

506.140 Criminal gang recruitment -- Definitions for chapter.

- (1) A person is guilty of criminal gang recruitment when he solicits or entices another person to join a criminal gang, or intimidates or threatens another person because the other person:
 - (a) Refuses to join a criminal gang;
 - (b) Has withdrawn or is attempting to withdraw from a criminal gang; or
 - (c) Refuses to submit to a demand made by a criminal gang.
- (2) As used in this chapter:
 - (a) "Criminal gang" means any alliance, network, or conspiracy, in law or in fact, of five (5) or more persons with an established hierarchy 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.
 - (b) "Continuing pattern of criminal activity" means 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.
 - (c) "Violent misdemeanor offense" means KRS 508.030, 508.050, 508.070, 508.080, 508.120, 508.150, 509.030, and 509.080.
- (3) Criminal gang recruitment is a Class A misdemeanor for the first offense and a Class D felony for a second or subsequent offense.

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