

ASSEMBLY, No. 3598

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED MARCH 5, 2020

Sponsored by:

Assemblyman JON M. BRAMNICK

District 21 (Morris, Somerset and Union)

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

SYNOPSIS

Establishes crime of participation in criminal street gang initiation ritual.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/5/2020)

1 AN ACT concerning criminal street gangs and supplementing
2 P.L.1999, c.160 (C.2C:33-28).

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4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

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7 1. a. A person is guilty of the crime of participation in a
8 criminal street gang initiation ritual if, as a prerequisite to joining or
9 actively participating in a criminal street gang he commits, attempts
10 to commit, conspires with another to commit, or threatens the
11 immediate commission of an offense specified in chapters 11
12 through 18 of Title 2C of the New Jersey Statutes; N.J.S.2C:33-4;
13 N.J.S.2C:39-3; N.J.S.2C:39-4 or N.J.S.2C:39-5.

14 b. Participation in a criminal street gang initiation ritual is a
15 crime of the fourth degree if the underlying offense referred to in
16 subsection a. of this section is a disorderly persons offense or petty
17 disorderly persons offense. Otherwise, the person commits a crime
18 one degree higher than the most serious underlying crime referred
19 to in subsection a., except that where the underlying crime is a
20 crime of the first degree, participation in a criminal street gang
21 initiation ritual is a first-degree crime and the defendant upon
22 conviction thereof may, notwithstanding the provisions of
23 paragraph (1) of subsection a. of N.J.S.2C:43-6, be sentenced to an
24 ordinary term of imprisonment between 15 years and 30 years, with
25 a presumptive term of 20 years.

26 c. Notwithstanding the provisions of N.J.S.2C:1-8 or any other
27 provision of law, a conviction for participation in a criminal street
28 gang initiation ritual shall not merge with a conviction of any of the
29 underlying offenses referred to in subsection a. of this section, nor
30 shall any conviction for such underlying offense merge with a
31 conviction for participation in a criminal street gang initiation
32 ritual. The court shall impose separate sentences upon a conviction
33 for participation in a criminal street gang initiation ritual and a
34 conviction of any underlying offense.

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36 2. This act shall take effect immediately.

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STATEMENT

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41 This bill establishes the crime of participation in a criminal street
42 gang initiation ritual. A person is guilty of participation in a
43 criminal street gang initiation ritual if he or she, as a prerequisite to
44 joining or actively participating in a criminal street gang, commits,
45 attempts to commit, conspires with another to commit, or threatens
46 the immediate commission of any of the offenses enumerated in the
47 bill, including: homicide; assault; kidnapping; sexual offenses;
48 robbery and carjacking; property destruction; burglary and theft;

1 disorderly conduct; and certain weapons offenses.

2 The crime of participation in a criminal street gang initiation
3 ritual is a crime of the fourth degree if the underlying offense is a
4 petty disorderly persons offense or a disorderly persons offense.
5 Otherwise, it is a crime one degree higher than the underlying
6 offense.

7 Under the bill, a sentence for a conviction of participation in a
8 criminal street gang initiation ritual cannot be merged with a
9 conviction for the underlying offense and separate sentences are to
10 be imposed for this crime and the underlying crime.