

HB 1610 -- MISSOURI CRIMINAL STREET GANGS PREVENTION ACT

SPONSOR: Coleman (97)

The bill establishes Sections 578.419 to 578.439, RSMo, as the "Missouri Criminal Street Gangs Prevention Act", and may be cited as such. This bill adds any dangerous felony, as defined in Section 556.061 to the list of offenses that could constitute a "pattern of criminal street gang activity". The bill also specifies that any person who knowingly participates in any criminal street gang is guilty of a class B felony. The bill repeals language relating to convictions for misdemeanors committed with the specific intent to further criminal conduct by a criminal street gang.

Currently, if a person is convicted of a felony with the specific intent to further criminal conduct by a street gang, such person will, in addition to the punishment for the felony he or she committed, be punished by an additional term of one, two, or three years at the court's discretion. This bill specifies that the person will be punished by an additional three years and it removes the court's discretion. Currently, if the felony is committed on the grounds of or within 1,000 feet of a school, the additional punishment is two, three, or four years in the court's discretion. This bill specifies that the additional punishment is four years and it removes the court's discretion.

Finally, upon receiving a referral from a law enforcement agency alleging a violation of the Missouri Criminal Street Gangs Prevention Act, the prosecuting attorney in Jackson County or St. Louis County, or a circuit attorney in St. Louis City, must, within 60 days, either commence a prosecution based on the referral or decline to prosecute. If the attorney fails to commence a prosecution within 60 days or declines to prosecute, the law enforcement agency may make a written request to reconsider. Upon such written request by the law enforcement agency, the prosecuting or circuit attorney must, within 15 days, commence a prosecution or decline to prosecute. If the attorney fails to commence a prosecution within 15 days after receiving the written request to reconsider, the Attorney General will have authority to commence a prosecution alleging a violation of the act.