

State of Arizona
Senate
Forty-seventh Legislature
Second Regular Session
2006

SENATE BILL 1057

AN ACT

AMENDING SECTION 13-2308, ARIZONA REVISED STATUTES; RELATING TO ASSISTING A
CRIMINAL STREET GANG OR A CRIMINAL SYNDICATE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 13-2308, Arizona Revised Statutes, is amended to
3 read:

4 13-2308. Participating in or assisting a criminal syndicate or
5 a criminal street gang; classification

6 A. A person commits participating in a criminal syndicate by:

7 1. Intentionally organizing, managing, directing, supervising or
8 financing a criminal syndicate with the intent to promote or further the
9 criminal objectives of the syndicate; or

10 2. Knowingly inciting or inducing others to engage in violence or
11 intimidation to promote or further the criminal objectives of a criminal
12 syndicate; or

13 3. Furnishing advice or direction in the conduct, financing or
14 management of a criminal syndicate's affairs with the intent to promote or
15 further the criminal objectives of a criminal syndicate; or

16 4. Intentionally promoting or furthering the criminal objectives of a
17 criminal syndicate by inducing or committing any act or omission by a public
18 servant in violation of ~~his~~ THE PUBLIC SERVANT'S official duty; or

19 5. Hiring, engaging or using a minor for any conduct preparatory to or
20 in completion of any offense in this section.

21 B. A PERSON COMMITS PARTICIPATING IN A CRIMINAL STREET GANG BY
22 VIOLATING SUBSECTION A OF THIS SECTION FOR THE BENEFIT OF, AT THE DIRECTION
23 OF OR IN ASSOCIATION WITH ANY CRIMINAL STREET GANG, WITH THE INTENT TO
24 PROMOTE, FURTHER OR ASSIST ANY CRIMINAL CONDUCT BY THE GANG.

25 C. A PERSON COMMITS ASSISTING A CRIMINAL SYNDICATE BY COMMITTING ANY
26 FELONY OFFENSE, WHETHER COMPLETED OR PREPARATORY, WITH THE INTENT TO PROMOTE
27 OR FURTHER THE CRIMINAL OBJECTIVES OF A CRIMINAL SYNDICATE.

28 D. A PERSON COMMITS ASSISTING A CRIMINAL STREET GANG BY COMMITTING ANY
29 FELONY OFFENSE, WHETHER COMPLETED OR PREPARATORY, IF THE OFFENSE IS COMMITTED
30 FOR THE BENEFIT OF, AT THE DIRECTION OF OR IN ASSOCIATION WITH ANY CRIMINAL
31 STREET GANG WITH THE INTENT TO PROMOTE, FURTHER OR ASSIST ANY CRIMINAL
32 CONDUCT BY THE GANG.

33 ~~B.~~ E. A person shall not be convicted pursuant to subsection A of
34 this section on the basis of accountability as an accomplice unless ~~he~~ THE
35 PERSON participates in violating this section in one of the ways specified.

36 ~~C. A person commits assisting a criminal syndicate by committing any~~
37 ~~felony offense, whether completed or preparatory, with the intent to promote~~
38 ~~or further the criminal objectives of a criminal syndicate.~~

39 F. USE OF A COMMON NAME OR COMMON IDENTIFYING SIGN OR SYMBOL SHALL BE
40 ADMISSIBLE AND MAY BE CONSIDERED IN PROVING THE COMBINATION OF PERSONS OR
41 ENTERPRISES REQUIRED BY THIS SECTION.

42 ~~D.~~ G. ~~Except as provided in subsection E or F of this section,~~
43 Participating in a criminal syndicate OR CRIMINAL STREET GANG is a class
44 ~~2-felony.~~

1 ~~E. A violation of subsection A, paragraph 5 of this section is a class~~
2 2 felony ~~and.~~ IF the person IS convicted OF A VIOLATION OF SUBSECTION A,
3 PARAGRAPH 5 OF THIS SECTION, THE PERSON is not eligible for probation,
4 pardon, suspension of sentence or release on any basis until the person has
5 served the sentence imposed by the court or the sentence is commuted.
6 ~~F.~~ H. Assisting a criminal syndicate is a class 4 felony. ~~If~~
7 ~~committed for the benefit of, at the direction of, or in association with any~~
8 ~~criminal street gang with the intent to promote, further or assist any~~
9 ~~criminal conduct by the gang,~~ Assisting a criminal syndicate STREET GANG is a
10 class 3 felony.
11 ~~G. A person who violates subsection A, paragraph 1, 2, 3 or 4 of this~~
12 ~~section for the benefit of, at the direction of or in association with any~~
13 ~~criminal street gang, with the intent to promote, further or assist any~~
14 ~~criminal conduct by the gang, is guilty of a class 2 felony.~~
15 ~~H. Use of a common name or common identifying sign or symbol shall be~~
16 ~~admissible and may be considered in proving the combination of persons or~~
17 ~~enterprises required by this section.~~