

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.

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

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.

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

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

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

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

(2) in subsection (c), by striking “one year”
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.”.

