABILITY FOR CERTAIN COSTS.—The  
2 court may, at the time of sentencing a person con-  
3 victed of violating subsection (a), order that the per-  
4 son shall be liable for any costs incurred by the Fed-  
5 eral Government or by any State or local govern-  
6 ment for housing, maintaining, and treating the  
7 minor until the minor attains the age of 18 years.

8           “(c) DEFINITIONS.—In this section:

9           “(1) CRIMINAL STREET GANG.—The term  
10 ‘criminal street gang’ has the meaning given the  
11 term in section 521.

12           “(2) MINOR.—The term ‘minor’ means a per-  
13 son who is younger than 18 years of age.”.

14           (b) CLERICAL AMENDMENT.—The table of sections  
15 at the beginning of chapter 26 of title 18, United States  
16 Code, is amended by adding at the end the following:

“522. Recruitment of persons to participate in criminal street gang activity.”.

17 **SEC. 3. INCREASED PENALTIES FOR USING MINORS TO DIS-**  
18 **TRIBUTE DRUGS.**

19           Section 420 of the Controlled Substances Act (21  
20 U.S.C. 861) is amended—

21           (1) in subsection (b), by striking “one year”  
22 and inserting “3 years”; and

23           (2) in subsection (c), by striking “one year”  
24 and inserting “5 years”.

1 **SEC. 4. PENALTIES FOR USE OF MINORS IN CRIMES OF VIO-**  
2 **LENCE.**

3 (a) IN GENERAL.—Chapter 1 of title 18, United  
4 States Code, is amended by adding at the end the fol-  
5 lowing:

6 **“§ 25. Use of minors in crimes of violence**

7 “(a) PENALTIES.—Except as otherwise provided by  
8 law, whoever, being not less than 18 years of age, know-  
9 ingly and intentionally uses a minor to commit a Federal  
10 offense that is a crime of violence, or to assist in avoiding  
11 detection or apprehension for such an offense, shall—

12 “(1) be subject to 2 times the maximum impris-  
13 onment and 2 times the maximum fine that would  
14 otherwise be imposed for the offense; and

15 “(2) for second or subsequent convictions under  
16 this subsection, be subject to 3 times the maximum  
17 fine that would otherwise be imposed for the offense.

18 “(b) DEFINITIONS.—In this section:

19 “(1) CRIME OF VIOLENCE.—The term ‘crime of  
20 violence’ has the meaning given the term in section  
21 16 of this title.

22 “(2) MINOR.—The term ‘minor’ means a per-  
23 son who is less than 18 years of age.

24 “(3) USES.—The term ‘uses’ means employs,  
25 hires, persuades, induces, entices, or coerces.”.

1           (b) CLERICAL AMENDMENT.—The table of sections  
2 at the beginning of chapter 1 of title 18, United States  
3 Code, is amended by adding at the end the following:

25. Use of minors in crimes of violence.”.

