

2344-S

Sponsor(s): House Committee on Judiciary (originally sponsored by Representatives Ludwig, Vance, Riley, Paris, Neher, Broback, Mielke, Scott, Tate, H. Myers, Rayburn, Roland, Orr, Lisk, Zellinsky, Dellwo, Dorn, Jacobsen, Winsley, Van Luven, Nealey, Forner, G. Fisher, Kremen, Heavey, Chandler, Fuhrman, Bray, Mitchell, Bowman, Horn, Carlson, Sprengle and Hochstatter)

Brief Description: Prescribing penalties for criminal street gang activities.

HB 2344-S - DIGEST

(DIGEST AS PASSED LEGISLATURE)

Defines "criminal street gang" and "pattern of criminal gang activity."

Designates criminal conduct by gang members as an aggravating circumstance for the imposition of an exceptional sentence pursuant to RCW 9.94A.390.

VETO MESSAGE ON HB 2344-S

April 1, 1992

To the Honorable, the House
of Representatives of the
State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval, Substitute House Bill No. 2344 entitled:

"AN ACT Relating to participation in criminal street gangs."

Substitute House Bill No. 2344 creates an aggravated exceptional sentence standard for crimes committed with the intent to promote, further, or assist any criminal conduct by criminal street gang members.

I agree that criminal activity motivated by the desire to further the illegal objectives of a gang should be severely punished. However, any measure that enhances a court's ability to punish people for illegal behavior must be adequately defined so as to be enforceable and equitably applied. These amendments are vague, making it unclear what circumstances would justify an exceptional sentence.

RCW 9.94A.390 illustrates aggravating circumstances a court may currently consider for imposing an exceptional sentence. These circumstances represent egregious situations when a court can determine that the purposes of the state's sentencing system would not be met by a sentence within the standard range. When criminal street gang activity represents egregious circumstances or unique criminal activity the court already has the authority to impose exceptional sentences.

Substitute House Bill No. 2344 singles out criminal street gangs as particularly dangerous associations. The term "street gang" itself conjures up specific stereotypical images in the public's eye - images of minority youth wearing common clothing.

Unfortunately, despite efforts of the sentencing reform act to remove racial and ethnic disparity in sentencing practices, minority youth are disproportionately affected by the criminal justice system. This is particularly true with respect to exceptional sentences. I do not wish to further this disparity.

Including the term "criminal street gang," especially as vaguely defined, will send the message that one particular type of criminal association, one most often associated with minority youth, is more dangerous to society than other criminal organizations.

For these reasons, I have vetoed Substitute House Bill No. 2344 in its entirety.

Respectfully submitted,
Booth Gardner
Governor