
HOUSE BILL 2535

State of Washington

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2012 Regular Session

By 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

Read first time 01/17/12. Referred to Committee on Early Learning & Human Services.

1 AN ACT Relating to creating a juvenile gang court; adding new
2 sections to chapter 13.40 RCW; and creating a new section.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** The legislature finds that juvenile gang
5 activity in Washington state poses a significant threat to communities
6 and to the positive development of juveniles as they mature into
7 adulthood. Thus, a strategic and collaborative approach is needed to
8 address the problem of juvenile gangs. Many juveniles who become
9 involved in gang activity have been exposed to risk factors such as
10 antisocial behavior, alcohol and drug use, mental health problems, and
11 victimization. Evidence-based and research-based gang intervention
12 programs and strategies can provide services to these youth such as
13 mental health counseling, education, chemical dependency treatment, and
14 skill building. The legislature further finds that a court
15 specifically developed to facilitate the delivery of these critical
16 services to gang-involved juveniles and that provides a supportive team
17 will assist juveniles in breaking out of a cycle of gang activity,
18 reduce criminal activity, and increase their ability to develop into
19 successful adults.

1 NEW SECTION. **Sec. 2.** A new section is added to chapter 13.40 RCW
2 to read as follows:

3 (1) Counties may establish and operate juvenile gang courts.

4 (2) For the purposes of this section, "juvenile gang court" means
5 a court that has special calendars or dockets designed to achieve a
6 reduction in gang-related offenses among juvenile offenders by
7 increasing their likelihood for successful rehabilitation through
8 early, continuous, and judicially supervised and integrated
9 evidence-based services proven to reduce juvenile recidivism and gang
10 involvement or through the use of research-based or promising practices
11 identified by the Washington state partnership council on juvenile
12 justice.

13 (3) Any county that establishes a juvenile gang court pursuant to
14 this section shall establish minimum requirements for the participation
15 of offenders in the program. The juvenile gang court may adopt local
16 requirements that are more stringent than the minimum. The minimum
17 requirements are:

18 (a) The juvenile offender participates in gang activity, is
19 repeatedly in the company of known gang members, or openly admits that
20 he or she has been admitted to a gang;

21 (b) The juvenile offender has not previously been convicted of a
22 serious violent offense or sex offense as defined in RCW 9.94A.030; and

23 (c) The juvenile offender is not currently charged with an offense:

24 (i) That is a class A felony offense;

25 (ii) That is a sex offense;

26 (iii) During which the juvenile offender intentionally discharged,
27 threatened to discharge, or attempted to discharge a firearm in
28 furtherance of the offense; or

29 (iv) That subjects the juvenile offender to adult court original
30 jurisdiction pursuant to RCW 13.04.030(1)(e)(v).

31 (4) For the purposes of this act, a "gang" means a group which
32 consists of three or more persons; has identifiable leadership; and on
33 an ongoing basis, regularly conspires and acts in concert mainly for
34 criminal purposes.

35 (5) The juvenile offender who is admitted to juvenile gang court
36 must:

37 (a) Stipulate to the admissibility of the facts contained in the
38 written police report;

1 (b) Acknowledge that the report will be entered and used to support
2 a finding of guilt and to impose a disposition if the juvenile fails to
3 comply with the requirements of the juvenile gang court; and

4 (c) Waive the following rights to: (i) A speedy disposition; and
5 (ii) call and confront witnesses.

6 (6) The adjudicatory hearing shall be limited to a reading of the
7 court's record.

8 (7) Following the stipulation to the facts in the police report,
9 acknowledgment, waiver, and entry of a finding or plea of guilt, the
10 court shall defer entry of an order of disposition of the juvenile.

11 (8) Upon admission to juvenile gang court, an individualized plan
12 shall be developed for the juvenile, identifying goals for the juvenile
13 and a team to support the juvenile, which may include mental health and
14 chemical dependency treatment providers, a probation officer, teachers,
15 defense counsel, the prosecuting attorney, law enforcement, guardians
16 or family members, and other participants deemed appropriate by the
17 court. At least one member of the support team must have daily contact
18 with the juvenile.

19 (9) Upon successful completion of the juvenile gang court
20 requirements, the conviction entered by the court shall be vacated and
21 the charge shall be dismissed with prejudice.

22 (10) A juvenile may only be admitted to juvenile gang court once.
23 If the juvenile fails to complete the requirements of gang court after
24 being admitted, the juvenile may not be admitted again.

25 (11) If the juvenile fails to complete the juvenile gang court
26 requirements, the court shall enter an order of disposition pursuant to
27 RCW 13.40.0357.

28 NEW SECTION. **Sec. 3.** A new section is added to chapter 13.40 RCW
29 to read as follows:

30 (1) Counties that create a juvenile gang court pursuant to section
31 2 of this act shall track and document data regarding the criteria that
32 led to a juvenile's admission to gang court, the successful and
33 unsuccessful completion of juvenile gang court requirements, and any
34 subsequent criminal charges of juvenile gang court participants and
35 provide such data to the administrative office of the courts.

36 (2) Subject to the availability of funds appropriated for this
37 purpose, the administrative office of the courts shall study the data

1 provided by the counties pursuant to subsection (1) of this section and
2 report to the appropriate legislative committees regarding the
3 recidivism outcomes for juvenile gang court participants. A
4 preliminary report shall be completed by December 1, 2013. A final
5 report shall be completed by December 1, 2015.

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