

(1) PARTICIPATE IN A CRIMINAL GANG KNOWING THAT THE MEMBERS OF THE GANG ENGAGE IN ~~OR HAVE ENGAGED IN A~~ AN ONGOING PATTERN OF CRIMINAL GANG ACTIVITY; AND

(2) ~~WILLFULLY PROMOTE, FURTHER, OR ASSIST IN A CRIMINAL OFFENSE~~ KNOWINGLY AND WILLFULLY DIRECT OR PARTICIPATE IN THE COMMISSION OF AN UNDERLYING CRIME, OR ACT BY A JUVENILE THAT WOULD BE AN UNDERLYING CRIME IF COMMITTED BY AN ADULT, COMMITTED FOR THE BENEFIT OF, AT THE DIRECTION OF, OR IN ASSOCIATION WITH A CRIMINAL GANG.

(B) A PERSON MAY NOT COMMIT A VIOLATION OF SUBSECTION (A) OF THIS SECTION INVOLVING THE COMMISSION OF AN UNDERLYING CRIME THAT RESULTS IN THE DEATH OF A VICTIM.

~~(B)~~ (C) (1) (I) A EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 30 10 YEARS OR A FINE NOT EXCEEDING \$100,000 OR BOTH.

(II) A PERSON WHO VIOLATES SUBSECTION (B) OF THIS SECTION IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 20 YEARS OR A FINE NOT EXCEEDING \$100,000 OR BOTH.

(2) A SENTENCE IMPOSED UNDER THIS SECTION MAY BE SEPARATE FROM AND CONSECUTIVE TO OR CONCURRENT WITH A SENTENCE FOR ANY CRIME BASED ON THE ACT ESTABLISHING A VIOLATION OF THIS SECTION.

~~(C)~~ (D) A PERSON MAY ONLY BE CHARGED WITH A VIOLATION OF THIS SECTION ONLY BY INDICTMENT, CRIMINAL INFORMATION, OR PETITION ALLEGING A DELINQUENT ACT.

~~(D)~~ (E) (1) THE ATTORNEY GENERAL, WITH THE CONSENT AT THE REQUEST OF THE STATE'S ATTORNEY FOR A COUNTY IN WHICH A VIOLATION OR AN ACT ESTABLISHING A VIOLATION OF THIS SECTION OCCURS, MAY:

(I) AID IN THE INVESTIGATION OF THE VIOLATION OR ACT;

AND

(II) PROSECUTE THE VIOLATION OR ACT.