

SENATE BILL REPORT

SSB 5987

As Amended by House, April 3, 2007

Title: An act relating to gang-related offenses.

Brief Description: Increasing penalties for gang-related offenses.

Sponsors: Senate Committee on Judiciary (originally sponsored by Senators Clements, Carrell, Marr, Holmquist, Schoesler and Rasmussen; by request of Attorney General).

Brief History:

Committee Activity: Judiciary: 2/28/07 [DPS].

Passed Senate: 3/10/07, 48-0.

SENATE COMMITTEE ON JUDICIARY

Majority Report: That Substitute Senate Bill No. 5987 be substituted therefor, and the substitute bill do pass.

Signed by Senators Kline, Chair; McCaslin, Ranking Minority Member; Carrell, Hargrove, Roach and Weinstein.

Staff: Juliana Roe (786-7405)

Background: Graffiti is considered a gateway crime. It is a crime that is committed by those attempting to gain admission into or promotion within a gang. Currently, graffiti is charged under the category of malicious mischief; the degree depends on the amount of damage caused in dollars.

Malicious mischief in the first degree occurs if the damage exceeds \$1,500. It is a class B felony. Malicious mischief in the second degree occurs if the damage exceeds \$250. It is a class C felony. Malicious mischief in the third degree occurs if the damage equals \$50 or less. It is a gross misdemeanor.

Proponents believe that more serious gang-related offenses will be decreased by focusing on this type of gang-related property crime, usually committed by juveniles just beginning to involve themselves in criminal behavior.

Summary of Substitute Bill: The Office of the Attorney General is directed to establish a work group to evaluate the problem of gang-related crime in Washington State. Results of the evaluation must be reported to the Legislature on or before January 1, 2008.

Appropriation: None.

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.

Fiscal Note: Requested on February 19, 2007.

Committee/Commission/Task Force Created: Yes.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: It is important to collect data about gang activity in Washington State. This can be accomplished by establishing a work group to evaluate this problem.

The gang violence in Washington, and around the nation, is escalating both on the street and in the prison system. Gangs are becoming more organized and deal in areas such as drugs, prostitution, and racketeering. They are also crossing state lines. Washington is not prepared to deal with these problems.

Citizens of Yakima, even in the rural areas, fear: going out at night; leaving their doors unlocked; and going downtown. Graffiti shows that gangs are present and citizens fear the gangs and, in turn, the citizens fear frequenting these businesses in downtown Yakima. Block watches have been established and citizens are actively trying to diminish the gang activity. A message needs to be sent that gang activity will not be tolerated. We need to start at the ground level. Offenders start out with graffiti and escalate to more egregious crimes. Failing to support this bill fails our citizens.

Gang related crime prosecution is frustrated in many ways due to the lack of legislation in this area. Witnesses are reluctant to testify. Witnesses and jurors are intimidated in the courtroom and on the street. The jury needs to know that these crimes are gang related.

Persons Testifying: PRO: Senator Clements, prime sponsor; Rob McKenna, Attorney General; Sam Granato, Chief of Police in Yakima; Pam Wickersham, Judy Lydin, Sharon Marrow, citizens; Julie Schilling, Westside Merchants Association; Tarin Miller, officer for city of Yakima gang unit; Cynthia Martinez, prosecutor for city of Yakima.

House Amendment(s): The Washington Association of Sheriffs and Police Chiefs (WASPC) is directed to convene the work group to evaluate the problem of gang-related crime in Washington State, rather than the Office of the Attorney General.

It is designated that non-legislative members of the work group are appointed jointly by the President of the Senate and the Speaker of the House.

An additional representative from the Office of the Attorney General is added to the work group.