

SAINT LUCIA

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No. 4 of 2014

ARRANGEMENT OF SECTIONS

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I ASSENT

[L.S.]

PEARLETTE LOUISY,  
*Governor-General.*

March 4, 2014.

## SAINT LUCIA

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**No. 4 of 2014**

**AN ACT** to prohibit gangs, gang-related activity and for connected purposes.

[ ON ORDER ]

**BE IT ENACTED** by the Queen's Most Excellent Majesty, by and with the advice and consent of the House of Assembly and the Senate of Saint Lucia, and by the authority of the same, as follows:

**Short title and commencement**

1.— (1) This Act may be cited as the Anti-Gang Act, 2014.

(2) This Act shall come into force on the date or dates to be fixed by order of the Minister responsible for home affairs and national security.

**Interpretation**

2. In this Act—

“**aid and abet**” means—

- (a) directly or indirectly instigating, commanding, counselling, procuring or soliciting;
- (b) in any manner intentionally aiding, facilitating, encouraging or promoting; or
- (c) doing any act for the purpose of aiding, facilitating, encouraging or promoting,

the commission of a crime by any other person;

“**ammunition**” has the same meaning as in the Firearms Act, Cap.14.12;

“**bullet-proof vest**” means clothing that is capable of providing protection from the penetration of bullets or similar projectiles;

“**facilitation of an offence**” does not require knowledge of a particular offence the commission of which is facilitated, nor that an offence is actually committed;

“**firearm**” has the same meaning as in the Firearms Act, Cap.14.12;

“**gang**” means a group, however organised, that—

- (a) is composed of three or more persons in or outside of Saint Lucia; and
- (b) has as one of its main purposes or main activities the facilitation of a criminal offence or the commission of a criminal offence;

“**gang leader**” means a gang member who initiates, plans, forms, directs, organises or manages, supervises or finances a gang;

**“gang member”** means one of the persons who constitutes a gang and includes a person who knowingly:

- (a) participates in, aids or abets, or associates with, one or more gang-related activities, whether by an act or omission;
- (b) acts as an agent for, or as an accessory to, a gang; or
- (c) participates in or associates with a gang;

**“gang-related activity”** means any activity, whether criminal or not, that would likely result in the direct or indirect receipt, by the gang or by a gang member, of any advantage, including –

- (i) increase in the gang’s prestige, reputation, influence, dominance, control or the number of persons who constitute the gang;
- (ii) retribution or revenge for the benefit of, at the direction of or in association with, the gang or a gang member;
- (iii) obstruction of justice for the benefit of, at the direction of or in association with, the gang or gang member;
- (iv) a financial benefit; or
- (v) enhancing the ability of a gang to facilitate or commit an offence;

**“law enforcement officer”** includes –

- (a) a police officer;
- (b) a port police officer;
- (c) a customs officer;
- (d) a correctional officer;
- (e) an officer of the Inland Revenue Department;
- (f) a person comprising the Financial Intelligence Authority established under the Money Laundering (Prevention) Act, No. 8 of 2010, or its secretariat; and

**“minor”** means a person under the age of 18 years.

**Participation in gang**

3.— (1) In this section—

**“participate in gang-related activity”** includes joining a gang, being a gang member or a gang leader, recruiting persons to participate in gang activity, preventing another person from ending his or her gang membership, or affiliation and contributing to gang activity.

(2) Every person who, by act or omission, knowingly participates in gang-related activity commits an indictable offence.

(3) A person who commits an offence under this section is liable on conviction on indictment to a fine of \$300,000.00 and to imprisonment for 20 years.

(4) In a prosecution for an offence under this section, it is not necessary to prove that—

- (a) the gang actually facilitated or committed an offence;
- (b) the participation of the accused actually enhanced the ability of the gang to facilitate or commit an offence;
- (c) the accused knew the specific nature of any offence that may have been facilitated or committed by the gang; or
- (d) the accused knew the identity of any of the persons who constitute the gang.

(5) In determining whether an accused participates in any gang-related activity, the Court may consider, among other factors, whether the accused—

- (a) uses a name, word, symbol or other representation that identifies or is associated with, the gang;
- (b) frequently associates with any of the persons who constitute the gang;
- (c) receives any benefit from the gang; or
- (d) engages in activities at the instruction of any of the persons who constitute the gang.

(6) In determining the sentence to be imposed on a person convicted under this section, the Court may consider, among other factors any of the following circumstances as aggravated circumstances, justifying a severe sentence—

- (a) the person who was aided or abetted, or who was prevented from leaving the gang, was a minor at the time of the offence;
- (b) the offence involved gang-related activity within one mile of a school or place of worship or health institutions;
- (c) the person convicted was a law enforcement officer at the time the offence was committed; or
- (d) the person convicted is a gang leader.

**Committing and preparing to commit an offence for benefit of gang**

**4.—** (1) A person who commits an offence for the benefit of, at the direction of, or in association with, a gang commits an indictable offence.

(2) A person who—

- (a) prepares or supplies;
- (b) has in his or her possession, custody or control; or
- (c) has in the possession, custody or control of another person on his or her behalf,

a bullet-proof vest, firearm, ammunition, equipment, instrument, material or any device, whether lawfully obtained or not, with the intention that such bullet-proof vest, firearm, ammunition, equipment, instrument, material or device may be used by him or her or any other person in committing an offence for the benefit of, at the direction of or in association with a gang, commits an offence.

(3) A person who commits an offence under this section is liable on conviction on indictment to a fine of \$100,000.00 and to imprisonment for 10 years.

(4) In the prosecution for an offence under this section, it is not necessary to prove that the accused knew the identity of any of the persons who constitute the gang.

(5) In determining the sentence to be imposed on a person convicted under this section, the Court may consider, among other factors any of the following circumstances as an aggravated circumstance, justifying a severe sentence—

- (a) a minor was involved in the commission of the offence or that the offence was against a minor;
- (b) any part of the offence was conducted within one mile of a school or place of worship;
- (c) the person convicted was a law enforcement officer at the time the offence was committed; or
- (d) the person convicted is a gang leader.

**Aiding and abetting commission of an offence**

5.— (1) A person who knowingly aids and abets, directly or indirectly, any person to commit an offence under this Act commits an offence and is liable on conviction on indictment to a fine of \$100,000.00 and to imprisonment for 10 years.

(2) In a prosecution for an offence under subsection (1), it is not necessary to prove that—

- (a) an offence other than the offence under subsection (1) was actually committed;
- (b) the accused knew the identity of all of the persons who constitute the gang.

(3) In determining the sentence to be imposed on a person convicted under this section, the Court may consider, among other factors, any of the following circumstances as an aggravated circumstance, justifying a severe sentence—

- (a) the person who was aided or abetted, or who was prevented from leaving the gang, was a minor at the time of the offence;
- (b) the offence involved gang-related activity within one mile of a school or place of worship or health institutions;
- (c) the person convicted was a law enforcement officer at the time the offence was committed; or
- (d) the person convicted is a gang leader.



**Harbouring or aiding criminals**

6. A person who knowingly or having reason to believe that another person has committed or has been convicted of any crime under this Act, aids, conceals, or harbours that person commits an offence and is liable on conviction on indictment to a fine of \$200,000.00 and to imprisonment for 15 years.

**Loss of benefits**

7.— (1) Where a law enforcement officer is convicted of an offence under this Act, then in addition to any sentence imposed by the Court, he or she shall forfeit any rights to—

- (a) gratuity to which he or she is entitled as a public officer or a police officer, otherwise than under the Pensions Act, Cap. 15.26; and
- (b) pension benefits and gratuity and allowances, to which he or she is entitled under the Pensions Act, Cap. 15.26 as a public officer or a police officer;

provided that the relevant authority concurs with the withholding of the pension, subject to section 98 of the Constitution of Saint Lucia, Cap. 1.01.

(2) In this section ‘**relevant authority**’ means the authority responsible for withholding pension benefits for misconduct under section 5(2) of the Pensions Act, Cap. 15.26.

**Forfeiture**

8.—(1) Where a person is convicted of an offence under this Act, a judge may, in addition to any other punishment imposed, order the forfeiture to the Crown of anything or any movable property by means of which, or in relation to which, the offence was committed.

(2) If a person, other than the convicted person, claims ownership, wholly or partly, in anything or any movable property referred to in section (1) above, the judge shall afford the person an opportunity to be heard, prior to making an order of forfeiture.

**Sentences to be served consecutively**

9. A sentence imposed on a person for an offence under this Act shall be served consecutively to any other punishment imposed on the person for an offence arising out of the same event or series of events.

Passed in the House this 11th day of February, 2014.

PETER I. FOSTER,  
*Speaker of the House of Assembly.*

Passed in the Senate this 13th day of February, 2014.

CLAUDIUS J. FRANCIS,  
*President of the Senate.*