



2018 New York State YMCA

Youth And Government

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FOR HEALTHY LIVING
FOR SOCIAL RESPONSIBILITY

Committee Assignment: Assembly Freedom 3

Bill #: AF-17

1 **Sponsors:** Michael Berger, Michaela Finn, Ryleigh Hesler, Alex Maddaloni

2

3 **An Act To** Amend New York Penal Code § 135.60 to include any tactics in the
4 recruitment of minors into gang criminal organizations in public areas as a criteria
5 for coercion in the second degree.

6

7 ***The People of the State of New York, represented in the Senate and Assembly do***
8 ***enact as follows:***

9

10 **Purpose**

11 To limit the recruitment of minors into gang criminal organizations.

12

13 **Summary of Provisions**

14 **Section 1: Definitions**

15 **Gang:** is a group of three or more individuals who engage in criminal activity and
16 identify themselves with a common name or sign.

17 **Minor:** A person under the age of full legal responsibility.

18 **Public Area:** A place to which the public or a substantial group of persons has
19 access, and includes, but is not limited to, highways, transportation facilities,
20 schools, places of amusement, parks, playgrounds, or community centers.

21 **Coercion:** The practice of persuading someone to do something by using force or
22 threats

23 **Class A Misdemeanor:** Sentence where an individual can receive a maximum of one
24 year in jail or three years probation. In addition, a fine of up to \$1,000 or twice the
25 amount of the individual's gain from the crime may be imposed.

26 **Section 2: Provisions**

27 § 135.60. A person is guilty of coercion in the second degree when he or she
28 compels or induces a person to engage in conduct which the latter has a legal right
29 to abstain from engaging in, or to abstain from engaging in conduct in which he or
30 she has a legal right to engage, or compels or induces a person to join a group,
31 organization or criminal enterprise which such latter person has a right to abstain
32 from joining, by means of instilling in him or her a fear that, if the demand is not
33 complied with, the actor or another will:

34 1. Cause physical injury to a person; or

35 2. Cause damage to property; or

36 3. Engage in other conduct constituting a crime; or

37 4. Accuse some person of a crime or cause criminal charges to be instituted
38 against him or her; or

39 5. Expose a secret or publicize an asserted fact, whether true or false, tending to
40 subject some person to hatred, contempt or ridicule; or



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- 41 6. Cause a strike, boycott or other collective labor group action injurious to some
42 person's business; except that such a threat shall not be deemed coercive when
43 the act or omission compelled is for the benefit of the group in whose interest the
44 actor purports to act; or
45 7. Testify or provide information or withhold testimony or information with respect
46 to another's legal claim or defense; or
47 8. Use or abuse his or her position as a public servant by performing some act
48 within or related to his or her official duties, or by failing or refusing to perform an
49 official duty, in such manner as to affect some person adversely; or
50 9. Perform any other act which would not in itself materially benefit the actor but
51 which is calculated to harm another person materially with respect to his or her
52 health, safety, business, calling, career, financial condition, reputation or personal
53 relationships; or
54 10. When he or she uses any tactics to persuade or recruit minors into criminal
55 gang organizations in public areas or within 100 feet of said areas. These public
56 areas include parks, malls, streets, schools, playgrounds, transportation facilities,
57 or any other place to which the public or a substantial group of persons has access.

58

59 Coercion in the second degree is a class A misdemeanor.

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Justification

62 According to the Department of Justice, as of 2000 there were no less than
63 120,000 minors, some as young as 8 years old, in 45 cities across the United States
64 who were involved in criminal gang organizations. Gang violence and actions are a
65 serious problem that ails both our nation and state, it cannot be allowed to spread
66 into the lives of future generations. This is why New York must take preventive
67 measures. By limiting the gang recruitment of minors in public areas, we can
68 ensure that law enforcement can help prevent a large number of minors from
69 following a path that can endanger both themselves and others.

70

Fiscal Implications

72 There will be no additional cost on the New York State Budget.

73

Effective Date

75 This law will go into effect 6 months after its passage.