

IC 35-45-9

Chapter 9. Criminal Gang Control

IC 35-45-9-0.1

Repealed

(As added by P.L.220-2011, SEC.608. Repealed by P.L.63-2012, SEC.62.)

IC 35-45-9-1

"Criminal gang"

Sec. 1. As used in this chapter, "criminal gang" means a group with at least three (3) members that specifically:

(1) either:

(A) promotes, sponsors, or assists in; or

(B) participates in; or

(2) 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 (IC 35-42-2-1).

As added by P.L.180-1991, SEC.11. Amended by P.L.140-1994, SEC.5; P.L.192-2007, SEC.9.

IC 35-45-9-2

"Threatens"

Sec. 2. As used in this chapter, "threatens" includes a communication made with the intent to harm a person or the person's property or any other person or the property of another person.

As added by P.L.180-1991, SEC.11.

IC 35-45-9-3

Participation in criminal gang; offense

Sec. 3. (a) As used in this section, "benefit, promote, or further the interests of a criminal gang" means to commit a felony or misdemeanor that would cause a reasonable person to believe results in:

(1) a benefit to a criminal gang;

(2) the promotion of a criminal gang; or

(3) furthering the interests of a criminal gang.

(b) As used in this section, "purpose of increasing a person's own standing or position within a criminal gang" means committing a felony or misdemeanor that would cause a reasonable person to believe results in increasing the person's standing or position within a criminal gang.

(c) A person who knowingly or intentionally commits an act:

(1) with the intent to benefit, promote, or further the interests of a criminal gang; or
(2) for the purpose of increasing the person's own standing or position within a criminal gang;
commits criminal gang activity, a Level 6 felony.

(d) In determining whether a person committed an offense under this section, the trier of fact may consider a person's association with a criminal gang, including, but not limited to:

- (1) an admission of criminal gang membership by the person;
- (2) a statement by:
 - (A) a member of the person's family;
 - (B) the person's guardian; or
 - (C) a reliable member of the criminal gang;stating the person is a member of a criminal gang;
- (3) the person having tattoos identifying the person as a member of a criminal gang;
- (4) the person having a style of dress that is particular to members of a criminal gang;
- (5) the person associating with one (1) or more members of a criminal gang;
- (6) physical evidence indicating the person is a member of a criminal gang;
- (7) an observation of the person in the company of a known criminal gang member on multiple occasions; and
- (8) communications authored by the person indicating criminal gang membership.

As added by P.L.180-1991, SEC.11. Amended by P.L.158-2013, SEC.538.

IC 35-45-9-4

Threats; refusal to join or withdrawal from gang; intimidation offense

Sec. 4. A person who threatens another person because the other person:

- (1) refuses to join a criminal gang;
- (2) has withdrawn from a criminal gang; or
- (3) wishes to withdraw from a criminal gang;

commits criminal gang intimidation, a Level 5 felony.

As added by P.L.180-1991, SEC.11. Amended by P.L.158-2013, SEC.539.

IC 35-45-9-5

Criminal gang recruitment

Sec. 5. (a) Except as provided in subsection (b), an individual who

knowingly or intentionally solicits, recruits, entices, or intimidates another individual to join a criminal gang or remain in a criminal gang commits criminal gang recruitment, a Level 6 felony.

(b) The offense under subsection (a) is a Level 5 felony if:

(1) the solicitation, recruitment, enticement, or intimidation occurs within one thousand (1,000) feet of school property; or

(2) the individual who is solicited, recruited, enticed, or intimidated is less than eighteen (18) years of age.

As added by P.L.192-2007, SEC.10. Amended by P.L.158-2013, SEC.540.

IC 35-45-9-6

Restitution

Sec. 6. In addition to any sentence or fine imposed on a criminal gang member for committing a felony or misdemeanor, the court shall order a criminal gang member convicted of a felony or misdemeanor to make restitution to the victim of the crime under IC 35-50-5-3.

As added by P.L.192-2007, SEC.11.