

2023 Kansas Statutes

21-6313. Criminal street gangs; definitions. As used in K.S.A. 21-6313 through 21-6316, and amendments thereto:

(a) "Criminal street gang" means any organization, association or group, whether formal or informal:

- (1) Consisting of three or more persons;
- (2) having as one of its primary activities the commission of one or more person felonies, person misdemeanors, felony violations of K.S.A. 21-5701 through 21-5717, and amendments thereto, any felony violation of any provision of the uniform controlled substances act prior to July 1, 2009, or the comparable juvenile offenses, which if committed by an adult would constitute the commission of such felonies or misdemeanors;
- (3) which has a common name or common identifying sign or symbol; and
- (4) whose members, individually or collectively, engage in or have engaged in the commission, attempted commission, conspiracy to commit or solicitation of two or more person felonies, person misdemeanors, felony violations of K.S.A. 21-5701 through 21-5717, and amendments thereto, any felony violation of any provision of the uniform controlled substances act prior to July 1, 2009, or the comparable juvenile offenses, which if committed by an adult would constitute the commission of such felonies or misdemeanors or any substantially similar offense from another jurisdiction;

(b) "criminal street gang member" is a person who:

- (1) Admits to criminal street gang membership; or
- (2) meets three or more of the following criteria:
 - (A) Is identified as a criminal street gang member by a parent or guardian;
 - (B) is identified as a criminal street gang member by a state, county or city law enforcement officer or correctional officer or documented reliable informant;
 - (C) is identified as a criminal street gang member by an informant of previously untested reliability and such identification is corroborated by independent information;
 - (D) frequents a particular criminal street gang's area;
 - (E) adopts such gang's style of dress, color, use of hand signs or tattoos;
 - (F) associates with known criminal street gang members;
 - (G) has been arrested more than once in the company of identified criminal street gang members for offenses which are consistent with usual criminal street gang activity;
 - (H) is identified as a criminal street gang member by physical evidence including, but not limited to, photographs or other documentation;
 - (I) has been stopped in the company of known criminal street gang members two or more times; or
 - (J) has participated in or undergone activities self-identified or identified by a reliable informant as a criminal street gang initiation ritual;

(c) "criminal street gang activity" means the commission or attempted commission of, or solicitation or conspiracy to commit, one or more person felonies, person misdemeanors, felony violations of K.S.A. 21-5701 through 21-5717, and amendments thereto, any felony violation of any provision of the uniform controlled substances act prior to July 1, 2009, or the comparable juvenile offenses, which if committed by an adult would constitute the commission of such felonies or misdemeanors on separate occasions;

(d) "criminal street gang associate" means a person who:

- (1) Admits to criminal street gang association; or
- (2) meets two or more defining criteria for criminal street gang membership described in subsection (b)(2); and

(e) for purposes of law enforcement identification and tracking only "gang-related incident" means an incident that, upon investigation, meets any of the following conditions:

- (1) The participants are identified as criminal street gang members or criminal street gang associates, acting, individually or collectively, to further any criminal

purpose of the gang;

(2) a state, county or city law enforcement officer or correctional officer or reliable informant identifies an incident as criminal street gang activity; or

(3) an informant of previously untested reliability identifies an incident as criminal street gang activity and it is corroborated by independent information.

History: L. 2010, ch. 136, § 198; L. 2011, ch. 30, § 55; L. 2013, ch. 78, § 7; July 1.