



Gang Legislation

HB 43 by Rep. William Snyder & Sen. Jeff Atwater

Problem

Gang violence has been present in America for years, but today we are seeing an increase in this type of criminal activity. Florida currently has more than 1,000 gangs with an estimated 65,000 active members.

While some of these gangs are home-grown, many of them are highly organized national and international criminal operations that recruit new members on a daily basis. The growth of gang membership is often directly responsible for increases in other violent crimes.

Solution

To address the growing threat of criminal gangs, a statewide grand jury was convened and has issued indictments against multiple gang members. The Grand Jury also issued a report in December with recommendations to confront Florida's growing gang problem. Many of those recommendations were incorporated into the gang bill.

Provisions

Specifically, the legislation makes the following changes to strengthen the gang statute. The provisions include:

- Enhanced witness protections
 - Strengthens witness protection laws by using the underlying criminal act as the starting benchmark for penalties for tampering and harassment.
 - Requires that gang members are held in custody until their first appearance the next morning to give the State an opportunity to argue for reasonable bond conditions to close the revolving door of pre-trial bond—which will provide additional protections for witnesses.
- Firearms- Makes it a first-degree felony, punishable by Life, for a convicted felon who is a gang member to be in possession of a firearm.
- Bullet-proof Vests- Makes it a third-degree felony to be in possession of a bullet-proof vest while committing such as gang-related offenses, aggravated kidnapping and narcotic offenses.
- Gang Kingpin -Makes it a first-degree felony punishable by life in prison for initiating, organizing, planning, financing, directing, managing, or supervising criminal gang-related activity.
- Civil Injunctions - Prohibits probationers or community controllees who are gang members from knowingly associating with other criminal gang members or criminal gang associates.
- Gang Reduction - Creates the Coordinating Council on Criminal Gang Reduction Strategies in the Attorney General's office. This council will develop a statewide strategy to reduce gangs and coordinate its implementation with state and local agencies.