

FINAL BILL REPORT

HB 2535

C 146 L 12
Synopsis as Enacted

Brief Description: Creating a juvenile gang court.

Sponsors: Representatives Ladenburg, Johnson, Moscoso, Walsh, Ross, Klippert, Goodman, Nealey, Fitzgibbon, Appleton, Pollet, Green, Billig, Roberts, Kirby, Probst, Jinkins, Kagi, Lytton, Dickerson, Darneille, Santos and Kenney.

House Committee on Early Learning & Human Services
Senate Committee on Human Services & Corrections

Background:

Special Courts.

Many counties in Washington operate "problem solving" courts for specific offenders. At least three of these courts are authorized in statute: mental health courts, drug courts, and courts for offenders charged with driving under the influence. These dedicated courts have special calendars or dockets designed to reduce recidivism and provide intense, judicially supervised treatment. If an offender completes the requirements of a particular court, the underlying criminal charge is usually dismissed. In Washington, most dedicated courts handle only adult offender cases. Some counties, however, operate a juvenile drug court.

Gang Courts.

Some state and federal courts have initiated gang courts for adult offenders. These courts are often developed based upon a drug court model. Instead of providing substance abuse treatment, the courts use a team approach whose goal is to assist offenders who want to leave a gang lifestyle.

Yakima County is the only county in Washington that has developed a gang court specifically for juvenile offenders. In order to participate, the juvenile charged with an offense must be involved in gang-related activities. Under Yakima's model, the youth is supervised by a gang court "team" that may include a prosecutor, defense counsel, probation officer, law enforcement, treatment providers, educators, and other interested members in the community. Upon admission to gang court, the juvenile either pleads guilty or is found guilty by the court based upon the facts in the police report. Sentencing is deferred for one year. Even if the

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

juvenile offender completes all of the requirements of the gang court, the case is not dismissed. The court, however, may have a basis to impose a sentence more lenient than the standard sentence range.

Summary:

Counties are authorized to establish and operate "juvenile gang" courts, which are courts that have special calendars or dockets designed to achieve a reduction in gang-related offenses among juvenile offenders. The gang courts must provide juveniles with integrated evidence-based services that are proven to reduce recidivism and gang involvement.

Any county that establishes a juvenile gang court must establish minimum requirements for participation. A particular county, however, may adopt more stringent admission requirements.

For this purpose, a "gang" is defined as: "a group which consists of three or more persons; has identifiable leadership; and, on an ongoing basis, regularly conspires and acts in concert mainly for criminal purposes."

Admission.

The minimum requirements for admission to gang court are:

- the juvenile offender participates in gang activity, is repeatedly in the company of known gang members, or openly admits that he or she has been admitted to a gang;
- the juvenile offender has not previously been convicted of a serious violent offense or a sex offense;
- the juvenile offender is not currently charged with:
 - a class A felony;
 - a sex offense;
 - the offense of Assault of a Child in the second degree;
 - an offense during which the offender intentionally discharged or threatened to discharge a firearm; or
 - the juvenile is not subject to the original jurisdiction of the adult superior court; and
- the court, the prosecutor, and the juvenile agree to the juvenile's admission to gang court.

Requirements for Completion.

Once a juvenile offender is admitted into gang court, he or she must stipulate to the admissibility of the facts in the police report and agree that the facts are sufficient to find him or her guilty of the charged offense. The juvenile must waive the right to a speedy trial and the right to confront witnesses. Upon review of the police report, the court, if it determines that there is sufficient evidence to do so, enters a finding of guilt. The juvenile disposition, or sentencing, is deferred.

Once the juvenile is admitted, an individualized plan is developed for the juvenile, which may include mental health treatment, substance abuse treatment, or other recommended

services. The plan must contain goals for the juvenile and his or her support team and must include a requirement that the juvenile remain in the gang program for at least 12 months. The support team may be comprised of treatment providers, a probation officer, teachers, defense counsel, the prosecuting attorney, law enforcement, guardians or family members, and other participants deemed necessary by the court. At least one member of the support team must have daily contact with the juvenile. If the juvenile completes the requirements of the gang court, the charges are dismissed. A juvenile may be admitted to gang court only once.

Data Collection and Reports.

Counties that create juvenile gang courts must collect data (1) regarding the criteria upon which a juvenile was admitted to gang court, (2) whether the juvenile successfully completed gang court, and (3) whether a juvenile court participant was subsequently charged with any offenses.

By December 1, 2013, the Administrative Office of the Courts must study the data collected by the counties and make a preliminary report to the Legislature regarding the recidivism outcomes for the gang court participants. A final report is due by December 1, 2015.

Votes on Final Passage:

House	92	4	
Senate	48	0	(Senate amended)
House	97	1	(House concurred)

Effective: June 7, 2012