



# Idaho Statutes

TITLE 18  
CRIMES AND PUNISHMENTS  
CHAPTER 85

IDAHO CRIMINAL GANG ENFORCEMENT ACT

18-8502. DEFINITIONS. As used in this chapter:

(1) "Criminal gang" means an ongoing organization, association, or group of three (3) or more persons, whether formal or informal, that has a common name or common identifying sign or symbol, whose members individually or collectively engage in or have engaged in a pattern of criminal gang activity, having as one (1) of its primary activities the commission of one (1) or more of the criminal acts enumerated in subsection (3) of this section.

(2) "Criminal gang member" means any person who engages in a pattern of criminal gang activity and who meets two (2) or more of the following criteria:

- (a) Admits to gang membership;
- (b) Is identified as a gang member;
- (c) Resides in or frequents a particular gang's area and adopts its style of dress, its use of hand signs, or its tattoos, and associates with known gang members;
- (d) Has been arrested more than once in the company of identified gang members for offenses that are consistent with usual gang activity;
- (e) Is identified as a gang member by physical evidence such as photographs or other documentation; or
- (f) Has been stopped in the company of known gang members four (4) or more times.

(3) "Pattern of criminal gang activity" means the commission, attempted commission, or solicitation of two (2) or more of the following offenses, provided that the offenses are committed on separate occasions or by two (2) or more gang members:

- (a) Robbery, as provided in section 18-6501, Idaho Code;
- (b) Arson, as provided in sections 18-801 through 18-804, Idaho Code;
- (c) Burglary, as provided in sections 18-1401, 18-1403, 18-1405 and 18-1406, Idaho Code;
- (d) Murder or manslaughter, as provided, respectively, in sections 18-4001 and 18-4006, Idaho Code;
- (e) Any violation of the provisions of chapter 27, title 37, Idaho Code, that involves possession with intent to deliver, distribution, delivery or manufacturing of a substance prohibited therein;
- (f) Any unlawful use of a weapon that is a felony pursuant to chapter 33, title 18, Idaho Code;
- (g) Assault and battery, as provided in chapter 9, title 18, Idaho Code;
- (h) Criminal solicitation, as provided in section 18-2001, Idaho Code;
- (i) Computer crime, as provided in section 18-2202, Idaho Code;
- (j) Theft, as provided in sections 18-2401 and 18-2403, Idaho Code;
- (k) Evidence falsified or concealed and witnesses intimidated or bribed, as provided in sections 18-2601 through 18-2606, Idaho Code;
- (l) Forgery and counterfeiting, as provided in sections 18-3601 through 18-3603 and sections 18-3605 through 18-3616, Idaho Code;
- (m) Gambling, as provided in section 18-3802, Idaho Code;
- (n) Kidnapping, as provided in sections 18-4501 through 18-4503, Idaho Code;
- (o) Mayhem, as provided in section 18-5001, Idaho Code;
- (p) Prostitution, as provided in sections 18-5601 through 18-5614, Idaho Code;
- (q) Rape, as provided in sections 18-6101, 18-6108 and 18-6110, Idaho

Code;

- (r) Racketeering, as provided in section 18-7804, Idaho Code;
- (s) Malicious harassment, as provided in section 18-7902, Idaho Code;
- (t) Terrorism, as provided in section 18-8103, Idaho Code; or
- (u) Money laundering and illegal investment, as provided in section 18-8201, Idaho Code.

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