



HOUSE BILL 1173: Jaleeyah's Law.

2025-2026 General Assembly

Analysis of: S.L. 2026-37

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S.L. 2026-37 (House Bill 1173) does the following:

- Increases court costs in every criminal case in superior and district court where the defendant is convicted.
- Makes changes to the following definitions:
 - "Criminal gang" is modified to remove the requirement that the commission of criminal or delinquent acts be one of a group's primary activities. Instead, engaging in criminal gang activity generally qualifies a group as a criminal gang, in addition to meeting other criteria.
 - "Criminal gang activity" is modified to remove the requirement that a qualifying criminal offense be committed to further the purpose of the criminal gang.
 - "Criminal gang leader or organizer" is modified to require that a criminal gang member acting in a position of management meet at least one of the listed criteria.
 - "Criminal gang member" is modified to require that an individual meet three or more of the listed criteria, or at least two of the criteria when one of the criteria is the following:
 - The person admits to being a member of a criminal gang.
 - The person is identified as a criminal gang member by a reliable source, including a parent or a guardian.
 - The person is in possession of or linked to a criminal gang by physical evidence, including ledgers, rosters, or membership documents.
- Increases the punishment for offenses pertaining to soliciting or encouraging participation in criminal gang activity as follows:
 - The offense of soliciting; encouraging participation is amended to increase the punishment from a Class H felony to a Class F felony for soliciting a person 18 years of age or older to participate in criminal gang activity.
 - The offense of soliciting; encouraging participation; minor is amended to increase the punishment from a Class F felony to a Class D felony for soliciting a person under 18 years of age to participate in criminal gang activity.
- Creates the offense of use, carry, or possession of a firearm by a member of a criminal gang in relation to or in furtherance of a serious felony, drug felony, or a crime of violence. A violation of this offense is a Class G felony. If a firearm is brandished during the commission of the offense, then the violation is a Class F felony. If a firearm is discharged during the commission of the offense, then the violation is a Class D felony.
- Creates the offense of sell, deliver, give, or transfer a firearm to a juvenile by a member of a criminal gang if the member has reasonable cause to believe the juvenile intends to carry,

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House Bill 1173

Page 2

possess, discharge, or otherwise use the firearm in the commission of criminal gang activity. A person who commits this offense is guilty of a Class G felony.

- Allows criminal gang activity, membership, association, leadership, and existence to be proven through testimony of a fact, expert, or combined fact and expert witness. The testimony is admissible to show conduct, status, and customs of criminal gangs and criminal gang activity.
- Provides that any criminal proceeding brought under the Criminal Gang Suppression Act is construed to have been committed in any county in which any act was performed as part of criminal gang activity.
- Creates a new rule of evidence that allows evidence of criminal gang activity to be admissible in any proceeding in which a person is accused of conducting, participating in, or conspiring to commit criminal gang activity or in any proceeding under the Criminal Gang Nuisance Abatement Act. This evidence is admissible to prove any element of the alleged offense. In any proceeding in which the prosecution intended to offer this evidence, the prosecutor must disclose the evidence to the defendant at least 10 days in advance of the trial.
- Increases the sentencing enhancement from one class higher to two classes higher for a person convicted of a felony, other than a Class A, B1, or B2 felony, when the offense was committed as part of criminal gang activity. If a person is also found to be a leader or organizer of a criminal gang, then that person would be sentenced at three classes higher than the principal felony for which the person was convicted.

This act becomes effective December 1, 2026, and applies to costs assessed and offenses committed on or after that date.