



NEW YORK STATE SENATOR

William Larkin

Senate Passes the Criminal Street Gang Act

WILLIAM J. LARKIN JR. February 4, 2015

| ISSUE: **CRIME, CORRECTIONAL, JUVENILE CRIMINAL JUSTICE**

Legislation Focuses on Reducing Growth of Criminal Street Gangs and Protecting Citizens From Gang-Related Violence.

The New York State Senate today passed legislation to reduce gang violence and protect communities throughout the state. The New York State Criminal Street Gang Act ([S1701](#)), sponsored by Senator Martin Golden (R-C-I, Brooklyn), would prosecute and prevent criminal gang activity by creating tough new penalties for gang-related crimes, as well as develop gang prevention programs for schools, at-risk youth, and prison inmates.

Senator Golden said, “As a former New York City Police Officer, I know that gangs on our streets destroy communities, schools, and families. This is definitely the time to create stricter penalties and education programs to reduce gang violence. We must not only work to prevent the formation of gangs, but we should penalize, track and educate their members, so that the dangers they cause on our streets can end.

According to [the Department of Justice](#), the number of gang-related homicides nationally increased 20 percent from 1,824 in 2011 to 2,363 in 2012. Gang-related violence accounted for 16 percent of all homicides in the United States in 2012.

Gang recruitment often targets children, with most gang members ranging in age from eight to 22 years old. The bill creates new crimes to prevent recruitment of children by making it a class C felony, punishable up to 15 years in prison, to solicit minors under 18 years old on school

property to participate in a criminal street gang. Solicitation of a minor outside of school property would be a class D felony, punishable up to seven years in prison.

The bill prevents the growth of criminal street gangs by establishing a Criminal Street Gang Prevention Fund to support training, education, and prevention programs. From this fund, the State Department of Education will create gang prevention programs in schools, giving personnel in-service training and enabling them to implement dress codes to restrict gang-related apparel.

The measure also creates a new class D felony for solicitation with intention to cause physical injury to another person in order to coerce cooperation. Class E felonies punishable up to four years in prison would be created for participation in criminal street gang activity; accepting the benefits or proceeds of criminal street gang activity; and soliciting and recruiting someone or threatening to physically injure that person to participate in a criminal street gang. The legislation also better defines street gangs, criminal street gangs and their associated patterns of behavior to enhance prosecution.

Other programs created by this legislation include:

- **The Criminal Street Gang and Violence Prevention Partnership** would provide services and activities designed to prevent or deter at-risk youth from participating in gangs, criminal activity, or violent behavior, and would create a new Office of Criminal Street Gangs and Youth Violence at the State Division of Criminal Justice Services.

- **The Department of Corrections Gang Education and Prevention Program** within Department of Corrections and Community Supervision would provide education for inmates concerning the impact and risks associated with gang membership.

The bill will be sent to the Assembly.