

CERTIFICATION OF ENROLLMENT

HOUSE BILL 2535

62nd Legislature
2012 Regular Session

Passed by the House March 5, 2012
Yeas 97 Nays 1

Speaker of the House of Representatives

Passed by the Senate February 29, 2012
Yeas 48 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 2535** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

HOUSE BILL 2535

AS AMENDED BY THE SENATE

Passed Legislature - 2012 Regular Session

State of Washington

62nd Legislature

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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;

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

31 (v) That constitutes assault of a child in the second degree.

32 (4) The court, the prosecutor, and the juvenile must agree to the
33 juvenile's admission to a gang court created under this section.

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

1 (6) The juvenile offender who is admitted to juvenile gang court
2 must:

3 (a) Stipulate to the admissibility of the facts contained in the
4 written police report;

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

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

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

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

15 (9) Upon admission to juvenile gang court, an individualized plan
16 shall be developed for the juvenile, identifying goals for the juvenile
17 and a team to support the juvenile, which may include mental health and
18 chemical dependency treatment providers, a probation officer, teachers,
19 defense counsel, the prosecuting attorney, law enforcement, guardians
20 or family members, and other participants deemed appropriate by the
21 court. The individualized plan shall include a requirement that the
22 juvenile remain in the gang court program for at least twelve months.
23 At least one member of the support team must have daily contact with
24 the juvenile.

25 (10) Upon successful completion of the juvenile gang court
26 requirements, the conviction entered by the court shall be vacated and
27 the charge shall be dismissed with prejudice.

28 (11) A juvenile may only be admitted to juvenile gang court once.
29 If the juvenile fails to complete the requirements of gang court after
30 being admitted, or successfully completes the requirements of gang
31 court after being admitted, the juvenile may not be admitted again.

32 (12) If the juvenile fails to complete the juvenile gang court
33 requirements, the court shall enter an order of disposition pursuant to
34 RCW 13.40.0357.

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

37 (1) Counties that create a juvenile gang court pursuant to section

1 2 of this act shall track and document data regarding the criteria that
2 led to a juvenile's admission to gang court, the successful and
3 unsuccessful completion of juvenile gang court requirements, and any
4 subsequent criminal charges of juvenile gang court participants and
5 provide such data to the administrative office of the courts.

6 (2) Subject to the availability of funds appropriated for this
7 purpose, the administrative office of the courts shall study the data
8 provided by the counties pursuant to subsection (1) of this section and
9 report to the appropriate legislative committees regarding the
10 recidivism outcomes for juvenile gang court participants. A
11 preliminary report shall be completed by December 1, 2013. A final
12 report shall be completed by December 1, 2015.

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