Session 117 - (2007-2008)

S 0078 General Bill, By Knotts, Courson, Cromer, Sheheen, Richardson, McGill, Leatherman, Setzler, Fair and Alexander

Similar (S 0141, H 3049, H 3093, H 3247)

Summary: Criminal Gang Prevention Act

A BILL TO AMEND SECTION 14-7-1610, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE GENERAL ASSEMBLY'S INTENT TO ENHANCE THE GRAND JURY SYSTEM, SO AS TO INCLUDE CRIMINAL GANG ACTIVITY OR A PATTERN OF CRIMINAL GANG ACTIVITY; TO AMEND SECTION 14-7-1630, AS AMENDED, RELATING TO THE JURISDICTION OF THE STATE GRAND JURY, SO AS TO ADD CRIMINAL GANG ACTIVITY OR A PATTERN OF CRIMINAL GANG ACTIVITY TO THE STATE GRAND JURY'S JURISDICTION; AND TO DESIGNATE THE EXISTING SECTIONS OF CHAPTER 8, TITLE 16, RELATING TO OFFENSES THAT PROMOTE CIVIL DISORDER, AS ARTICLE 1 AND BY ADDING ARTICLE 3 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 ATTENDING OR GIVING TESTIMONY AT A TRIAL THAT CONCERNS OR RELATES TO CRIMINAL 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, 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 AND CHIEF OF POLICE WHEN A CRIMINAL GANG MEMBER IS RELEASED FROM JAIL, PRISON, OR A CORRECTIONS FACILITY, TO PROVIDE AN EXCEPTION FOR 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.

11/29/06	**Senate**	**Prefiled**
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01/09/07	**Senate**	**Introduced and read first time SJ-59**
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