

**Gangs in the Law: A Content Analysis of  
Statutory Definitions for the Term “Gang”**

by

D. Lee Gilbertson, Ph.D. and Seth J. Malinski

**ABSTRACT**

*Researchers, politicians, law enforcement and corrections officers all write about the disparate nature of definitions for the term “gang” among their governing documents. The general argument is that there is no single, standardized definition. The author posits that correctly addressing gangs as a society means having an across-the-board working understanding that engenders sound and consistent social action. Therefore, this descriptive study examined the statutory definitions for “gang” as found within present-day State laws of the United States. It identified words and clauses that could be used in constructing a standardized definition. The following research questions are addressed in this study: (1) Are definitions truly that disparate? (2) What commonalities can be identified? (3) Can a standardized definition for the term “gang” be composed? (4) How might a standardized “gang” definition be worded? A possible generalized definition is provided at the close of the study, which could be used to address gangs and gang-related issues in the United States today.*

**INTRODUCTION**

**Overall Problem**

Researchers, politicians, law enforcement and corrections officers all write about the disparate nature of definitions for the term “gang” among their governing documents. The general argument is that there is no single, standardized definition. A bibliography of such complaints could fill a book itself. Because there is no common understanding relative to what defines a gang, there exists no common approach to the problem of gangs. Every researcher has his or her own paradigm and preconceived idea of what constitutes a gang and interprets research findings accordingly. Those reported findings end up in the hands of politicians, who try to make sense of all the different interpretations and try to develop social policies and law. Then, there are the criminal justice system workers, who are earnestly trying to deal with gangs. Many times, agencies within the same or neighboring jurisdictions confront their gang issues using different operational or statutory definitions for “gang.” They are left wondering what to do since the statutory definition of a gang

across the river—in another state—is different enough that the gang member in-hand walked away from there and is now their problem. Correctly addressing gangs as a society means having an across-the-board working understanding that engenders sound and consistent social action. This can only be accomplished when researchers and the legislative branch of government start listening to each other. Then and only then, will researchers, governments, and the criminal justice system as a whole have the tool (i.e., a standardized definition) that they need to consistently study and address gang issues across boundaries.

### **Research Problem**

This descriptive study examined the statutory definitions for “gang” as found within present-day State laws of the United States. It identified words and clauses that could be used in constructing a standardized definition. A possible generalized definition is provided at the close of the study, which could be used to address gangs and gang-related issues in the United States today. The following research questions will be discussed in this study.

- (1) Are definitions truly that disparate?
- (2) What commonalities can be identified?
- (3) Can a standardized definition for the term “gang” be composed?
- (4) How might a standardized “gang” definition be worded?

Before answering these queries, it is prudent to briefly review some of the relevant literature regarding definitions for “gang.”

### **LITERATURE REVIEW**

In *The Rules of Sociological Method*, Emile Durkheim (1895/1982, p. 74) suggests, “The sociologist’s first step must therefore be to define the things he [or she] treats, so that we may know . . . exactly what his [or her] subject matter is.” A study-specific definition is “needed precisely because a researcher or theorist cannot take everyone [or everything] to the phenomenon in question” (Ball & Curry, 1997, p. 4). However, a definition for “gang” within the parameters of any intended study has to be constructed since no consensus for a definition exists within academe or among government agencies. Gang researcher George W. Knox (1994, p. 5) raises the question: “Does calling a group a gang make it a gang?” He suggests that it depends on who is forming the definition. Knox (1994, p. 5) further suggests that “[t]he difference is power.” Accepting his argument that power is a definitive factor, it is logical to surmise that a sociological or political definition will most likely be used rather than one constructed by a community resident. It is appropriate, therefore, to sample some of the definitions in use by social scientists and government agencies.

## Gang

Social scientists are generally considered to be the “experts” or “authorities” based on the extent of their experience and research in specific areas, and the extent of professional acceptance of their academic publications. Joseph R. Gusfield (1980, p. 1) states that sociological perspectives are “systematic maps for understanding.” He reifies the authority of social scientists by asserting that sociological perspectives “carry messages about the moral and ethical and political attitudes that are wise, proper and effective in responding to public issues” (Gusfield, 1980, p. 1). Four recurrent themes exist among a representative sampling of gang definitions offered by social scientists: self-recognition as an identifiable group, perception and labeling by the community as a group, delinquent or criminal acts, and an actual or a willingness to use violence and force to achieve goals (Kirk-Duggan, 1997; Klein, 1971; Miller, 1975; Moore, 1997; Sanders, 1994).

Gang definitions used by criminal justice agencies are essentially similar to those used by social scientists, but much more specific. The National Youth Gang Center (OJJDP, 2000), in their 1998 National Youth Gang Survey, asked law enforcement agencies to rank in importance the top six gang characteristics. The top three characteristics were “commits crimes together” (50 percent of the agencies), “has a name” (19 percent), and “hangs out together” (10 percent). Drawing from prime examples, the following components may be extracted: a group of individuals (often specified as three or more persons) who associate on a continuous basis; self-recognition as an identifiable group using a group name, symbols, structured style of dress, and hand signals; claim a particular geographic territory, neighborhood or turf; and through its membership engages in a course or pattern of recurrent criminal activity directed towards rival gangs and the general population (Illinois State Police, 1997; San Diego County Deputy Sheriffs’ Association, 1994; Virginia Commission on Youth, 1996).

Common threads throughout social science and criminal justice definitions are youth, recurrent association, territorial claims, criminal activity, and logos (i.e., a group name and/or symbol). Although the term “youth” is common among definitions, it varies from 8 to 24 years of age, or is presented undefined. One principle difference is the trend across time relative to gang activities. There are many definitions that do not include deviance or criminal activity as part of a definition for gangs. However, definitions range from general delinquency to the use of deadly violence and the recurrent performance of criminal acts. Another difference centers on the leadership and organizational structure. Sanders (1994, p. 15) suggests that the “best way to describe gang leadership appears to be in terms of the following: multiple--more than a single leader at any one time; informal--choice of leader is not structured; situational--leadership role may only be in certain situations; and functional--situated leadership is based on a particular function.” Some agencies posit that gangs have little or no leadership hierarchy (e.g., San Diego

County Deputy Sheriffs' Association, 1994). However, Knox (1994, p. 24) suggests a more practical approach: "It is safer to assume that natural variation exists in the level of organizational sophistication of gangs."

### **Gang-Related**

On occasion, one finds a gang definition that hinges upon whether or not the group participates in gang-related activities or crime. This creates a cyclic logic; the behavior has to be related to a gang, but being a gang is dependent upon the behavior. Upon first consideration of what comprises gang-related activities, one may opine that an answer could easily be concluded. However, such is not the case. In their article, Johnson, Webster and Connors (1995) discuss the disparity they find concerning definitions of gang-related crime. They state that neither a single source nor a common definition exists for use among America's court, law enforcement, or correctional systems. They find that definitions "varied widely from State to State and were established either by State statutes or operationally by police departments, prosecutors, and administrators of gang prevention and intervention programs" (Johnson, Webster & Connors, 1995). A "laundry list" of gang-related activities could be readily constructed by drawing from personal observation, a host of social science authors, newspaper articles or television presentations. This list would probably include everything from the beer drinking of minors while playing games of dominoes, to littering and graffiti, to the sale of controlled substances, and to murder. One may safely suggest that gang-related activities generally fall under the title of "crime;" representing offenses from statutory, civil and criminal codes, and city ordinances.

One issue in the problem of defining gang-related activities is that of determining when to count a crime as related to, or unrelated to, a gang. Many suggest that the gang or its leader must have prior knowledge of, and give approval for, the commission of a criminal act. In other words, "[a] *gang incident* is an incident in which there was gang motivation, not mere participation by a gang member" (Spergel, 1991, p. 23). Johnson, Webster and Connors (1995) report that 44 percent of large jurisdictions and only 27 percent of smaller jurisdictions classify any crime committed by a gang member as gang-related regardless of any benefit to the gang. Contrary to this definition, they report that 44 percent of large jurisdiction and 59 percent of smaller jurisdictions defined a gang crime as only those acts committed by a gang member for the gang's identifiable benefit (Johnson, Webster & Connors, 1995). Thus, one is faced with having to decide whether a crime must be committed under the auspices of a gang or its leader, and whether it was to their mutual benefit.

Returning to the definition posited by Knox (1994), he suggests that the entire milieu in which a gang arises and persists must be taken into account. Within this context, he states that one may find poverty, racism, oppression, low integration into "mainstream" society and the work force, and a justice system that propagates adult

criminals from its youth. Since gang membership is often a lifetime commitment, any member moving about the community, whether in the conduct of lawful or criminal acts, is a representative of her or his gang. Therefore, according to Knox (1994), a gang member's independent actions that do not directly benefit the gang will indirectly benefit the gang in some manner. As Knox puts it (1994, p. 7), "Crime involvement of a group must not therefore be a sub rosa function about which few of the members have knowledge if we are to consider the group a gang." "To be considered a gang, the criminal involvement of members must be openly known and approved of as such" (Knox, 1994, p. 8). This may be interpreted simply as knowledge and approval in general of the propensity of a gang's members for criminal behavior (i.e., before, during and after the fact); and not to mean that specific prior knowledge and approval by a gang or its leader is mandatory.

### **Criminal Gang**

The last issue to address is whether the noun "gang" requires an adjective in order to more fully or accurately capture a deeper understanding of what a gang is. They have been called street gangs, street corner gangs, inner-city gangs, urban gangs, suburban gangs, rural gangs, male gangs, female gangs, juvenile gangs, youth gangs, delinquent gangs, criminal gangs, outlaw gangs, biker gangs, drug gangs, and prison gangs. The term "criminal gang" appears occasionally in the literature. Its use seems to be that of clarification; that is, to help differentiate between non-criminal and criminal groups. However, one may respond to the question "What's a criminal gang?" with a question--What is the difference between a gang and a criminal gang? If we are to use the definitions provided by some social scientists and government agencies, then a gang could be any group demonstrating criminal behavior on one occasion. This seems to be more fitting for a scenario of violence acted out during a mob riot, a political protest, or a labor strike. Additionally, these definitions would not include certain groups' delinquent and other behaviors routinely lacking the media's and the public's attention. Using the more refined or restrictive definition established by Knox (1994), then this query ("What is the difference between a gang and a criminal gang?") is rhetorical since the use of "criminal" as an adjective with the noun "gang" could be considered redundant. Therefore, if criminal activity is to be a part of any standardized definition for "gang," then the term should be used and applied more conservatively by professionals (i.e., researchers, politicians, and criminal justice system workers).

## **RESEARCH DESIGN**

### **Method Selection**

This descriptive study examined the statutory definitions for "gang" as found within present-day State laws of the United States. It used a deductive content analysis research design to identify words and clauses that could be used in

constructing a standardized definition. Content analysis research designs treat forms of human social action and communication as social artifacts. Bruce L. Berg posits that a content analysis design comprises “. . . any technique for making inferences by systematically and objectively identifying special characteristics of messages” (2001, p. 240). Although it can be used to examine the lyrics, spoken word or visual representations within various forms of media such as music videos, movies, and television, it lends itself especially useful in analyzing written communications such as State statutes.

### **Sampling & Populations**

A purposive, nonrandom sampling technique can be used when a researcher’s knowledge of a topic and research needs indicate an initial, small target population (Maxfield & Babbie, 2001). The target population for this study was the laws of the fifty states (N=50); territories and other geopolitical regions of the United States were not examined. An initial survey population (a.k.a., sampling frame) was established by focusing on State criminal codes. However, the discovery of gang definitions outside the criminal code soon made this impractical. Thus, the survey population was defined by State statutory law and did not include State session documents or bills currently under consideration. The final sample population was made up of those statutory definitions that could be located by the authors. Only thirty-six states (n=36) were found to present a definition for “gang.”

### **Data Collection & Processing**

Utilizing a form of open-coding, this author began by establishing concepts and variables of interest derived from his knowledge of statutory law and gangs. Two concepts from the literature review, gang and gang-related, were used to conceptualize this study. These were operationalized by their variables.

#### **(1) Concept: Gang.**

Variables: Title, Descriptor, Age, Number, and Identifiers.

#### **(2) Concept: Gang-Related.**

Variables: Intra-Relationships, Actions/Verb, Actions/Extent, and Actions/Type. Blank lines were provided on the data collection instrument underneath each variable to record attributes as recovered. This is consistent with content analysis research that is driven by theory and prior knowledge; that is, deductive in nature. Under the concept of Gang, “Title” was used to record any adjective(s) and/or noun(s) appearing in a statute with the term gang. “Descriptor” was used to note nouns associated with gang structure or cohesion as a collective body. “Age” recovered either specific age-ranges or nouns denoting an age category. Since many statutes did not present this information, an attribute of “unspecified” appears.

“Number” documented the minimum number of individuals required by the statutes in order for the collective body to be considered a gang; again, “unspecified” appeared. “Identifiers” was used to record empirical evidence of group identity or individual membership.

Under the concept of Gang-Related, “Intra-Relationships” was employed to note the extent to which aberrant behaviors are carried out within the gang, whether autonomously, mutually, or under the auspices of others. The next variable, “Actions,” has three dimensions: Verb, Extent, and Type. “Actions/Verb” recorded those verbs used within statutes to describe the spectrum of a gang’s relationship to actions. The spectrum was conceptualized as ranging from complicity to first-hand participation. “Actions/Extent” specifically focused on the frequency with which a gang is involved in, or demonstrated, the actions recorded under Actions/Type. “Actions/Type” was used to capture all forms of socially disapproved behaviors that an individual or a gang could do. This could theoretically range from violations of social morays to federal felonies.

A spreadsheet was then constructed using two principle columns; column one contained the variables and blank lines discussed above, and column two presented the two-letter alphabet abbreviations for each of the fifty states. As an attribute was read within a State statute, it was assessed and placed on a blank line under the appropriate variable. An “X” was then entered into the cell of the corresponding attribute (row) and State (column). If an attribute already existed as presented in a statute, then no new, row or blank line, attribute entry was made. If a similar form of the attribute had been previously recorded, then the new form was added to that line. For example, if “commission” had already been noted and the current statute under review stated “committed,” then the new attribute entry would appear as “commission/committed.” Where no State statute could be found, the column cells were shaded gray.

p. 6 operationalization here

### Data Analysis

Once this initial data collection step had been completed, all “X” cells were changed to read “1” for statistical analysis. The authors constructed a new spreadsheet using the same variables and their recorded attributes and added two columns for descriptive statistics: frequency and valid percent. Frequency reflects the total number of times that an “X” had been entered into the original spreadsheet for each attribute. A valid percent was then calculated using  $n=36$ , the final sample population total. This study presents only the frequency and valid percent spreadsheet as an appendix. The modal findings are discussed below and the complete spreadsheet table is provided in the appendix.

### FINDINGS

Both concepts, Gang and Gang-Related, evidenced use of common attributes. In order to expedite the findings, a table is presented below that depicts the most common attributes found under each concept with their respective valid percents. The conclusions section includes a discussion of all modes and attributes.

Concept: Gang	Valid Percent
Variable: Title	
Attribute: <i>criminal streetgang / criminal street gang</i>	61
Variable: Descriptor	
Attribute: <i>group</i>	75
Attribute: <i>organization</i>	67
Attribute: <i>association</i>	64
Attribute: <i>formal or informal</i>	61
Variable: Age	
Attribute: <i>unspecified</i>	94
Variable: Number	
Attribute: <i>three or more</i>	83
Variable: Identifiers	
Attribute: <i>(common) symbol</i>	64
Attribute: <i>(common) name</i>	61
Attribute: <i>(common) sign</i>	58
Variable: Intra-Relationship	
Attribute: <i>individually / alone</i>	61
Attribute: <i>collectively</i>	53
Variable: Actions/Verb	
Attribute: <i>engage(s) / engaged</i>	75
Attribute: <i>commit(s) / commission / committed</i>	61
Variable: Actions/Extent	
Attribute: <i>pattern of</i>	56

Attribute: *any / a / an / one or more*

44

Variable: Actions/Type

Attribute: *criminal acts / criminal activity / criminal purposes* 53

Attribute: *criminal gang activity / criminal street gang activity* 47

## CONCLUSIONS

This descriptive study examined the statutory definitions for “gang” as found within present-day State laws of the United States. The study posed four research questions that will now be addressed.

### Question 1

Are definitions truly that disparate? Yes. Although only a handful of attributes could be found for each variable, their meanings were broad. For example, the number of individuals required within a collective body in order for it to be considered a gang ranges from “unspecified” to as high as “five or more.” This is consistent with the Federal definition that requires “5 or more persons” (18 U.S.C. § 521(a), 2003). Even though most statutes recognized that group cohesion varies from “formal to informal,” some statutes required specific evidence of a “common leadership” and/or an “established hierarchy.” Another disparity centered on age and its relationship with proscribed behaviors, such as delinquent behaviors or acts that would be felonies when committed by an adult. Some laws specified youths, while others inferred youths by referencing statutes that covered said proscribed behaviors. Most statutes seemed to infer a definition for gangs as comprising only adults by not specifying any age range and/or not including the aforementioned proscribed behaviors. A general pattern could be seen across the 36 State laws that were examined. Their definitions included language that created a broad spectrum of possibilities, from a singular event and individual action to multiple events and group actions. Some State laws were nearly identical, but a condition of agreement did not exist across the nation as to what distinguishes a collective body as a gang.

### Question 2

What commonalities can be identified? Although attributes varied among the State statutes, some conceptual likenesses may have existed. When one considered the collective meaning of any given statute and formulated an image of “a gang,” and then compared that image with the image from another statute, there were some similarities. Although a statute may have only titled it as a “gang” while another titled it as a “criminal gang,” the images of both statutes often included some form of criminal activity. Generally speaking, the statutes specified a minimum of “three or more” persons in order for it to be considered a gang. Having some form of observable evidence to denote a collective identity was a common trait of all the

statutes. A common name, sign, and/or symbol were the most popular phrases in use. However, when these were not present in a State statute, then other empirical identifiers were, such as, colors, graffiti, style of dress or attire, and customs. This suggests that a “gang” uses logos or totems to identify itself as a collective body apart from its surrounding community.

Intra-Relationship and Actions produced the only true problem encountered while trying to identify commonalities. *Prima facie*, some States required only the single act of an individual member as a qualifier, while other States mandated repeated actions of the group in order for it to be considered a gang. However, a closer examination revealed that this disparity was associated with whether or not a State necessitated approval or promotion of those acts by the collective body or its leadership. In many cases, multiple independent actions of individual members could be accumulated to count it as criminal gang activity; or, a single collective act could get the group labeled as a gang. This is a catch point and explains why a definition for gang activity often followed a definition for gang within the same State statute. However, the commonality was this, that either the individual members or the group participated in aberrant or anti-social behaviors; they were not engaged in edifying or pro-social activities within their communities.

### **Question 3**

Can a standardized definition for the term “gang” be composed? The authors of this study believe that it can. Although the answer to research question 1 clearly suggested a potential inability to formalize any statutory consensus, sufficient commonalities existed among the examined State statutes that a generalized or basic definition might be constructed. A standardized definition that is built upon specified attributes cannot be compiled. However, a standardized gang definition that draws from common variables to identify theoretical concepts can be composed.

### **Question 4**

How might a standardized “gang” definition be worded? The desired effect of State laws seemed to be to define the term “gang” in a pejorative context, such that a gang could not be confused with any other form of collective persons. A gang was not the statutory equivalent of a fraternity, social club, or mob. Statutory definitions centered on the number of persons, their intra-relationship as a collective body, and the types and frequencies of their behaviors. Definitions did not specify the personal demographics of members, that is, race, ethnicity, creed, color, or religion. Thus, a standardized gang definition should, likewise, not identify member demographics or specific behaviors. This may seem to be painting with a broad brush and not account for local nuances. However, stakeholders could address gang uniqueness within their work structures (for researchers, that might mean seeking greater depth of understanding or interpretation relative to ethnic or regional differences; law

enforcement officers could utilize other State statutes or city ordinances to curtail certain behaviors; and, corrections officers would want to consider gang allegiances and/or alliances in managing correctional facilities).

Therefore, a standardized gang definition needs to be both broad and generic. Just because a collective body is called a campus fraternity does not make its actions any less a crime than a collective body that meets in the park or roams the streets. Once they cross that line of disapproved behaviors, one title should be applied equally to all regardless of demographic characteristics (e.g., race, ethnicity, religion, socioeconomic status, or even ideology). That title is “gang.” The following definition may work as a starting point for further discussion: any collective body of individuals, regardless of their separate personal demographics, that participates in any part of the process (i.e., planning, conduct, or benefit) of a singular organized act or repeated acts, which are defined in codified public law as contrary to the good order of society or the edification of persons.

### **REFERENCES**

18 U.S.C. § 521(a) (2003). United States Code, Title 18 – Crimes and Criminal Procedure, Part I – Crimes, Chapter 26 – Criminal Street Gangs, (a) Definitions.

Ball, R. A., & Curry, G. D. (1997). The logic of definition in criminology: Purposes and methods for defining “gangs.” In G. L. Mays (Ed.), *Gangs and gang behavior* (pp. 3-21). Chicago: Nelson-Hall. (Reprinted from *Criminology*, 33(2), 225-245, 1995)

Berg, B. L. (2001). *Qualitative research methods for the social sciences* (4th ed.). Needham Heights, MA: Allyn & Bacon.

Durkheim, Emile (1982). *The rules of sociological method* (W. D. Halls, Trans.). New York: Free Press. (Original work published 1895)

Gusfield, J. R. (1980, August). Taking the starch out of social problems. Paper presented at the SSSP Symposium on Social Theory of Social Problems.

Illinois State Police (1997). *Street gang awareness* [On-line]. Springfield, IL: Intelligence Bureau, Illinois State Police. Available: <http://www.state.il.us/ISP/gng00006.htm>

Johnson, C., Webster, B., & Connors, E. (1995, February). *Prosecuting gangs: A national assessment* (NIJ Research in Brief Series: NCJ 151785) [On-line]. Alexandria, VA: Institute for Law and Justice. Available: <http://www.ncjrs.org/txtfiles/pgang.txt>

Kirk-Duggan, C. A. (1997, Winter). Kindred spirits: sister mimetic societies and social responsibility. *Journal of Gang Research*, 4(2), 23-36.

Klein, M. W. (1971). *Street gangs and street workers*. Englewood Cliffs, NJ: Prentice-Hall.

Knox, G. W. (1994). *An introduction to gangs* (Rev. ed.). Bristol, IN: Wyndham Hall.

Maxfield, M. G., & Babbie, E. (2001). *Research methods in criminal justice and criminology* (3rd ed.). Belmont, CA: Wadsworth/Thomson Learning.

Miller, W. B. (1975). *Violence by youth gangs and youth groups as a crime problem in major American cities*. Washington, DC: U.S. Department of Justice.

Moore, J. P. (1997, April). Highlights of the 1995 national youth gang survey (OJJDP Series Fact Sheet #63) [On-line]. Tallahassee, FL: Institute for Intergovernmental Research. Available: <http://www.ncjrs.org/txtfiles/fs9763.txt>

Office of Juvenile Justice and Delinquency Prevention (2000, November). OJJDP Summary, November 2000 – 1998 Youth Gang Survey. [On-line]. Available: [http://www.ncjrs.org/html/ojjdp/jjsum\\_11\\_00/survey13.html](http://www.ncjrs.org/html/ojjdp/jjsum_11_00/survey13.html)

Sanders, W. B. (1994). *Gangbans and drivebys: Grounded culture and juvenile gang violence*. Hawthorne, NY: Aldine de Gruyter.

San Diego County Deputy Sheriffs' Association (1990). Gangs, groups, cults. In W. B. Sanders (1994), *Gangbans and drivebys: Grounded culture and juvenile gang violence*. (pp. 6-7). Hawthorne, NY: Aldine de Gruyter.

Spergel, I. A. (1991). *Youth gangs: Problem and response*. Washington, DC: Office of Juvenile Justice and Delinquency Prevention.

Virginia Commission on Youth (1996, October 21). Study of youth gangs (House Joint Resolution 92, Virginia survey results) [On-line]. Available: <http://www.mcquigg.com/gang.html>

**BIBLIOGRAPHY**

- [Alabama] Chapter 6, Article 2 § 13A-6-26, (a).  
[Alaska] Title 11, Chapter 81 § 900, (b), (12).  
[Arizona] Title 13, Chapter 1 § 13-105, 7.  
[Arkansas] Title 5, Subtitle 6, Chapter 74, Subchapter 1 § 5-74-103, (a).  
[California] Penal Code § 186.22, (f).  
[Colorado] Title 18, Article 23 § 18-23-101, (1).  
[Connecticut] Volume 9, Title 29, Chapter 529 § 29-7n, (a).  
[Delaware] Title 11, Part I, Chapter 5, Subchapter II, Subpart A § 616, (a), (1).  
[Florida] Title XLVI, Chapter 874 § 874.03, (1).  
[Georgia] Title 16, Chapter 15 § 3, (1) and (2).  
[Illinois] Chapter 740, Article 147 § 10.  
[Indiana] Title 35, Article 45, Chapter 9 § 1.  
[Iowa] Title XVI, Chapter 723A § 723A.1, 2.  
[Kansas] Chapter 22, Article 39 § 22.3901, (j).  
[Kentucky] Title L, Chapter 506 § .140, (2), (a).  
[Louisiana] Title 15, Chapter 12 § 1404, A.  
[Maryland] Criminal Law, Title 9, Subtitle 8 § 9-801 (C).  
[Massachusetts] Part IV, Title I, Chapter 265 § 44.  
[Minnesota] Chapter 609 § 229, Subdivision 1.  
[Mississippi] Title 97, Chapter 44 § 97-44-3, (a).  
[Missouri] Title XXXVIII, Chapter 578 § 578.421, (1) and (2).  
[Montana] Title 45, Chapter 8, Part 4 § 45-8-402, (1).  
[Nevada] Title 15, Chapter 193 § 168, 6.  
[New Jersey] Title 2C § 44-3, h.  
[New York] § 486.05, 1.  
[North Carolina] Article 81B, Part 2 § 15A-1340.16, (d), (2a).  
[North Dakota] Title 12.1, Chapter 12.1-06.2 § 12.1-06.2-01, 3.  
[Ohio] Title [29] XXIX, Chapter 2923 § 2923.41, (A).  
[Oklahoma] Title 21, Chapter 31A § 856, F.  
[South Dakota] Title 22, Chapter 10 § 22-10-14, (1).  
[Tennessee] Title 40, Chapter 35, Part 1 § 40-35-121, (a), (1).  
[Texas] Penal Code, Title 11, Chapter 71 § 01, (d).  
[Utah] § 18.2-46.1.  
[Virginia] Title 16.1, Chapter 11 § 16.1-299.2.  
[Washington] Title 28A, Chapter 28A.600 § 28A.600.455 (2).  
[Wisconsin] Criminal Code, Chapter 939, Subchapter I § 939.22 (9).

appendix 1

appendix 2

### **ABOUT THE AUTHORS**

D. Lee Gilbertson, Ph.D., teaches in the Department of Criminal Justice Studies at Saint Cloud State University. On top of his regular teaching load, Lee offers six online gang courses. He has studied gangs since 1995 and has presented research papers at numerous national and international conferences. He is an NGCRC certified Master Level III Gang Specialist. His background includes 15 years of military service.

Seth J. Malinski holds a B.A. in Criminal Justice and is a graduate student/assistant in the Department of Criminal Justice Studies at Saint Cloud State University, who has worked closely with Dr. Gilbertson during the past three years. He will teach a course in criminal behavior during fall semester 2005. Seth has been accepted into the doctoral program at South Dakota State University. His undergraduate research thesis examined under-age individuals' offenses while under the influence of alcohol. Seth is a licensed peace officer within the State of Minnesota.