

## Session 116 - (2005-2006)

**H 3119 General Bill, By Harrison, Lucas, G.R. Smith, Barfield, Kirsh, Leach, Hinson, Clark, Bales, Simrill, Toole and Whipper**

**Similar (S 0079, S 0265)**

**Summary:** Criminal Street Gang Prevention Act

A BILL TO AMEND CHAPTER 8, TITLE 16, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO OFFENSES THAT PROMOTE CIVIL DISORDER BY DESIGNATING THE EXISTING SECTIONS AS ARTICLE 1 AND BY ADDING ARTICLE 2 SO AS TO ENACT THE "CRIMINAL GANG PREVENTION ACT", TO DEFINE THE TERMS "CONTRABAND", "CRIMINAL GANG", "CRIMINAL GANG MEMBER", "PATTERN OF CRIMINAL GANG ACTIVITY", AND "GANG-RELATED INCIDENT", TO PROVIDE IT IS UNLAWFUL FOR A CRIMINAL GANG MEMBER TO USE OR THREATEN TO USE PHYSICAL VIOLENCE AGAINST ANOTHER PERSON WITH THE INTENT TO COERCE, INDUCE, OR SOLICIT ANOTHER PERSON TO ACTIVELY PARTICIPATE IN CRIMINAL GANG ACTIVITY OR TO PREVENT A PERSON FROM LEAVING A CRIMINAL GANG AND TO PROVIDE PENALTIES, TO PROVIDE AN ADDITIONAL PENALTY FOR COMMITTING THIS OFFENSE WITH A FIREARM OR DEADLY WEAPON, TO PROVIDE AN ADDITIONAL PENALTY IF THE PERSON THREATENED IS UNDER THE AGE OF EIGHTEEN, TO PROVIDE THE PERSON THREATENED HAS A CIVIL CAUSE OF ACTION AGAINST A CRIMINAL GANG OR CRIMINAL GANG MEMBER, TO PROVIDE IT IS UNLAWFUL FOR A CRIMINAL GANG MEMBER BY THREAT OR FORCE TO PREVENT OR ATTEMPT TO PREVENT A WITNESS OR VICTIM FROM TESTIFYING RELATED TO CRIMINAL GANG ACTIVITY AND TO PROVIDE A PENALTY, TO PROVIDE THAT A PERSON THREATENED PURSUANT TO THIS SECTION HAS A CIVIL CAUSE OF ACTION AGAINST A CRIMINAL GANG OR GANG MEMBER, TO PROVIDE THAT A PRIVATE BUILDING OR PLACE USED BY MEMBERS OF A CRIMINAL GANG TO ENGAGE IN A PATTERN OF CRIMINAL GANG ACTIVITY MAY BE THE SUBJECT OF AN INJUNCTION OR CAUSE OF ACTION FOR ABATEMENT OF A NUISANCE, TO PROVIDE THE PROCEDURE FOR SEEKING AN INJUNCTION OR ABATEMENT OF A NUISANCE, TO PROVIDE FOR A CIVIL CAUSE OF ACTION IN FAVOR OF THE STATE OF SOUTH CAROLINA, A COUNTY, MUNICIPALITY, OR ANOTHER POLITICAL SUBDIVISION, OR AN AGENCY OR INSTRUMENTALITY OF THEM, THAT SUSTAINS ANY DAMAGE, IMPAIRMENT, OR INJURY PROXIMATELY CAUSED BY A PATTERN OF CRIMINAL GANG ACTIVITY, TO PROVIDE A PROCEDURE FOR BRINGING THIS CIVIL CAUSE OF ACTION, TO PROVIDE FOR PROTECTION OF THE IDENTITY OF AN INFORMANT, TO PROVIDE FOR THE SEIZURE OF ANY FIREARM, AMMUNITION, OR DANGEROUS WEAPON IF THE LAW ENFORCEMENT OFFICER REASONABLY BELIEVES IT IS OR WILL BE USED IN A PATTERN OF CRIMINAL GANG ACTIVITY, TO PROVIDE A PROCEDURE FOR SEIZURE OF A FIREARM, AMMUNITION, OR DANGEROUS WEAPON, TO PROVIDE FOR NOTIFICATION OF THE SHERIFF OR CHIEF OF POLICE WHEN A CRIMINAL GANG MEMBER IS RELEASED FROM JAIL, PRISON, OR A CORRECTIONS FACILITY, TO PROVIDE THAT THIS ARTICLE DOES NOT APPLY TO EMPLOYEES LAWFULLY ENGAGED IN COLLECTIVE BARGAINING ACTIVITIES OR THE LAWFUL ACTIVITIES OF LABOR ORGANIZATIONS, TO PROVIDE THE GOVERNING BODY OF A COUNTY, MUNICIPALITY, OR ANOTHER POLITICAL SUBDIVISION OF THE STATE MAY ADOPT AND ENFORCE ORDINANCES CONSISTENT WITH THIS ARTICLE, TO REQUIRE THE STATE LAW ENFORCEMENT DIVISION TO INCLUDE THE VIOLENT GANG TERRORIST ORGANIZATION FILE AMONG THE NATIONAL CRIME INFORMATION CENTER DATA AVAILABLE FOR DIRECT ACCESS BY CRIMINAL JUSTICE AGENCIES, AND TO REQUIRE STATE, COUNTY, AND MUNICIPAL LAW ENFORCEMENT AGENCIES TO MAINTAIN A RECORD OF ALL PERSONS WHO ARE FOUND TO BE CRIMINAL GANG MEMBERS IN THE VIOLENT GANG AND TERRORIST ORGANIZATION FILE.

**12/08/04 House Prefiled**

**12/08/04 House Referred to Committee on Judiciary**

**01/11/05 House Introduced and read first time HJ-87**

**01/11/05 House Referred to Committee on Judiciary HJ-89**

**02/09/05 House Member(s) request name added as sponsor: Whipper**