

111TH CONGRESS
1ST SESSION

H. R. 2815

To increase and enhance law enforcement resources committed to investigation and prosecution of violent gangs, to deter and punish violent gang crime, to reform and facilitate prosecution of juvenile gang members who commit violent crimes, to expand and improve gang prevention programs, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 10, 2009

Mr. ROONEY (for himself, Mr. LARSEN of Washington, and Mrs. MYRICK) 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 increase and enhance law enforcement resources committed to investigation and prosecution of violent gangs, to deter and punish violent gang crime, to reform and facilitate prosecution of juvenile gang members who commit violent crimes, to expand and improve gang prevention programs, and for other purposes.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Anti-Gang Enforce-
3 ment Act of 2009”.

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

6 Chapter 26 of title 18, United States Code, is amend-
7 ed by adding at the end the following:

8 **“§ 522. Recruitment of persons to participate in a**
9 **criminal street gang**

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

19 “(b) PENALTIES.—Any person who violates sub-
20 section (a) shall—

21 “(1) be imprisoned not more than 10 years,
22 fined under this title, or both; and

23 “(2) if the person recruited, solicited, induced,
24 commanded, or caused to participate in a criminal
25 street gang is a minor—

1 “(A) be imprisoned for not less than 3
2 years and not more than 10 years, fined under
3 this title, or both; and

4 “(B) at the discretion of the sentencing
5 judge, be liable for any costs incurred by the
6 Federal Government, or by any State or local
7 government, for housing, maintaining, and
8 treating the person until the person attains the
9 age of 18 years.”.

10 **SEC. 3. CRIMINAL STREET GANGS.**

11 (a) CRIMINAL STREET GANG PROSECUTIONS.—Sec-
12 tion 521 of title 18, United States Code, is amended to
13 read as follows:

14 **“§ 521. Criminal street gang prosecutions**

15 “(a) DEFINITIONS.—As used in this chapter:

16 “(1) CRIMINAL STREET GANG.—The term
17 ‘criminal street gang’ means a formal or informal
18 group, club, organization, or association of 3 or
19 more individuals, who act in concert, or agree to act
20 in concert, with a purpose that any of these persons
21 alone, or in any combination, commit or will commit,
22 2 or more predicate gang crimes, 1 of which occurs
23 after the date of enactment of The Gang Prevention
24 and Effective Deterrence Act of 2003 and the last
25 of which occurs not later than 10 years (excluding

1 any period of imprisonment) after the commission of
2 a prior predicate gang crime, provided that the ac-
3 tivities of the criminal street gang affect interstate
4 or foreign commerce.

5 “(2) PREDICATE GANG CRIME.—The term
6 ‘predicate gang crime’ means—

7 “(A) any act or threat, or attempted act or
8 threat, which is chargeable under Federal or
9 State law and punishable by imprisonment for
10 more than 1 year, involving murder, attempted
11 murder, manslaughter, gambling, kidnapping,
12 robbery, extortion, arson, obstruction of justice,
13 tampering with or retaliating against a witness,
14 victim, or informant, burglary, sexual assault,
15 carjacking, or manufacturing, importing, dis-
16 tributing, possessing with intent to distribute,
17 or otherwise dealing in a controlled substance
18 or listed chemicals (as those terms are defined
19 in section 102 of the Controlled Substances Act
20 (21 U.S.C. 802));

21 “(B) any act punishable by imprisonment
22 for more than 1 year under section 844 (relat-
23 ing to explosive materials), section 922(g)(1)
24 (where the underlying conviction is a serious
25 violent felony (as defined in section

1 3559(c)(2)(F) of this title) or is a serious drug
2 offense (as defined in section 942(e)(2)(A) of
3 this title)), or subsection (a)(2), (b), (c), (g), or
4 (h) of section 924 (relating to receipt, posses-
5 sion, and transfer of firearms), sections 1028
6 and 1029 (relating to fraud and related activity
7 in connection with identification documents or
8 access devices), section 1503 (relating to ob-
9 struction of justice), section 1510 (relating to
10 obstruction of criminal investigations), section
11 1512 (relating to tampering with a witness, vic-
12 tim, or informant), or section 1513 (relating to
13 retaliating against a witness, victim, or inform-
14 ant), section 1951 (relating to interference with
15 commerce, robbery or extortion), section 1952
16 (relating to racketeering), section 1956 (relat-
17 ing to the laundering of monetary instruments),
18 section 1957 (relating to engaging in monetary
19 transactions in property derived from specified
20 unlawful activity), section 1958 (relating to use
21 of interstate commerce facilities in the commis-
22 sion of murder-for-hire), sections 2312 through
23 2315 (relating to interstate transportation of
24 stolen motor vehicles or stolen property); or

1 “(C) any act involving the Immigration
2 and Nationality Act, section 274 (relating to
3 brining in and harboring certain aliens), section
4 277 (relating to aiding or assisting certain
5 aliens to enter the United States), or section
6 278 (relating to importation of alien for im-
7 moral purpose).

8 “(3) STATE.—The term ‘State’ means each of
9 the several States of the United States, the District
10 of Columbia, and any commonwealth, territory, or
11 possession of the United States.

12 “(b) ILLEGAL PARTICIPATION IN CRIMINAL STREET
13 GANGS.—It shall be unlawful—

14 “(1) to participate in a criminal street gang by
15 committing, or conspiring or attempting to commit,
16 2 or more predicate gang crimes—

17 “(A) in furtherance or in aid of the activi-
18 ties of a criminal street gang; or

19 “(B) for the purpose of gaining entrance
20 to or maintaining or increasing position in such
21 a gang; or

22 “(2) to employ, use, command, counsel, per-
23 suade, induce, entice, or coerce any individual to
24 commit, cause to commit, or facilitate the commis-
25 sion of, a predicate gang crime—

1 “(A) in furtherance or in aid of the activi-
2 ties of a criminal street gang; or

3 “(B) for the purpose of gaining entrance
4 to or maintaining or increasing position in such
5 a gang.

6 “(c) PENALTIES.—

7 “(1) IMPRISONMENT OF UP TO 30 YEARS OR
8 LIFE.—Any person who violates paragraph (1) of
9 subsection (b)—

10 “(A) shall be imprisoned not more than 30
11 years;

12 “(B) if the violation is based on a predi-
13 cate gang crime for which the maximum pen-
14 alty includes life imprisonment, shall be impris-
15 oned for any term of years or for life; and

16 “(C) if the person commits such a violation
17 after 1 or more prior convictions for such a
18 predicate gang crime, that is not part of the in-
19 stant violation, shall be imprisoned for any term
20 of years not less than 15 years or for life.

21 “(2) IMPRISONMENT OF UP TO 20 YEARS.—

22 “(A) IN GENERAL.—A person who violates
23 subsection (b)(2) shall be imprisoned for not
24 more than 20 years, fined under this title, or
25 both.

1 “(B) SUBJECT IS A MINOR.—If the person
2 who was the subject of the violation under sub-
3 section (b)(2) was less than 18 years of age at
4 the time of the violation, the person committing
5 the violation shall be imprisoned for not less
6 than 10 years.

7 “(C) CONSECUTIVE TERMS.—A term of
8 imprisonment under this paragraph shall run
9 consecutively to any other term of imprison-
10 ment, including that imposed for any other vio-
11 lation of this chapter.

12 “(3) ADDITIONAL PENALTIES.—In addition to
13 any other penalty authorized by this section—

14 “(A) a person who violates paragraph (1)
15 or (2) of subsection (b), 1 of whose predicate
16 gang crimes involves murder or conspiracy to
17 commit murder which results in the taking of
18 a life, shall be punished by death or by impris-
19 onment for any term of years or for life;

20 “(B) a person who violates paragraph (1)
21 or (2) of subsection (b), 1 of whose predicate
22 gang crimes involves attempted murder or con-
23 spiracy to commit murder, shall be imprisoned
24 for not more than 30 years; and

1 “(C) a person who violates paragraph (1)
2 or (2) of subsection (b), and who at the time
3 of the offense occupied a position of organizer,
4 leader, supervisor, manager, or other position of
5 management in the criminal street gang in-
6 volved in such violation, shall be imprisoned for
7 any term of years not less than 15 years or for
8 life.

9 “(d) FORFEITURE.—

10 “(1) IN GENERAL.—A person who violates any
11 provision of this section shall, in addition to any
12 other penalty and irrespective of any provision of
13 State law, forfeit to the United States—

14 “(A) any property constituting, or derived
15 from, any proceeds the person obtained, directly
16 or indirectly, as a result of the violation; and

17 “(B) any property used, or intended to be
18 used, in any manner or part, to commit, or to
19 facilitate the commission of, the violation.

20 “(2) APPLICATION OF CONTROLLED SUB-
21 STANCES ACT.—Subsections (b), (c), (e), (f), (g),
22 (h), (i), (j), (k), (l), (m), (n), (o), and (p) of section
23 413 of the Controlled Substances Act (21 U.S.C.
24 853) shall apply to a forfeiture under this section.”.

1 (b) CLERICAL AMENDMENT.—The table of sections
 2 at the beginning of chapter 26 of title 18, United States
 3 Code, is amended to read as follows:

“521. Criminal street gang prosecutions.”.

4 **SEC. 4. VIOLENT CRIMES IN FURTHERANCE OR IN AID OF**
 5 **CRIMINAL STREET GANGS.**

6 (a) VIOLENT CRIMES AND CRIMINAL STREET GANG
 7 RECRUITMENT.—Chapter 26 of title 18, United States
 8 Code, as amended by section 2, is amended by adding at
 9 the end the following:

10 **“§ 523. Violent crimes in furtherance or in aid of a**
 11 **criminal street gang**

12 “(a) Any person who, in furtherance or in aid of a
 13 criminal street gang, murders, kidnaps, sexually assaults,
 14 maims, assaults with a dangerous weapon, commits as-
 15 sault resulting in serious bodily injury upon, or threatens
 16 to commit a crime of violence against any individual, or
 17 attempts or conspires to do so, shall be punished, in addi-
 18 tion and consecutive to the punishment provided for any
 19 other violation of this chapter—

20 “(1) for murder, by death or imprisonment for
 21 any term of years or for life, a fine under this title,
 22 or both;

23 “(2) for kidnapping or sexual assault, by im-
 24 prisonment for any term of years or for life, a fine
 25 under this title, or both;

1 “(3) for maiming, by imprisonment for any
2 term of years or for life, a fine under this title, or
3 both;

4 “(4) for assault with a dangerous weapon or as-
5 sault resulting in serious bodily injury, by imprison-
6 ment for not more than 30 years, a fine under this
7 title, or both;

8 “(5) for threatening to commit a crime of vio-
9 lence specified in paragraphs (1) through (4), by im-
10 prisonment for not more than 10 years, a fine under
11 this title, or both;

12 “(6) for attempting or conspiring to commit
13 murder, kidnapping, maiming, or sexual assault, by
14 imprisonment for not more than 30 years, a fine
15 under this title, or both; and

16 “(7) for attempting or conspiring to commit a
17 crime involving assault with a dangerous weapon or
18 assault resulting in serious bodily injury, by impris-
19 onment for not more than 20 years, a fine under
20 this title, or both.

21 “(b) DEFINITIONS.—In this section:

22 “(1) CRIMINAL STREET GANG.—The term
23 ‘criminal street gang’ has the same meaning as in
24 section 521 of this title.

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

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

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

“523. Violent crimes in furtherance of a criminal street gang.”.

6 **SEC. 5. INCREASED PENALTIES FOR VIOLENT CRIMES IN**
7 **AID OF RACKETEERING ACTIVITY.**

8 Section 1959(a) of title 18, United States Code, is
9 amended to read as follows:

10 “(a) Any person who, in furtherance or in aid of an
11 enterprise engaged in racketeering activity, murders, kid-
12 naps, sexually assaults, maims, assaults with a dangerous
13 weapon, commits assault resulting in serious bodily injury
14 upon, or threatens to commit a crime of violence against
15 any individual in violation of the laws of any State or the
16 United States, or attempts or conspires to do so, shall be
17 punished, in addition and consecutive to the punishment
18 provided for any other violation of this chapter—

19 “(1) for murder, by death or imprisonment for
20 any term of years or for life, a fine under this title,
21 or both;

22 “(2) for kidnapping or sexual assault, by im-
23 prisonment for any term of years or for life, a fine
24 under this title, or both;

1 “(3) for maiming, by imprisonment for any
2 term of years or for life, a fine under this title, or
3 both;

4 “(4) for assault with a dangerous weapon or as-
5 sault resulting in serious bodily injury, by imprison-
6 ment for not more than 30 years, a fine under this
7 title, or both;

8 “(5) for threatening to commit a crime of vio-
9 lence, by imprisonment for not more than 10 years,
10 a fine under this title, or both;

11 “(6) for attempting or conspiring to commit
12 murder, kidnapping, maiming, or sexual assault, by
13 imprisonment for not more than 30 years, a fine
14 under this title, or both; and

15 “(7) for attempting or conspiring to commit as-
16 sault with a dangerous weapon or assault which
17 would result in serious bodily injury, by imprison-
18 ment for not more than 20 years, a fine under this
19 title, or both.”.

20 **SEC. 6. MURDER AND OTHER VIOLENT CRIMES COM-**
21 **MITTED DURING AND IN RELATION TO A**
22 **DRUG TRAFFICKING CRIME.**

23 (a) IN GENERAL.—Part D of the Controlled Sub-
24 stances Act (21 U.S.C. 841 et seq.) is amended by adding
25 at the end the following:

1 “MURDER AND OTHER VIOLENT CRIMES COMMITTED
2 DURING AND IN RELATION TO A DRUG TRAFFICKING
3 CRIME

4 “SEC. 424. (a) IN GENERAL.—Any person who, dur-
5 ing and in relation to any drug trafficking crime, murders,
6 kidnaps, sexually assaults, maims, assaults with a dan-
7 gerous weapon, commits assault resulting in serious bodily
8 injury upon, or threatens to commit a crime of violence
9 against, any individual, or attempts or conspires to do so,
10 shall be punished, in addition and consecutive to the pun-
11 ishment provided for the drug trafficking crime—

12 “(1) in the case of murder, by death or impris-
13 onment for any term of years or for life, a fine
14 under title 18, United States Code, or both;

15 “(2) in the case of kidnapping or sexual assault
16 by imprisonment for any term of years or for life,
17 a fine under such title 18, or both;

18 “(3) in the case of maiming, by imprisonment
19 for any term of years or for life, a fine under such
20 title 18, or both;

21 “(4) in the case of assault with a dangerous
22 weapon or assault resulting in serious bodily injury,
23 by imprisonment not more than 30 years, a fine
24 under such title 18, or both;

1 “(5) in the case of threatening to commit a
2 crime of violence specified in paragraphs (1) through
3 (4), by imprisonment for not more than 10 years, a
4 fine under such title 18, or both;

5 “(6) in the case of attempting or conspiring to
6 commit murder, kidnapping, maiming, or sexual as-
7 sault, by imprisonment for not more than 30 years,
8 a fine under such title 18, or both; and

9 “(7) in the case of attempting or conspiring to
10 commit a crime involving assault with a dangerous
11 weapon or assault resulting in serious bodily injury,
12 by imprisonment for not more than 20 years, a fine
13 under such title 18, or both.

14 “(b) VENUE.—A prosecution for a violation of this
15 section may be brought in—

16 “(1) the judicial district in which the murder or
17 other crime of violence occurred; or

18 “(2) any judicial district in which the drug traf-
19 ficking crime may be prosecuted.

20 “(c) APPLICABLE DEATH PENALTY PROCEDURES.—
21 A defendant who has been found guilty of an offense under
22 this section for which a sentence of death is provided shall
23 be subject to the provisions of chapter 228 of title 18,
24 United States Code.

25 “(d) DEFINITIONS.—As used in this section—

1 “(1) the term ‘crime of violence’ has the mean-
 2 ing given that term in section 924(c)(3) of title 18,
 3 United States Code; and

4 “(2) the term ‘drug trafficking crime’ has the
 5 meaning given that term in section 924(c)(2) of title
 6 18, United States Code.”.

7 (b) CLERICAL AMENDMENT.—The table of contents
 8 for the Controlled Substances Act is amended by inserting
 9 after the item relating to section 423, the following:

“Sec. 424. Murder and other violent crimes committed during and in relation
 to a drug trafficking crime.”.

10 **SEC. 7. SENTENCING GUIDELINES FOR GANG CRIMES, IN-**
 11 **CLUDING AN INCREASE IN OFFENSE LEVEL**
 12 **FOR PARTICIPATION IN CRIME AS A GANG**
 13 **MEMBER.**

14 Pursuant to its authority under section 994(p) of title
 15 28, United States Code, the United States Sentencing
 16 Commission shall amend the Federal sentencing guidelines
 17 to eliminate the policy statement in section 5K2.18 of the
 18 guidelines regarding section 521 of title 18, United States
 19 Code, and instead provide a base offense level in chapter
 20 2 of the guidelines for offenses described in sections 521,
 21 522, and 523 of title 18, United States Code, that reflects
 22 the seriousness of these offenses. Such guidelines shall in-
 23 clude an appropriate enhancement (which shall be in addi-
 24 tion to any other adjustment under chapter 3 of the Fed-

1 eral Sentencing guidelines) for any offense described in
2 section 521, 522, or 523 if the offense was committed in
3 furtherance or in aid of the activities of a criminal street
4 gang.

5 **SEC. 8. ENHANCEMENT OF PROJECT SAFE NEIGHBOR-**
6 **HOODS INITIATIVE TO IMPROVE ENFORCE-**
7 **MENT OF CRIMINAL LAWS AGAINST VIOLENT**
8 **GANGS.**

9 (a) IN GENERAL.—The Attorney General shall ex-
10 pand the Project Safe Neighborhoods program to require
11 each United States attorney to—

12 (1) identify, investigate, and prosecute signifi-
13 cant criminal street gangs operating within their dis-
14 trict;

15 (2) coordinate the identification, investigation,
16 and prosecution of criminal street gangs among Fed-
17 eral, State, and local law enforcement agencies; and

18 (3) coordinate and establish criminal street
19 gang enforcement teams, established under section
20 101(b), in high intensity interstate gang activity
21 areas within a United States attorney's district.

22 (b) ADDITIONAL ASSISTANT UNITED STATES ATTOR-
23 NEYS FOR PROJECT SAFE NEIGHBORHOODS.—

1 (1) IN GENERAL.—The Attorney General may
 2 hire 94 additional Assistant United States attorneys
 3 to carry out the provisions of this section.

4 (2) AUTHORIZATION OF APPROPRIATIONS.—
 5 There are authorized to be appropriated \$7,500,000
 6 for each of the fiscal years 2004 through 2008 to
 7 carry out this section.

8 **SEC. 9. ADDITIONAL RESOURCES NEEDED BY THE FED-**
 9 **ERAL BUREAU OF INVESTIGATION TO INVES-**
 10 **TIGATE AND PROSECUTE VIOLENT CRIMINAL**
 11 **STREET GANGS.**

12 (a) RESPONSIBILITIES OF ATTORNEY GENERAL.—
 13 The Attorney General shall require the Federal Bureau
 14 of Investigation to—

15 (1) increase funding for the Safe Streets Pro-
 16 gram; and

17 (2) support the criminal street gang enforce-
 18 ment teams, established under section 110(b), in
 19 designated high intensity interstate gang activity
 20 areas.

21 (b) AUTHORIZATION OF APPROPRIATIONS.—

22 (1) IN GENERAL.—In addition to amounts oth-
 23 erwise authorized, there are authorized to be appro-
 24 priated to the Federal Bureau of Investigation

1 \$5,000,000 for each of the fiscal years 2004 through
2 2008 to carry out the Safe Streets Program.

3 (2) AVAILABILITY.—Any amounts appropriated
4 pursuant to paragraph (1) shall remain available
5 until expended.

6 **SEC. 10. MULTIPLE INTERSTATE MURDER.**

7 Part I of chapter 51 of title 18, United States Code,
8 is amended by adding at the end the following new section:

9 **“SEC. 1123. USE OF INTERSTATE COMMERCE FACILITIES IN**
10 **THE COMMISSION OF MULTIPLE MURDER.**

11 “(a) IN GENERAL.—Any person who travels in or
12 causes another (including the intended victim) to travel
13 in interstate or foreign commerce, or uses or causes an-
14 other (including the intended victim) to use the mail or
15 any facility in interstate or foreign commerce, with intent
16 that 2 or more murders be committed in violation of the
17 laws of any State or the United States, or who conspires
18 to do so—

19 “(1) shall be fined under this title, imprisoned
20 for not more than 30 years, or both;

21 “(2) if personal injury results, shall be fined
22 under this title, imprisoned for not more than 30
23 years, or both; and

24 “(3) if death results, may be fined not more
25 than \$250,000 under this title, and shall be pun-

1 ished by death or imprisoned for any term of years
2 or for life.

3 “(b) DEFINITIONS.—As used in this section:

4 “(1) FACILITY IN INTERSTATE COMMERCE.—
5 The term ‘facility in interstate commerce’ includes
6 means of transportation and communication.

7 “(2) STATE.—The term ‘State’ means each of
8 the several States of the United States, the District
9 of Columbia, and any commonwealth, territory, or
10 possession of the United States.”.

○