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HOUSE BILL 2535

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State of Washington

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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; 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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