

Brief Review of Federal and State Definitions of the Terms “Gang,” “Gang Crime,” and “Gang Member”

Federal Law

Currently, federal law *defines* the term “gang” as “an ongoing group, club, organization, or association of five or more persons: (A) that has as one of its primary purposes the commission of one or more of the criminal offenses described in subsection (c); (B) the members of which engage, or have engaged within the past five years, in a continuing series of offenses described in subsection (c); and (C) the activities of which affect interstate or foreign commerce.” 18 USC § 521(a).

Current federal law *describes* the term “gang crime” as:

- (1) “A federal felony involving a controlled substance (as defined in Section 102 of the Controlled Substances Act (21 USC § 802)) for which the maximum penalty is not less than five years.
- (2) A federal felony crime of violence that has as an element the use or attempted use of physical force against the person of another.
- (3) A conspiracy to commit an offense described in paragraph (1) or (2).” 18 USC § 521(c).

Also, current federal law *describes* the term “gang member” as “a person who:

- (1) Participates in a criminal street gang with knowledge that its members engage in or have engaged in a continuing series of offenses described in subsection (c).
- (2) Intends to promote or further the felonious activities of the criminal street gang or maintain or increase his or her position in the gang.
- (3) Has been convicted within the past five years for:
 - (A) An offense described in subsection (c).
 - (B) A state offense:
 - (i) Involving a controlled substance (as defined in Section 102 of the Controlled Substances Act (21 USC § 802)) for which the maximum penalty is not less than five years’ imprisonment.
 - (ii) That is a felony crime of violence that has as an element the use or attempted use of physical force against the person of another.
 - (C) Any federal or state felony offense that by its nature involves a substantial risk that physical force against the person of another may be used in the course of committing the offense.
 - (D) A conspiracy to commit an offense described in subparagraph (A), (B), or (C).” 18 USC § 521(d).

State Law

A review of current state laws for various states' definitions of the words "gang," "gang member," and "gang crime" reveals the following information:

"Gang Member" Definitions

- Fourteen states have legislation that defines a "gang member."
- Six states have a list of criteria, some of which a person must meet to be considered a gang member.
- Of those, five states require that a person must meet at least two criteria to be considered a gang member.
- Kansas requires an admission of gang membership OR three or more of its criteria.

"Gang" Definitions

- Thirty-nine states and Washington, DC, have legislation that defines "gang."
- Thirty states and Washington, DC, define a gang as consisting of three or more persons.
- Twenty-three states include a common name, identifying sign, or symbol as identifiers of gangs in their definitions.
- Twenty-four states refer to a gang as an "organization, association, or group."
- Twenty-two states and Washington, DC, use the term "criminal street gang" to describe a gang.

"Gang Crime" Definitions

- Twenty-two states define "gang crime/activity."
- Twelve states refer to it as a "pattern of criminal gang activity."
- Eighteen states enumerate the exact crimes that are to be considered criminal gang activity.

Violent Gang and Terrorist Organizations File

The definitions of "gang," "gang crime," and "gang member" of the Violent Gang and Terrorist Organizations File (VGTOF), contained within the FBI's National Crime Information Center (NCIC), share some similarities with those definitions used by the states:

"Gang Member" Definitions

- The VGTOF definition has a list of criteria, some of which a person must meet to be considered a gang member.
- The VGTOF definition requires an admission of gang membership OR two of its criteria.

“Gang” Definitions

- The VGTOF defines a gang as consisting of three or more persons.
- The VGTOF refers to a gang as an “organization, association, or group.”
- The VGTOF definition includes criminal/illegal activity or behavior.

“Gang Crime” Definitions

- The VGTOF definition enumerates the exact crimes that are to be considered criminal activity.

Definition of “Gang Member” by State

State	Term(s)	Number	Criteria	Belongs to or Engages in
VGTOF	Gang member	Admission or any 2	<ul style="list-style-type: none"> • Has been identified as a gang member by an individual of proven reliability • Has been identified as a gang member by an individual of unknown reliability, and that information has been corroborated in significant respects • Has been observed by law enforcement members to frequent a known gang’s area, associate with known gang members, and/or affect that gang’s style of dress, tattoos, hand signals, or symbols • Has been arrested on more than one occasion with known gang members consistent with gang activity • Has admitted membership in a gang at any time other than at the time of current arrest/incarceration 	“must be a member of a group, or sub-group thereof, which meets the criteria for a gang.”
Arizona § 13-105	Criminal street gang member	2 of 7	<ul style="list-style-type: none"> • Self-proclamation • Witness testimony or official statement • Written or electronic correspondence • Paraphernalia or photographs • Tattoos • Clothing or colors • Any other indicia of street gang membership 	N/A
Florida § 874.03	Criminal street gang member	2 or more	<ul style="list-style-type: none"> • Admits to criminal gang membership • Is identified as a criminal gang member by a parent or guardian • Is identified as a criminal gang member by a documented reliable informant • Adopts the style of dress of a criminal gang • Adopts the use of a hand sign identified as used by a criminal gang • Has a tattoo identified as used by a criminal gang • Associates with one or more known criminal gang members 	N/A

Definition of “Gang Member” by State

State	Term(s)	Number	Criteria	Belongs to or Engages in
<p>Florida § 874.03 (continued)</p>			<ul style="list-style-type: none"> • Is identified as a criminal gang member by an informant of previously untested reliability and such identification is corroborated by independent information • Is identified as a criminal gang member by physical evidence • Has been observed in the company of one or more known criminal gang members four or more times. Observation in a custodial setting requires a willful association. It is the intent of the legislature to allow this criterion to be used to identify gang members who recruit and organize in jails, prisons, and other detention settings • Has authored any communication indicating responsibility for the commission of any crime by the criminal gang 	
<p>Florida (2) § 874.03</p>	<p>Criminal street gang associate</p>	<p>N/A</p>	<p>N/A</p>	<p>“who admits to criminal gang association; or meets any single defining criterion for criminal gang membership”</p>
<p>Idaho § 18-8502</p>	<p>Criminal gang member</p>	<p>2 or more</p>	<ul style="list-style-type: none"> • Admits to gang membership • Is identified as a gang member • Resides in or frequents a particular gang’s area and adopts its style of dress, use of hand signs, or tattoos and associates with known gang members • Has been arrested more than once in the company of identified gang members for offenses that are consistent with usual gang activity • Is identified as a gang member by physical evidence such as photographs or other documentation • Has been stopped in the company of known gang members four or more times 	<p>“who engages in a pattern of criminal gang activity”</p>

Definition of “Gang Member” by State

State	Term(s)	Number	Criteria	Belongs to or Engages in
<p>Illinois § 740 ILCS 147-10</p>	<p>Street gang member Gang member</p>	<p>N/A</p>	<p>N/A</p>	<p>“who actually and in fact belongs to a gang, and any person who knowingly acts in the capacity of an agent for or accessory to, or is legally accountable for, or voluntarily associates himself with a course or pattern of gang-related criminal activity, whether in a preparatory, executory, or cover-up phase of any activity, or who knowingly performs, aids, or abets any such activity”</p>
<p>Kansas § 21-4226</p>	<p>Criminal street gang member</p>	<p>Admission or 3 or more</p>	<ul style="list-style-type: none"> • Is identified as a criminal street gang member by a parent or guardian • Is identified as a criminal street gang member by a state, county, or city law enforcement officer or correctional officer or documented reliable informant • Is identified as a criminal street gang member by an informant of previously untested reliability, and such identification is corroborated by independent information • Resides in or frequents a particular criminal street gang's area and adopts such gang's style of dress, color, or use of hand signs or tattoos and associates with known criminal street gang members • Has been arrested more than once in the company of identified criminal street gang members for offenses that are consistent with usual criminal street gang activity • Is identified as a criminal street gang member by physical evidence including, but not limited to, photographs or other documentation • Has been stopped in the company of known criminal street gang members two or more times • Has participated in or undergone activities self-identified or identified by a reliable informant as a criminal street gang initiation ritual 	<p>N/A</p>

Definition of “Gang Member” by State

State	Term(s)	Number	Criteria	Belongs to or Engages in
<p>Kansas (2) § 21-4226</p>	<p>Criminal street gang associate</p>	<p>Admission or 2 or more</p>	<ul style="list-style-type: none"> • Is identified as a criminal street gang member by a parent or guardian • Is identified as a criminal street gang member by a state, county, or city law enforcement officer or correctional officer or documented reliable informant • Is identified as a criminal street gang member by an informant of previously untested reliability, and such identification is corroborated by independent information • Resides in or frequents a particular criminal street gang's area and adopts such gang's style of dress, color, or use of hand signs or tattoos and associates with known criminal street gang members • Has been arrested more than once in the company of identified criminal street gang members for offenses that are consistent with usual criminal street gang activity • Is identified as a criminal street gang member by physical evidence including, but not limited to, photographs or other documentation • Has been stopped in the company of known criminal street gang members two or more times • Has participated in or undergone activities self-identified or identified by a reliable informant as a criminal street gang initiation ritual 	<p>N/A</p>
<p>Michigan § 750.411u § 750.411v</p>	<p>Gang member Member of a gang</p>	<p>N/A</p>	<p>N/A</p>	<p>“who belongs to a gang”</p>
<p>Mississippi § 97-44-3</p>	<p>Street gang member Gang member</p>	<p>N/A</p>	<p>N/A</p>	<p>“who actually and in fact belongs to a gang, and any person who knowingly acts in the capacity of an agent for or accessory to, or is legally accountable for, or voluntarily associates himself with a gang-related criminal activity, whether in a preparatory, executory, or cover-up phase of any activity, or who knowingly performs, aids, or abets any such activity”</p>

Definition of “Gang Member” by State

State	Term(s)	Number	Criteria	Belongs to or Engages in
Nebraska § 43-245	Criminal street gang member	N/A	N/A	“who willingly or voluntarily becomes and remains a member of a criminal street gang”
New York 9 NYCRR § 301.3	Gang member	N/A	N/A	“who is part of, associated with, or otherwise affiliated with a gang”
South Carolina § 16-8-230	Criminal gang member	N/A	N/A	“who is an active member of a criminal gang”
South Dakota § 22-10A-1	Street gang member	2 or more	<ul style="list-style-type: none"> • Admits to gang membership • Is identified as a gang member by a documented reliable informant • Resides in or frequents a particular gang’s area and adopts its style of dress, use of hand signs, or tattoos and associates with known gang members • Is identified as a gang member by an informant of previously untested reliability if such identification is corroborated by independent information • Has been arrested more than once in the company of identified gang members for offenses that are consistent with usual gang activity • Is identified as a gang member by physical evidence, such as photographs or other documentation • Has been stopped in the company of known gang members four or more times 	“who engages in a pattern of street gang activity”

Definition of “Gang Member” by State

State	Term(s)	Number	Criteria	Belongs to or Engages in
Tennessee § 40-35-121	Criminal gang member	2 or more	<ul style="list-style-type: none"> • Admits to criminal gang involvement • Is identified as a criminal gang member by a parent or guardian • Is identified as a criminal gang member by a documented reliable informant • Resides in or frequents a particular criminal gang’s area, adopts its style of dress, use of hand signs, or tattoos, and associates with known gang members • Is identified as a criminal gang member by an informant of previously untested reliability, and such identification is corroborated by independent information • Has been arrested more than once in the company of identified criminal gang members for offenses that are consistent with usual criminal gang activity • Is identified as a criminal gang member by physical evidence such as photographs or other documentation 	“who is a member of a criminal gang”
Washington § 9.94A.030	Criminal street gang associate or member	N/A	N/A	“who actively participates in any criminal street gang and who intentionally promotes, furthers, or assists in any criminal act by the criminal street gang”
Wisconsin § 939.22	Criminal gang member	N/A	N/A	“who participates in criminal gang activity”

Definition of “Gang” by State

State	Term(s)	Grouping	Number	Formality	Fact or Law	Purpose or Activity	Identifiers
VGTOF	Gang	Organization, Association, or Group	3 or more persons	N/A	N/A	“must have a common interest and/or activity characterized by the commission of or involvement in a pattern of criminal activity or delinquent conduct”	N/A
Alabama § 13A-6-26	Street gang	Combination Confederation Alliance Network Conspiracy Understanding or other similar arrangement	3 or more persons	N/A	In law or in fact	“that, through its membership or through the agency of any member, engages in a course or pattern of criminal activity”	N/A
Alaska § 11.81.900	Criminal street gang	Group	3 or more persons	N/A	N/A	“who, individually, jointly, or in combination, have committed or attempted to commit, within the preceding three years, for the benefit of, at the direction of, or in association with the group, two or more offenses under any of, or any combination of... [these offenses]”	Name, identifying sign, symbol, tattoo, or other physical marking, style of dress, or use of hand signs
Arizona § 13-105	Criminal street gang	Association	At least 1 person who is a criminal street gang member	Formal or informal	N/A	“whose members or associates individually or collectively engage in the commission, attempted commission, facilitation or solicitation of any felony act”	N/A
Arkansas § 5-74-103	Criminal gang Criminal organization Criminal enterprise	Group	3 or more individuals	N/A	N/A	“who commit a continuing series of two (2) or more predicate criminal offenses that are undertaken in concert with each other”	N/A

Definition of “Gang” by State

State	Term(s)	Grouping	Number	Formality	Fact or Law	Purpose or Activity	Identifiers
California Penal Code § 186.22	Criminal street gang	Organization, Association, or Group	3 or more persons	Formal or informal	N/A	“having as one of its primary activities the commission of one or more ... criminal acts ... and whose members individually or collectively engage in or have engaged in a pattern of criminal gang activity”	Common name, common identifying sign or symbol
Colorado § 18-23-101	Criminal street gang	Organization, Association, or Group	3 or more persons	Formal or informal	N/A	“which has as one of its primary objectives or activities the commission of one or more predicate criminal acts; and whose members individually or collectively engage in or have engaged in a pattern of criminal gang activity”	N/A
Connecticut § 29-7n	Gang	Group	Juveniles or youth	N/A	N/A	“who, acting in concert with each other, or with adults, engage in illegal activities.”	N/A
Delaware 11 Del. C. § 616	Criminal street gang	Organization, Association, or Group	3 or more persons	Formal or informal	N/A	“having as one of its primary activities the commission of one or more ... criminal acts ... and whose members individually or collectively engage in or have engaged in a pattern of criminal gang activity”	Common name, common identifying sign or symbol
Delaware (2) 11 Del. C. § 617	Criminal youth gang	Group	3 or more persons	N/A	N/A	“which either promotes, sponsors, assists in, participates in or requires as a condition of membership submission to group initiation that results in any felony or any class A misdemeanor”	Gang name or other identifier

Definition of “Gang” by State

State	Term(s)	Grouping	Number	Formality	Fact or Law	Purpose or Activity	Identifiers
Florida § 874.03	Criminal street gang	Organization, Association, or Group	3 or more persons	Formal or informal	N/A	“that has as one of its primary activities the commission of criminal or delinquent acts... including, but not limited to, terrorist organizations and hate groups”	Common name, common identifying signs, colors, or symbols
Georgia § 16-15-3	Criminal street gang	Organization, Association, or Group	3 or more persons	Formal or informal	In fact	“which engages in a pattern of criminal gang activity”	Common name, common identifying signs, symbols, tattoos, graffiti, attire, or other distinguishing characteristics
Idaho § 18-8502	Criminal gang	Organization, Association, or Group	3 or more persons	Formal or informal	N/A	“whose members individually or collectively engage in or have engaged in a pattern of criminal gang activity, having as one (1) of its primary activities the commission of one (1) or more ... criminal acts”	Common name, common identifying sign or symbol
Illinois § 740 ILCS 147/10	Street gang Gang Organized gang Criminal street gang	Combination Confederation Alliance Network Conspiracy Understanding or other similar conjoining	3 or more persons	N/A	In law or in fact	“with an established hierarchy that, through its membership or through the agency of any member engages in a course or pattern of criminal activity”	N/A

Definition of “Gang” by State

State	Term(s)	Grouping	Number	Formality	Fact or Law	Purpose or Activity	Identifiers
Indiana § 35-45-9-1	Criminal gang	Group	At least 5 members	N/A	N/A	“that specifically either promotes, sponsors, or assists in; or participates in; or requires as a condition of membership or continued membership; the commission of a felony or an act that would be a felony if committed by an adult or the offense of battery”	N/A
Iowa § 723A.1	Criminal street gang	Organization, Association, or Group	3 or more persons	Formal or informal	N/A	“having as one of its primary activities the commission of one or more criminal acts ... and whose members individually or collectively engage in or have engaged in a pattern of criminal gang activity”	Identifiable name, identifying sign or symbol
Kansas § 21-4226	Criminal street gang	Organization, Association, or Group	3 or more persons	Formal or informal	N/A	“having as one of its primary activities the commission of one or more person felonies, person misdemeanors, felony violations of the uniform controlled substances act, ... or the comparable juvenile offenses, which if committed by an adult would constitute the commission of such felonies or misdemeanors; and whose members, individually or collectively, engage in or have engaged in the commission, attempted commission, conspiracy to commit or solicitation of two or more person felonies, person misdemeanors or felony violations of the uniform controlled substances act, ... the comparable juvenile offenses, which if	Common name, common identifying sign or symbol

Definition of “Gang” by State

State	Term(s)	Grouping	Number	Formality	Fact or Law	Purpose or Activity	Identifiers
Kansas § 21-4226 (continued)						committed by an adult would constitute the commission of such felonies or misdemeanors, or any substantially similar offense from another jurisdiction”	
Kentucky § 506.140	Criminal gang	Alliance, Network, or Conspiracy	5 or more persons		In law or in fact	“that, through its membership or through the action of any member, engages in a continuing pattern of criminal activity. ‘Criminal gang’ shall not include fraternal organizations, unions, corporations, associations, or similar entities, unless organized for the primary purpose of engaging in criminal activity”	An established hierarchy
Louisiana § 15:1404	Criminal street gang	Organization, Association, or Group	3 or more persons	Formal or informal	N/A	“which has as one of its primary activities the commission of one or more ... criminal acts ... whose members individually or collectively engage in or have engaged in a pattern of criminal gang activity”	Common name, common identifying sign or symbol
Maryland Criminal Law Code § 9-801	Criminal gang	Group Association	3 or more persons	N/A	N/A	“that forms to engage in criminal activity, including acts by juveniles that would be crimes if committed by adults, for the purposes of pecuniary gain or to create an atmosphere of fear and intimidation either collectively or with knowledge of the acts of the members of the group”	Common identifying sign, symbol, or name

Definition of “Gang” by State

State	Term(s)	Grouping	Number	Formality	Fact or Law	Purpose or Activity	Identifiers
Michigan § 750.411u § 750.411v	Gang	Organization, Association, or Group	5 or more people	N/A	N/A	“other than a nonprofit organization”	<ul style="list-style-type: none"> • A unifying mark, manner, protocol, or method of expressing membership, including a common name, sign or symbol, means of recognition, geographical or territorial sites, or boundary or location • An established leadership or command structure • Defined membership criteria
Minnesota § 609.229	Criminal gang	Organization, Association, or Group	3 or more persons	Formal or informal	N/A	“has as one of its primary activities the commission of one or more ... offenses ... and includes members who individually or collectively engage in or have engaged in a pattern of criminal gang activity”	Common name, common identifying sign or symbol
Mississippi § 97-44-3	Street gang Gang Organized gang Criminal street gang	Combination Confederation Alliance Network Conspiracy Understanding or other similar conjoining	3 or more persons	N/A	In law or in fact	“with an established hierarchy that, through its membership or through the agency of any member engages in felonious criminal activity”	N/A

Definition of “Gang” by State

State	Term(s)	Grouping	Number	Formality	Fact or Law	Purpose or Activity	Identifiers
Missouri § 578.421	Criminal street gang	Organization, Association, or Group	3 or more persons	Formal or informal	N/A	“having as one of its primary activities the commission of one or more criminal acts ... whose members individually or collectively engage in or have engaged in a pattern of criminal gang activity”	Common name, common identifying sign or symbol
Montana § 45-8-402	Criminal street gang	Organization, Association, or Group	3 or more persons	Formal or informal	N/A	“having as one of its primary activities the commission of one or more ... criminal acts ... whose members individually or collectively engage in or have engaged in a pattern of criminal gang activity”	Common name, common identifying sign or symbol
Nebraska § 43-245	Criminal street gang	Group	3 or more people	N/A	N/A	“whose group identity or purposes include engaging in illegal activities”	Common identifying name, sign, or symbol
Nevada § 193.168	Criminal gang	Combination	persons	Formal or informal	N/A	“so constructed that the organization will continue its operation even if individual members enter or leave the organization, which ... has particular conduct, status and customs indicative of it; and has as one of its common activities engaging in criminal activity punishable as a felony, other than the conduct which constitutes the primary offense”	Common name or identifying symbol

Definition of “Gang” by State

State	Term(s)	Grouping	Number	Formality	Fact or Law	Purpose or Activity	Identifiers
New Jersey § 2C:33-29	Criminal street gang	N/A	3 or more persons	N/A	In fact	“individually or in combination with other members of a criminal street gang, while engaging in gang-related activity, have committed or conspired or attempted to commit, within the preceding five years from the date of the present offense, excluding any period of imprisonment, one or more offenses on separate occasions of robbery, carjacking, aggravated assault, assault, aggravated sexual assault, sexual assault, arson, burglary, kidnapping, extortion, tampering with witnesses, and informants or a violation of chapter 11, section 3, 4, 5, 6, or 7 of chapter 35 or chapter 39 of Title 2C of the New Jersey Statutes”	Two of the following seven criteria that indicate criminal street gang membership apply: <ul style="list-style-type: none"> • Self-proclamation • Witness testimony or official statement • Written or electronic correspondence • Paraphernalia or photographs • Tattoos • Clothing or colors Any other indicia of street gang activity
New York 9 NYCRR § 301.3	Gang	Organization, Association, or Group	3 or more persons	Formal or informal	N/A	“having as one of its primary activities the commission of one or more criminal acts ... and whose members individually or collectively engage in or have engaged in a pattern of criminal gang activity”	Identifiable name, identifying sign or symbol

Definition of “Gang” by State

State	Term(s)	Grouping	Number	Formality	Fact or Law	Purpose or Activity	Identifiers
North Carolina § 15A-1340.16	Criminal street gang	Organization, Association, or Group	3 or more persons	Formal or informal	N/A	“having as one of its primary activities the commission of felony or violent misdemeanor offenses, or delinquent acts that would be felonies or violent misdemeanors if committed by an adult”	Common name or common identifying sign, colors, or symbols
North Dakota § 12.1-06.2-01	Criminal street gang	Organization, Association, or Group	3 or more persons	Formal or informal	N/A	“that acts in concert or agrees to act in concert with a purpose that any of those persons alone or in any combination commit or will commit two or more predicate gang crimes one of which occurs after August 1, 1995, and the last of which occurred within five years after the commission of a prior predicate gang crime”	N/A
Ohio § 2923.41	Criminal gang	Organization, Association, or Group	3 or more persons	Formal or informal	N/A	“has as one of its primary activities the commission of one or more . . . offenses . . . the persons in the organization, association, or group individually or collectively engage in or have engaged in a pattern of criminal gang activity”	Common name or one or more common identifying signs, symbols, or colors
Oklahoma 21 Okl. St. § 856	Criminal street gang	Organization, Association, or Group	5 or more persons	N/A	N/A	“that specifically either promotes, sponsors, or assists in, or participates in, and requires as a condition of membership or continued membership, the commission of one or more criminal acts”	N/A
South Carolina § 16-8-230	Criminal gang	Organization, Association, or Group	5 or more persons	Formal or informal	N/A	“who form for the purpose of committing criminal activity and who knowingly and actively participate in a pattern of criminal gang activity”	N/A

Definition of “Gang” by State

State	Term(s)	Grouping	Number	Formality	Fact or Law	Purpose or Activity	Identifiers
South Dakota § 22-10A-1	Street gang	Organization, Association, or Group	3 or more persons	Formal or informal	N/A	“have members or associates who, individually or collectively, engage in or have engaged in a pattern of street gang activity”	Common name, common identifying signs, colors, or symbols
Tennessee § 40-35-121	Criminal gang	Organization, Association, or Group	3 or more persons	Formal or informal	N/A	“has as one (1) of its activities the commission of criminal acts; and two (2) or more members who, individually or collectively, engage in or have engaged in a pattern of criminal gang activity	
Texas Penal Code § 71.01	Criminal street gang	N/A	3 or more persons	N/A	N/A	“who continuously or regularly associate in the commission of criminal activities”	Common identifying sign or symbol or an identifiable leadership
Texas (2) Penal Code § 71.023	Criminal street gang	Organization	More than 10 members whose names are included in an intelligence database under Chapter 61, Code of Criminal Procedure	N/A	N/A	“in one or more regions of this state served by different regional councils of government, continuously or regularly engages in conduct: <ul style="list-style-type: none"> • that constitutes and offense listed in Section 3g(a)(1), Article 42.12, Code of Criminal Procedure; • in which it is alleged that a deadly weapon is used or exhibited during the commission of or immediate flight from the commission of any felony offense; or 	Hierarchical structure that has been documented in an intelligence database under Chapter 61, Code of Criminal Procedure

Definition of “Gang” by State

State	Term(s)	Grouping	Number	Formality	Fact or Law	Purpose or Activity	Identifiers
Texas (2) Penal Code § 71.023 (continued)						<ul style="list-style-type: none"> that is punishable as a felony of the first or second degree under Chapter 481, Health and Safety Code, or an organization that, in collaboration with an organization described by Subdivision (1), engages in conduct or commits an offense or conspires to engage in conduct or commit an offense described by Subdivision (1)(D).” 	
Utah § 76-9-802	Criminal street gang	Organization, Association, or Group	3 or more persons	Formal or informal	In fact	“that is currently in operation; that has one of its primary activities the commission of one or more predicate gang crimes; ... and whose members, acting individually or in concert with other members, engage in or have engaged in a pattern of criminal gang activity.”	Identifying name, or identifying sign or symbol, or both
Virginia § 18.2-46.1	Criminal street gang	Organization, Association, or Group	3 or more persons	Formal or informal	N/A	“which has as one of its primary objectives or activities the commission of one or more criminal activities ... and whose members individually or collectively have engaged in the commission of, attempt to commit, conspiracy to commit, or solicitation of two or more predicate criminal acts, at least one of which is an act of violence, provided such acts were not part of a common act or transaction”	Identifiable name or identifying sign or symbol

Definition of “Gang” by State

State	Term(s)	Grouping	Number	Formality	Fact or Law	Purpose or Activity	Identifiers
Washington § 9.94A.030	Criminal street gang	Organization, Association, or Group	3 or more persons	Formal or informal	N/A	“having as one of its primary activities the commission of criminal acts, and whose members or associates individually or collectively engage in or have engaged in a pattern of criminal street gang activity. This definition does not apply to employees engaged in concerted activities for their mutual aid and protection, or to the activities of labor and bona fide nonprofit organizations or their members or agents.”	Common name or common identifying sign or symbol
Washington, DC § 22-1731	Criminal street gang	Association Group	6 or more persons	N/A	N/A	“has as a condition of membership or continued membership the committing of or actively participating in committing a crime of violence ... or has as one of its purposes or frequent activities, the violation of the criminal laws of the District, or the United States, except for acts of civil disobedience”	N/A
Wisconsin § 939.22	Criminal gang	Organization, Association, or Group	3 or more persons	Formal or informal	N/A	“that has as one of its primary activities the commission of one or more ... criminal acts, or acts that would be criminal if the actor were an adult ... and whose members individually or collectively engage in or have engaged in a pattern of criminal gang activity	Common name, common identifying sign or symbol

Definition of “Gang Crime” by State

(States that have been highlighted in gray DO NOT have enhanced penalties for gang crimes.)

§State	Term(s)	Definition	Enumerated/Elucidated Violations
VGTOF	Criminal activity Delinquent conduct	N/A	<ul style="list-style-type: none"> • Illegal drug distribution • Firearms or explosives violations • Murder • Extortion • Obstruction of justice, including witness tampering or intimidation • Any other violent crimes such as assaults, threats, burglaries, and or/carjacking • “Delinquent conduct is any conduct of a juvenile which would be a crime if committed by an adult.”
California Penal Code § 186.22	Pattern of criminal gang activity	“the commission of, attempted commission of, conspiracy to commit, or solicitation of, sustained juvenile petition for, or conviction of two or more ... offenses, provided at least one of these offenses occurred after the effective date of this chapter and the last of those offenses occurred within three years after a prior offense, and the offenses were committed on separate occasions, or by two or more persons”	<ul style="list-style-type: none"> • Assault with a deadly weapon or by means of force likely to produce great bodily injury • Robbery • Unlawful homicide or manslaughter • Sale, possession for sale, transportation, manufacture, offer for sale, or offer to manufacture controlled substances • Shooting at an inhabited dwelling or occupied motor vehicle • Discharging or permitting the discharge of a firearm from a motor vehicle • Arson • Intimidation of witnesses and victims • Grand theft • Grand theft of any firearm, vehicle, trailer, or vessel • Burglary • Rape • Looting • Money laundering • Kidnapping • Mayhem • Aggravated mayhem • Torture • Felony extortion • Felony vandalism

Definition of “Gang Crime” by State

(States that have been highlighted in gray DO NOT have enhanced penalties for gang crimes.)

§State	Term(s)	Definition	Enumerated/Elucidated Violations
California Penal Code § 186.22 (continued)			<ul style="list-style-type: none"> • Carjacking • Sale, delivery, or transfer of a firearm • Possession of a pistol revolver, or other firearm • Threats to commit crimes resulting in death or great bodily injury • Theft or unlawful taking or driving of a vehicle
Colorado §18-23-101	Pattern of criminal gang activity	“the commission, attempt, conspiracy, or solicitation of two or more <i>predicate criminal acts</i> which are committed on separate occasions or by two or more persons”	“ <i>predicate criminal acts</i> means the commission of or attempt, conspiracy, or solicitation to commit any of the following: any conduct defined as racketeering activity...; any violation of section 18-8-706 “Retaliation against a witness or victim” or any criminal act committed in any jurisdiction of the United States, which, if committed in this state, would violate section 18-8-706”
Delaware 11 Del. C. § 616	Pattern of criminal gang activity	“the commission of, attempted commission of, conspiracy to commit, solicitation of, or conviction of 2 or more ... criminal offenses, provided that at least one (1) of these offenses occurred after July 1, 2003, and that the last of those offenses occurred within 3 years after a prior offense, and provided that the offenses were committed on separate occasions or by 2 or more persons”	<ul style="list-style-type: none"> • Assault • Any criminal acts causing death • Any criminal acts relating to sexual offenses • Any criminal offenses relating to unlawful imprisonment or kidnapping • Any criminal acts of arson • Any criminal acts relating to burglary • Any criminal acts relating to robbery • Any criminal acts relating to theft or extortion ... provided that such acts meet the requirements of felony offenses • Any criminal acts relating to riot, unlawful disruption, hate crimes, stalking, or bombs, provided that such acts meet the requirements of felony offenses • Any criminal acts involving deadly weapons or dangerous instruments • Any criminal acts involving controlled substances

Definition of “Gang Crime” by State

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§State	Term(s)	Definition	Enumerated/Elucidated Violations
<p>Delaware (2) 11 Del. C. § 616</p>	<p>Illegal gang participation</p>	<p>“a person who actively participates in any criminal street gang with knowledge that its members engage in or have engaged in a pattern of criminal gang activity and who knowingly promotes, furthers, or assists in any criminal conduct by members of that gang which would constitute a felony under Delaware law shall be guilty of illegal gang participation. Illegal gang participation is a Class F felony”</p>	<p>N/A</p>
<p>Florida § 874.03</p>	<p>Criminal gang-related activity</p>	<p>N/A</p>	<ul style="list-style-type: none"> • An activity committed with the intent to benefit, promote, or further the interests of a criminal gang, or for the purposes of increasing a person’s own standing or position within a criminal gang • An activity in which the participants are identified as criminal gang members or criminal gang associates acting individually or collectively to further any criminal purpose of a criminal gang • An activity that is identified as criminal gang activity by a documented reliable informant or • An activity that is identified as criminal gang activity by an informant of previously untested reliability and such identification is corroborated by independent information
<p>Georgia § 16-15-3</p>	<p>Pattern of criminal gang activity</p>	<p>“the commission, attempted commission, conspiracy to commit, or solicitation, coercion, or intimidation of another person to commit at least two ... offenses, provided that at least one of these offenses occurred after July 1, 1998, and the last of such offenses occurred within three years, excluding any periods of imprisonment, of prior criminal gang activity</p>	<ul style="list-style-type: none"> • Any offense defined as racketeering activity • Any offense relating to stalking • Any offense defined as rape, aggravated sodomy, statutory rape, or aggravated sexual battery • Any offense relating to escape and other offenses related to confinement • Any offense relating to dangerous instrumentalities and practices • Any offense relating to the security of state or county correctional facilities • Any offense relating to aiding or encouraging a child to escape from custody

Definition of “Gang Crime” by State

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§State	Term(s)	Definition	Enumerated/Elucidated Violations
Idaho § 18-8502	Pattern of criminal gang activity	“the commission, attempted commission, or solicitation of two (2) or more ... offenses, provided that the offenses are committed on separate occasions or by two (2) or more gang members	<ul style="list-style-type: none"> • Robbery • Arson • Burglary • Murder or manslaughter • Any violation ... that involves possession with intent to deliver, distribution, delivery, or manufacturing of a prohibited substance • Any unlawful use of a weapon that is a felony • Assault and battery • Criminal solicitation • Computer crime • Theft • Evidence falsified or concealed and witnesses intimidated or bribed • Forgery and counterfeiting • Gambling • Kidnapping • Mayhem • Prostitution • Rape • Racketeering • Malicious harassment • Terrorism • Money laundering and illegal investment
Illinois § 740 ILCS 147/10	Course or pattern of criminal activity	“2 or more <i>gang-related</i> criminal offenses committed in whole or in part within this State when at least one such offense was committed after the effective date of this Act; both offenses were committed within 5 years of each other; and at least one offense involved the solicitation to commit, conspiracy to commit, attempt to commit, or commission of any offense defined as a felony or forcible felony”	<ul style="list-style-type: none"> • “Street gang related or gang-related means any criminal activity, enterprise, pursuit, or undertaking directed by, ordered by, authorized by, consented to, agreed to, requested by, acquiesced in, or ratified by any gang leader, officer, or governing or policy-making person or authority, or by any agent, representative, or deputy of any such officer, person, or authority: • With the intent to increase the gang’s size, membership, prestige, dominance, or control in any geographical area; or

Definition of “Gang Crime” by State

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§State	Term(s)	Definition	Enumerated/Elucidated Violations
<p>Illinois § 740 ILCS 147/10 (continued)</p>			<ul style="list-style-type: none"> • With the intent to provide the gang with any advantage in, or any control or dominance over any criminal market sector, including but not limited to, the manufacture, delivery, or sale of controlled substances or cannabis; arson or arson-for-hire; traffic in stolen property or stolen credit cards; traffic in prostitution, obscenity, or pornography; or that involves robbery, burglary, or theft; or • With the intent to exact revenge or retribution for the gang or any member of the gang; or • With the intent to obstruct justice, or intimidate or eliminate any witness against the gang or any member of the gang; or • With the intent to otherwise directly or indirectly cause any benefit, aggrandizement, gain, profit or other advantage whatsoever to or for the gang, its reputation, influence, or membership”
<p>Kansas § 21-4226</p>	<p>Criminal street gang activity</p>	<p>“the commission or attempted commission of, or solicitation or conspiracy to commit, one or more person felonies, person misdemeanors, felony violations of the uniform controlled substances act, or the comparable juvenile offenses, which if committed by an adult would constitute the commission of such felonies or misdemeanors on separate occasions”</p>	<p>N/A</p>

Definition of “Gang Crime” by State

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§State	Term(s)	Definition	Enumerated/Elucidated Violations
<p>Kentucky § 506.140</p>	<p>Continuing pattern of criminal activity</p>	<p>“a conviction by any member or members of a criminal gang for the commission, attempt, or solicitation of two (2) or more felony offenses, the commission of two (2) or more violent misdemeanor offenses, or a combination of at least one (1) of these felony offenses and one (1) of these violent misdemeanor offenses, on separate occasions within a two (2) year period for the purpose of furthering gang activity”</p>	<p>N/A</p>
<p>Louisiana § 15:1404</p>	<p>Pattern of criminal gang activity</p>	<p>“the commission or attempted commission of two or more of the following offenses, provided at least one of those offenses occurred after September 7, 1990, and the last of those offenses occurred within three years after a prior offense, and the offenses are committed on separate occasions by two or more persons”</p>	<ul style="list-style-type: none"> • Aggravated battery or second-degree battery • Armed robbery • First- or second-degree murder or manslaughter • Sale, possession for sale, transportation, manufacture, offer for sale, or offer to manufacture controlled substances • Illegal use of weapons or dangerous instrumentalities • Aggravated arson • Intimidating, impeding, or injuring witnesses; or injuring officers • Theft of any vehicle, trailer, or vessel

Definition of “Gang Crime” by State

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§State	Term(s)	Definition	Enumerated/Elucidated Violations
<p>Mississippi § 97-44-3</p>	<p>N/A</p>	<p>N/A</p>	<ul style="list-style-type: none"> • “Street gang related or gang-related means any criminal activity, enterprise, pursuit, or undertaking directed by, ordered by, authorized by, consented to, agreed to, requested by, acquiesced in, or ratified by any gang leader, officer, or governing or policy-making person or authority, or by any agent, representative, or deputy of any such officer, person, or authority: • With intent to increase the gang’s size, membership, prestige, dominance, or control in any geographical area; or • With intent to exact revenge or retribution for the gang or any member of the gang; or • With intent to provide the gang with any advantage in, or any control or dominance over, any criminal market sector, including but not limited to the unlawful manufacture, delivery, possession, or sale of controlled substances; arson; traffic in stolen property or stolen credit cards; traffic in prostitution, obscenity, or pornography; or that involves robbery, armed robbery, burglary, or larceny; or • With intent to obstruct justice, or intimidate or eliminate any witness against the gang or any member of the gang; or • With intent to otherwise directly or indirectly, cause any benefit, aggrandizement, gain, profit, or other advantage whatsoever to or for the gang, its reputation, influence, or membership.”
<p>Missouri § 578.421</p>	<p>Pattern of criminal street gang activity</p>	<p>“the commission, attempted commission, or solicitation of two or more... offenses, provided at least one of those offenses occurred after August 28, 1993, and the last of those offenses occurred within three years after a prior offense, and the offenses are committed on separate occasions, or by two or more persons</p>	<ul style="list-style-type: none"> • Assault with a deadly weapon or by means of force likely to cause serious physical injury • Robbery, arson, and those offenses under chapter 569, RSMo, which are related to robbery and arson • Murder or manslaughter • Any violation of the provisions of chapter 195, RSMo, which involves the distribution, delivery, or manufacture of a substance prohibited by chapter 195, RSMo • Unlawful use of a weapon, which is a felony • Tampering with witnesses and victims

Definition of “Gang Crime” by State

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§State	Term(s)	Definition	Enumerated/Elucidated Violations
<p>Montana § 45-8-405</p>	<p>Pattern of criminal street gang activity</p>	<p>“the commission, solicitation, conspiracy, attempt; adjudication as a delinquent youth for the commission, attempt, or solicitation; or conviction of two or more of the offenses listed in subsection (2) within a 3-year period, and that the offenses were committed on separate occasions”</p>	<ul style="list-style-type: none"> • Deliberate homicide • Assault with a weapon • Intimidation • Kidnapping • Aggravated kidnapping • Robbery • Sexual intercourse without consent • Aggravated promotion of prostitution • Criminal mischief • Arson • Burglary • Theft • Forgery • Tampering with witnesses and informants • Bringing armed men into the state • Unlawful possession of a firearm by a convicted person • Carrying a concealed weapon • Possession of a deadly weapon by a prisoner • Possession of a destructive device • Possession of explosives • Possession of a sawed-off firearm • Sale, possession for sale, transportation, manufacture, offer for sale, offer to manufacture, or other offense involving a dangerous drug • Use of threat to coerce criminal street gang membership or use of violence to coerce criminal street gang membership
<p>North Dakota § 12.1-06.2</p>	<p>Predicate gang crime</p>	<p>“the commission, attempted commission, or solicitation of any felony, misdemeanor crime of violence, or misdemeanor crime of pecuniary gain”</p>	<ul style="list-style-type: none"> • “crime of violence means any violation of state law where a person purposely or knowingly causes or threatens to cause death or physical bodily injury to another person or persons” • “crime of pecuniary gain means any violation of state law that directly results or was intended to result in the defendant alone, or in association with others, receiving income, benefit, property, money, or anything of value”

Definition of “Gang Crime” by State

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§State	Term(s)	Definition	Enumerated/Elucidated Violations
<p>Ohio § 2923.41</p>	<p>Pattern of criminal gang activity</p>	<p>“persons in the criminal gang have committed, attempted to commit, conspired to commit, been complicitors in the commission of, or solicited, coerced, or intimidated another to commit, attempt to commit, conspire to commit, or be in complicity in the commission of two or more... offenses”</p>	<ul style="list-style-type: none"> • A felony or an act committed by a juvenile that would be a felony if committed by an adult • An offense of violence or an act committed by a juvenile that would be an offense of violence if committed by an adult • A violation of section 2907.04 (Unlawful Sexual Conduct with Minor), 2909.06 (Sexual Imposition), 2911.211 (Aggravated Trespass), 2917.04 (Failure to Disperse), 2919.23 (Interference with Custody), or 2919.24 (Contributing to Unruliness or Delinquency of a Child) of the Revised Code, section 2921.04 (Intimidation of Attorney, Victim or Witness in Criminal Case) or 2923.16 (Improperly Handling Firearms in a Motor Vehicle) of the Revised Code, section 2925.03 (Trafficking in Drugs) of the Revised Code if the offense is trafficking in marijuana, or section 2927.12 (Ethnic Intimidation) of the Revised Code <p>There is a “pattern of criminal gang activity” if all of the following apply with respect to the offenses that are listed in division (B)(1)(a), (b), or (c) of this section and that persons in the criminal gang committed, attempted to commit, conspired to commit, were in complicity in committing, or solicited, coerced, or intimidated another to commit, attempt to commit, conspire to commit, or be in complicity in committing:</p> <ul style="list-style-type: none"> • At least one of the two or more offenses is a felony • At least one of those two or more offenses occurs on or after the effective date of this section • The last of those two or more offenses occurs within five years after at least one of those offenses • The two or more offenses are committed on separate occasions or by two or more persons

Definition of "Gang Crime" by State

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Table with 4 columns: §State, Term(s), Definition, and Enumerated/Elucidated Violations. Row 1: South Carolina § 16-8-230, Pattern of criminal gang activity, "the commission or attempted commission of, commission as an accessory before or after the fact to, or solicitation or conspiracy to commit, by a criminal gang member, while knowingly and actively participating in criminal gang activity, four or more ... offenses occurring within a two-year period, provided that at least three of these offenses occurred after July 1, 2007", List of 16 offenses including violent offenses, financial transaction card crimes, lynchings, breaking into a motor vehicle, grand larceny, blackmail, malicious injury to property, drug offenses, harassment, pointing a firearm, discharging a firearm, and common law offenses.

Definition of “Gang Crime” by State

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§State	Term(s)	Definition	Enumerated/Elucidated Violations
<p>Tennessee § 40-35-121</p>	<p>Pattern of criminal gang activity</p>	<p>“Prior convictions for the commission or attempted commission of, or solicitation or conspiracy to commit”</p>	<ul style="list-style-type: none"> • Two (2) or more criminal gang offenses that are classified as felonies; or • Three (3) or more criminal gang offenses that are classified as misdemeanors; or • One (1) or more criminal gang offenses that are classified as felonies and two (2) or more criminal gang offenses that are classified as misdemeanors; and • The criminal gang offenses are committed on separate occasions; and • The criminal gang offenses are committed within a five-year period <p>“Criminal gang offense” means any violation of Tennessee law:</p> <ul style="list-style-type: none"> • During the perpetration of which the defendant knowingly causes, or threatens to cause, death or bodily injury to another person or persons and specifically includes rape of a child, aggravated rape, and rape; or <p>That results, or was intended to result, in the defendant receiving income, benefit, property, money, or anything of value from the illegal sale, delivery, or manufacture of a controlled substance or firearm</p> <p>As used in this subsection (a), "prior conviction" means a criminal gang offense for which a criminal gang member was convicted prior to the commission of the instant criminal gang offense by the defendant and includes convictions occurring prior to July 1, 1997. "Prior conviction" includes convictions under the laws of any other state, government, or country which, if committed in this state, would have constituted a criminal gang offense. In the event that a conviction from a jurisdiction other than Tennessee is not specifically named the same as a criminal gang offense, the elements of the offense in the other jurisdiction shall be used by the Tennessee court to determine if the offense is a criminal gang offense.</p> <ul style="list-style-type: none"> • Convictions for multiple criminal gang offenses committed as part of a single course of conduct within twenty-four (24) hours are not committed on "separate occasions." However, acts which constitute criminal gang offenses under subdivision (a)(3)(A) shall not be construed to be a single course of conduct.

Definition of “Gang Crime” by State

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§State	Term(s)	Definition	Enumerated/Elucidated Violations
<p>Texas Fam. Code § 54.0491</p>	<p>Gang-related conduct</p>	<p>“conduct that violates a penal law of the grade of Class B misdemeanor or higher and in which a child engages with the intent to:</p> <ul style="list-style-type: none"> • further the criminal activities of a criminal street gang of which the child is a member; • gain membership in a criminal street gang; or • avoid detection as a member of a criminal street gang” 	
<p>Utah § 78A-6-1202</p>	<p>Gang activity</p>	<p>“any criminal activity that is conducted as part of an organized youth gang. It includes any criminal activity that is done in concert with other gang members, or done alone if it is to fulfill gang purposes. <i>Gang activity</i> does not include graffiti.”</p>	
<p>Utah § 76-9-802</p>	<p>Pattern of criminal gang activity</p>	<p>“committing, attempting to commit, conspiring to commit, or soliciting the commission of two or more predicate gang crimes within five years; the predicate gang crimes are: committed by two or more persons; or committed by an individual at the direction of, or in association with a criminal street gang; and the criminal activity was committed with the specific intent to promote, further, or assist in any criminal conduct by members of the criminal street gang”</p>	<p>“Predicate gang crime” means any of the following offenses:</p> <ul style="list-style-type: none"> • Any criminal violation of the Utah Controlled Substances Act • Any criminal violation of the Utah Drug Paraphernalia Act • Any criminal violation of the Imitation Controlled Substances Act • Any criminal violation of the Utah Controlled Substance Precursor Act • Assault offenses • Criminal homicide • Kidnapping and related offenses • Felony sexual offenses • Property destruction • Burglary and criminal trespass • Robbery • Theft, except Sections 76-6-404.5, 76-6-405, 76-6-407, 76-6-408, 76-6-409, 76-6-409.1, 76-6-409.3, 76-6-409.6, 76-6-409.7, 76-6-409.8, 76-6-409.9, 76-6-410, and 76-6-410.5

Definition of “Gang Crime” by State

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§State	Term(s)	Definition	Enumerated/Elucidated Violations
<p>Utah § 76-9-802 (continued)</p>			<ul style="list-style-type: none"> • Fraud, except Sections 76-6-504, 76-6-505, 76-6-507, 76-6-508, 76-6-509, 76-6-510, 76-6-511, 76-6-512, 76-6-513, 76-6-514, 76-6-516, 76-6-517, 76-6-518, and 76-6-520 • Identity Fraud Act • Obstructing governmental operations, except Sections 76-8-302, 76-8-303, 76-8-304, 76-8-307, 76-8-308, and 76-8-312 • Tampering with a witness • Retaliation against a witness or victim • Extortion or bribery to dismiss a criminal proceeding • Explosives • Weapons
<p>Utah § 76-9-802 (continued)</p>			<ul style="list-style-type: none"> • Bus Passenger Safety Act • Pattern of Unlawful Activity Act • Communications fraud • Money Laundering and Currency Transaction Reporting Act • Burglary of a research facility • Motor Vehicle Act • Any state or federal criminal offense that by its nature involves a substantial risk that physical force may be used against another in the course of committing the offense • Any felony violation of a criminal statute of any other state, the United States, or any district, possession, or territory of the United States which would constitute a violation of any offense in Subsection (4)(a) if committed in this state

Definition of “Gang Crime” by State

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§State	Term(s)	Definition	Enumerated/Elucidated Violations
<p>Virginia § 18.2-46.1</p>	<p>N/A</p>	<p>N/A</p>	<ul style="list-style-type: none"> • Predicate criminal act means • An act of violence; • Any violation of Section 18.2-42 (Assault or Battery by a Mob), 18.2-46.3 (Recruitment of Persons for Criminal Street Gang; Penalty), 18.2-51 (Shooting, Stabbing, Etc., with Intent to Maim, Kill, Etc.), 18.2-51.1 (Malicious Bodily Injury to Law-Enforcement Officers, Firefighters, Search and Rescue Personnel, or Emergency Medical Service Providers; Penalty; Lesser-Included Offense), 18.2-52 (Malicious Bodily Injury by Means of any Caustic Substance or Agent or Use of any Explosive or Fire), 18.2-53 (Shooting, Etc., in Committing or Attempting a Felony), 18.2-55 (Bodily Injuries Caused by Prisoners, State Juvenile Probationers and State and Local Adult Probationers or Adult Parolees), 18.2-56.1 (Reckless Handling of Firearms; Reckless Handling While Hunting), 18.2-57 (Assault and Battery), 18.2-57.2 (Assault and Battery Against a Family or Household Member; Penalty), 18.2-59 (Extorting Money, Etc., by Threats), 18.2-83 (Threats to Bomb or Damage Buildings or Means of Transportation; False Information as to Danger to Such Buildings, Etc.; Punishment; Venue), 18.2-121 (Entering Property of Another for Purpose of Damaging it, Etc.), 18.2-127 (Injuries to Churches, Church Property, Cemeteries, Burial Grounds, Etc.; Penalty), 18.2-128 (Trespass upon Church or School Property),

Definition of “Gang Crime” by State

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§State	Term(s)	Definition	Enumerated/Elucidated Violations
<p>Virginia § 18.2-46.1 (continued)</p>	<p>N/A</p>	<p>N/A</p>	<p>18.2-137 (Injuring, Etc., Any Property, Monument, Etc.), 18.2-138 (Damaging Public Buildings, Etc.; Penalty), 18.2-146 (Breaking, Injuring, Defacing, Destroying or Preventing the Operation of Vehicle, Aircraft or Boat), 18.2-147 (Entering or Setting in Motion, Vehicle, Aircraft, Boat, Locomotive or Rolling Stock of Railroad; Exceptions), subsection H, H 1 or H 2 of § 18.2-248 (Manufacturing, Selling, Giving, Distributing, or Possessing with Intent to Manufacture, Sell, Give, or Distribute a Controlled Substance or an Imitation Controlled Substance Prohibited; Penalties), § 18.2-248.01 (Transporting Controlled Substances Into the Commonwealth; Penalty), 18.2-255 (Distribution of Certain Drugs to Persons Under 18 Prohibited; Penalty), 18.2-255.2 (Prohibiting the Sale or Manufacture of Drugs on or Near Certain Properties; Penalty), 18.2-282.1 (Brandishing a Machete or Other Bladed Weapon with Intent to Intimidate; Penalty), 18.2-286.1 (Shooting from Vehicles so as to Endanger Persons; Penalty), 18.2-287.4 (Carrying Loaded Firearms in Public Areas Prohibited; Penalty), 18.2-308.1 (Possession of Firearm, Stun Weapon, or Other Weapon on School Property Prohibited), or 18.2-356 (Receiving Money for Procuring Person);</p> <ul style="list-style-type: none"> • A second or subsequent felony violation of subsection C of § 18.2-248 (Manufacturing, Selling, Giving, Distributing, or Possessing with Intent to Manufacture, Sell, Give, or Distribute a Controlled Substance or an Imitation Controlled Substance Prohibited; Penalties) or of § 18.2-248.1 (Penalties for Sale, Gift, Distribution or Possession with Intent to Sell, Give or Distribute Marijuana); • Any violation of a local ordinance adopted pursuant to § 15.2-1812.2 (Willful and Malicious Damage to or Defacement of Public or Private Facilities; Penalty); or • Any substantially similar offense under the laws of another state or territory of the United States, the District of Columbia, or the United States.

Definition of “Gang Crime” by State

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§State	Term(s)	Definition	Enumerated/Elucidated Violations
<p>Washington § 9.94A.030</p>	<p>Criminal street gang-related offense</p>	<p>“any felony or misdemeanor offense, whether in this state or elsewhere, that is committed for the benefit of, at the direction of, or in association with any criminal street gang, or is committed with the intent to promote, further, or assist in any criminal conduct by the gang, or is committed for one or more of the following reasons”</p>	<ul style="list-style-type: none"> • To gain admission, prestige, or promotion within the gang • To increase or maintain the gang's size, membership, prestige, dominance, or control in any geographical area • To exact revenge or retribution for the gang or any member of the gang • To obstruct justice, or intimidate or eliminate any witness against the gang or any member of the gang • To directly or indirectly cause any benefit, aggrandizement, gain, profit, or other advantage for the gang, its reputation, influence, or membership • To provide the gang with any advantage in, or any control or dominance over any criminal market sector, including, but not limited to, manufacturing, delivering, or selling any controlled substance (chapter 69.50 RCW); arson (chapter 9A.48 RCW); trafficking in stolen property (chapter 9A.82 RCW); promoting prostitution (chapter 9A.88 RCW); human trafficking (RCW 9A.40.100); or promoting pornography (chapter 9.68 RCW)

Definition of “Gang Crime” by State

(States that have been highlighted in gray DO NOT have enhanced penalties for gang crimes.)

§State	Term(s)	Definition	Enumerated/Elucidated Violations
<p>Washington (2) § 9.94A.030</p>	<p>Pattern of criminal street gang activity</p>	<p>“the commission, attempt, conspiracy, or solicitation of, or any prior juvenile adjudication of or adult conviction of, two or more of the following criminal street gang-related offenses... that at least one of the offenses... shall have occurred after July 1, 2008... that the most recent committed offense... occurred within three years of a prior offense... and... of the offenses that were committed... the offenses occurred on separate occasions or were committed by two or more persons.”</p>	<ul style="list-style-type: none"> • Any "serious violent" felony offense as defined in RCW 9.94A.030, excluding Homicide by Abuse (RCW 9A.32.055) and Assault of a Child 1 (RCW 9A.36.120) • Any "violent" offense as defined by RCW 9.94A.030, excluding Assault of a Child 2 (RCW 9A.36.130) • Deliver or Possession with Intent to Deliver a Controlled Substance (chapter 69.50 RCW) • Any violation of the firearms and dangerous weapon act (chapter 9.41 RCW) • Theft of a Firearm (RCW 9A.56.300) • Possession of a Stolen Firearm (RCW 9A.56.310) • Malicious Harassment (RCW 9A.36.080) • Harassment where a subsequent violation or deadly threat is made (RCW 9A.46.020(2)(b)) • Criminal Gang Intimidation (RCW 9A.46.120) • Any felony conviction by a person eighteen years of age or older with a special finding of involving a juvenile in a felony offense under section 302 of this act • Residential Burglary (RCW 9A.52.025) • Burglary 2 (RCW 9A.52.030) • Malicious Mischief 1 (RCW 9A.48.070) • Malicious Mischief 2 (RCW 9A.48.080) • Theft of a Motor Vehicle (RCW 9A.56.065) • Possession of a Stolen Motor Vehicle (RCW 9A.56.068) • Taking a Motor Vehicle Without Permission 1 (RCW 9A.56.070) • Taking a Motor Vehicle Without Permission 2 (RCW 9A.56.075) • Extortion 1 (RCW 9A.56.120) • Extortion 2 (RCW 9A.56.130) • Intimidating a Witness (RCW 9A.72.110) • Tampering with a Witness (RCW 9A.72.120) • Reckless Endangerment (RCW 9A.36.050) • Coercion (RCW 9A.36.070) • Harassment (RCW 9A.46.020) • Malicious Mischief 3 (RCW 9A.48.090)

Definition of “Gang Crime” by State

(States that have been highlighted in gray DO NOT have enhanced penalties for gang crimes.)

§State	Term(s)	Definition	Enumerated/Elucidated Violations
<p>Wisconsin § 941.38</p>	<p>Pattern of criminal gang activity</p>	<p>“the commission of, attempt to commit or solicitation to commit one or more of the following crimes, or acts that would be crimes if the actor were an adult, committed for the benefit of, at the direction of or in association with any criminal gang, with the specific intent to promote, further or assist in any criminal conduct by criminal gang members”</p>	<ul style="list-style-type: none"> • Manufacture, distribution, or delivery of a controlled substance or controlled substance analog • First-degree intentional homicide • Second-degree intentional homicide • Battery • Battery, special circumstances • Battery or threat to witness • Mayhem • Sexual assault • False imprisonment • Taking hostages • Kidnapping • Intimidation of witnesses • Intimidation of victims • Criminal damage to property • Criminal damage to or threat to criminally damage the property of a witness • Arson of buildings or damage by explosives • Burglary • Theft • Taking, driving, or operating a vehicle, or removing a part or component of a vehicle, without the owner’s consent • Robbery • Sexual assault of a child • Repeated acts of sexual assault of the same child • A crime under s. 943.81, 943.82, 943.83, 943.85, 943.86, 943.87, 943.88, 943.89, or 943.90 or, if the victim is a financial institution, as defined in s. 943.80 (2), a crime under s. 943.84 (1) or (2) • Sexual assault of a child placed in substitute care