MODEL LEGISLATIVE PROPOSAL

ZERO TOLERANCE FOR VIOLENT GANGS AND NEIGHBORHOOD RECOVERY ACT

A model framework for early lawful intervention and durable neighborhood recovery

UNITED STATES • AMERICAS MODEL ADAPTATION

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Submission profile

Element	Recommended presentation
Document type	Model legislative proposal and policy framework
Intended users	U.S. federal, state, and local authorities, and governments throughout the Americas facing organized gang violence
Primary objective	Authorize earlier lawful intervention against organized coercive territorial control and require sustained neighborhood recovery
Status	Concept for counsel review; each country and jurisdiction must adapt authority, procedure, offenses, penalties, and safeguards

Executive summary

The Zero Tolerance for Violent Gangs and Neighborhood Recovery Act creates a preventive legal framework for situations in which a group has developed an operational structure to control streets or neighborhoods through weapons, credible threats, intimidation, recruitment, surveillance, exclusion, or preparation for violence. It does not require government to wait for a completed homicide before acting. It also does not criminalize a name, tattoo, neighborhood, family relationship, music, clothing, or association by itself.

The proposal adds two tools: (1) a court-supervised designation of an Active Violent Criminal Organization for coordination and recovery purposes; and (2) an offense of knowing, intentional, active participation in coercive territorial organization, proved through a specific criminal purpose and a concrete overt act. Every individual arrest still requires probable cause and every conviction requires proof beyond a reasonable doubt.

> LEGISLATIVE THESIS **Public safety should intervene at the point of proven criminal organization and preparation—not only after the organization completes a killing and a neighborhood has already been lost.**

Why existing law is not identical

Existing federal law already provides RICO, conspiracy, firearms, narcotics, and sentencing-enhancement tools. Federal RICO ordinarily requires an enterprise and a pattern of racketeering activity; 18 U.S.C. § 521 enhances punishment for specified offenses connected to a criminal street gang. Many states separately criminalize active gang participation. This proposal is not a replacement. Its claimed policy innovation is a tightly defined, earlier trigger centered on coercive territorial organization and a statutory duty to recover the affected community after enforcement.

Policy objectives

- Prevent organized armed intimidation from becoming permanent territorial control.

- Provide a judicially supervised process for identifying an active violent criminal organization.
- Reach intentional active participation and concrete preparation without punishing mere identity or association.
- Separate and protect minors while imposing meaningful consequences for knowing armed or coercive participation.
- Prevent command, recruitment, financing, and reconstitution from continuing after arrests.
- Measure success by durable neighborhood safety rather than enforcement activity alone.

Jurisdictional architecture

Level	Primary authority under the model
Federal	Interstate or foreign-commerce nexus; federal offenses; grants; joint task forces; data standards; witness protection; federal prosecution.
State	Create substantive felony and juvenile offenses; authorize state-court designation; sentencing; probation; electronic monitoring; statewide coordination.
Municipal	Adopt recovery-zone operations, nuisance and property tools, local evidence protocols, youth services, environmental repairs, reporting, and interagency agreements. A city should not create a felony beyond state authority.

International adaptation. Outside the United States, the national government assumes the federal functions described above. Provinces, departments, states, regions, and municipalities receive only powers allowed by the country's constitution. Local counsel must align the model with national criminal procedure, juvenile justice, human-rights obligations, and judicial review.

Model Act

Section 1. Short title.

This Act may be cited as the “Zero Tolerance for Violent Gangs and Neighborhood Recovery Act.”

Section 2. Legislative findings.

- Residents possess a compelling interest in streets, schools, parks, housing, and commerce free from organized armed coercion.
- Violent criminal groups may become visible through recruitment, territorial claims, armed displays, coordinated threats, lookout systems, financing, or preparation before a completed homicide.
- Delayed, offense-by-offense enforcement may punish individual acts without permanently dismantling the structure that produces them.
- Early intervention must be based on criminal purpose, specific intent, and verifiable conduct; protected expression and passive association are insufficient.

- Recovery requires sustained protection against retaliation and reconstitution after tactical enforcement ends.

Section 3. Purposes.

- Create an early, constitutional intervention threshold.
- Coordinate evidence, prosecution, juvenile response, and neighborhood recovery.
- Protect residents and witnesses while preserving individual due process.
- Require transparent and outcome-based evaluation.

Section 4. Definitions.

Term	Model definition
Active Violent Criminal Organization	Three or more persons acting with continuity or coordination, with a demonstrated purpose of controlling territory or people through violence, credible threats, armed intimidation, extortion, exclusion, or preparation for qualifying criminal conduct.
Active participation	Knowing and intentional conduct that advances the organization’s coercive criminal purpose through an overt act; presence, status, identity, or passive association alone is excluded.
Overt act	Recruiting; directing; financing; arming; transporting; storing weapons or contraband; acting as lookout; identifying targets; enforcing territorial restrictions; issuing a credible threat; or another concrete act materially advancing the coercive criminal purpose.
Recovery zone	A time-limited geographic area designated for coordinated protection, services, environmental repair, and prevention of criminal reconstitution.
Qualifying offense	A jurisdiction-specific list that should include homicide, assault, robbery, kidnapping, extortion, trafficking, witness intimidation, unlawful weapons activity, and comparable serious offenses.

Section 5. Petition for organizational designation.

1. The attorney general, prosecutor, or other authorized official may file a verified petition supported by admissible evidence or evidence capable of authentication.
2. The petition must describe the organization, continuity, command or coordination, coercive purpose, territory, recruitment, threats, weapons, overt acts, and links to qualifying conduct.
3. The court may issue preservation, safety, or temporary anti-retaliation orders when ordinary legal standards are satisfied.
4. A designation authorizes coordination and recovery measures; it does not establish any individual’s guilt and is not itself an arrest warrant.
5. The designation expires after 12 months unless renewed upon updated findings, and must have a procedure for correction, challenge, and dissolution.

Section 6. Offense: Criminal Territorial Organization.

A person commits Criminal Territorial Organization when the prosecution proves that the person: (a) knew the organization had a coercive criminal purpose; (b) specifically intended to advance that purpose; and (c) knowingly committed an overt act that materially advanced the organization's effort to control territory or persons through violence, credible threats, armed intimidation, extortion, exclusion, or preparation for qualifying criminal conduct.

Mere membership, reputation, appearance, tattoo, social-media association, neighborhood residence, family relationship, music, speech, or presence is not sufficient. A public post may be evidence only when authenticated and considered with context and corroboration.

Section 7. Aggravating conduct and penalties.

Conduct	Model treatment; legislature sets final ranges
Knowing active participation with overt act	Base felony or serious offense; proportional sentence and supervision.
Direction, financing, or weapons supply	Aggravated offense.
Recruitment or use of a minor	Separate aggravated offense.
Credible threat, retaliation, or witness intimidation	Separate offense and immediate protective measures.
Ordering or facilitating homicide, kidnapping, or mass violence	Existing highest applicable penalties; no merger that reduces liability.

Section 8. Evidence and authentication.

- Digital and platform records, account attribution, metadata, public posts, and lawfully obtained communications.
- Physical and forensic evidence, including firearms, ammunition, fingerprints, DNA, ballistics, drugs, vehicles, money, and operational locations.
- Authenticated audio, video, private-camera footage, body-camera footage, and witness testimony.
- Organizational evidence, including recruitment, command, territorial assignments, lookout systems, weapons distribution, discipline, and coordinated threats.
- No single tattoo, image, database label, uncorroborated informant statement, or algorithmic score may be the sole basis for conviction.

Section 9. Coordinated intervention plan.

1. Prepare separate organizational and individual evidence files.
2. Seek individualized warrants and conduct coordinated arrests where probable cause exists.
3. Secure firearms, contraband, proceeds, and evidence under existing search and forfeiture law.

4. Protect witnesses and residents from retaliation.
5. Disrupt unlawful orders, financing, recruitment, and replacement leadership, including activity directed from custody.
6. Publish a recovery plan without disclosing protected operational information.

Section 10. Juveniles.

A minor may not be incarcerated solely because of a label or association. Proven knowing participation triggers juvenile-court jurisdiction, immediate separation from recruiters, individualized risk assessment, education continuity, family engagement, and a disposition proportionate to conduct. Courts may order GPS for high-risk community release when lawful and necessary, with geographic restrictions, privacy limits, review dates, and a maximum initial term. Coerced youth must be screened as possible victims. Facilities must classify and separate placements to prevent recruitment.

Section 11. Public Safety Recovery Zone.

- Initial duration of 180 days, renewable on documented necessity.
- Sustained patrol and rapid response to credible retaliation, with school-route and business protection.
- Witness assistance, youth outreach, safe relocation support, lighting, cleanup, and remediation of properties used for criminal control.
- Targeted enforcement remains subject to constitutional and statutory limits; no suspension of ordinary rights.
- A transition plan returns extraordinary operations to normal community governance.

Section 12. Accountability and performance.

- Shootings, homicides, armed threats, extortion, recruitment, and retaliation before and after designation.
- Verified loss of criminal territorial control and disruption of command, weapons, financing, and recruitment.
- Reconstitution under a new name or leadership.
- Resident safety perception, school attendance, business activity, and use of public spaces.
- Wrongful identification claims, dismissed cases, data corrections, costs, and civil-rights complaints.

Section 13. Safeguards.

Nothing in this Act authorizes guilt by association, viewpoint discrimination, racial or national-origin profiling, warrantless surveillance beyond existing law, collective punishment, or an arrest without individualized probable cause. Criminal liability requires proof beyond a reasonable doubt. Electronic monitoring requires individualized judicial findings and periodic review. Records must have correction, retention, access-control, and deletion rules.

Section 14. Funding and implementation.

Appropriations should separately identify investigation, prosecution, juvenile services, witness protection, electronic monitoring, recovery operations, evaluation, and data security. Grants should require baseline data, measurable outcomes, independent evaluation, and termination or redesign when a program fails to reduce violence or produces unacceptable error rates.

Section 15. Severability; effective date; review.

Invalid provisions are severable. Criminal provisions take effect only after training, evidence standards, and data-correction procedures are published. The Act receives an independent review after three years and sunsets after five years unless reauthorized on evidence of effectiveness and constitutional compliance.

Implementation sequence

Period	Required action
0–90 days	Legal review; local adaptation; definitions; qualifying-offense list; privacy and evidence rules.
90–180 days	Training; unit designation; court procedures; juvenile and witness protocols; baseline measurements.
6–12 months	Pilot in a limited number of high-violence areas; quarterly reporting; independent process audit.
12–24 months	Outcome evaluation; legislative corrections; expansion only if safety improves without unacceptable error or rights violations.

Recommended presentation to government

Submit the proposal as a model bill and request referral to the relevant judiciary, public safety, criminal justice, juvenile justice, and appropriations committees. The cover letter should request a legal memorandum on constitutional authority, a fiscal note, stakeholder hearings, and conversion of bracketed provisions into jurisdiction-specific statutory language. The proposal should not be presented as final enacted text until legislative counsel completes that work.

Legal foundation and sources / Fundamento legal y fuentes

18 U.S.C. § 1961 et seq. — RICO
https://uscode.house.gov/view.xhtml?edition=prelim&path=/prelim@title18/part1/chapter96

18 U.S.C. § 521 — Criminal street gangs
https://uscode.house.gov/view.xhtml?req=(title:18%20section:521%20edition:prelim)

U.S. Constitution — First Amendment association
https://constitution.congress.gov/browse/essay/amdt1-8-1/ALDE_00013139/

U.S. Constitution — Fourth Amendment
https://constitution.congress.gov/constitution/amendment-4/

Juvenile due process
https://constitution.congress.gov/browse/essay/amdt14-S1-5-5-8/ALDE_00013766/

Federal Rule of Evidence 901 — Authentication
https://www.law.cornell.edu/rules/fre/rule_901

National Gang Center, U.S. Department of Justice
https://nationalgangcenter.ojp.gov/

NIJ — GPS monitoring of high-risk gang offenders
https://www.ojp.gov/sites/g/files/xyckuh241/files/media/document/244164.pdf

Drafting notice / Aviso de redacción

This document is a model policy and legislative concept, not legal advice or final bill text. Legislative counsel must adapt jurisdiction, elements, burdens, penalties, court procedure, juvenile law, collective-bargaining obligations, appropriations, preemption, and constitutional safeguards before introduction. / Este documento es un modelo de política y concepto legislativo, no asesoramiento jurídico ni texto final. Asesores legislativos deben adaptar jurisdicción, elementos, penas, procedimiento, régimen juvenil, presupuesto, preeminencia y garantías antes de su presentación.