



## Legislation Text

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Clerk 04/05/2012

AN ORDINANCE relating to the establishment of anti-criminal street gang emphasis areas; adding a new chapter to K.C.C. Title 12 and prescribing penalties.

### STATEMENT OF FACTS:

1. Criminal street gangs and the gang-related crimes they commit endanger the physical safety, negatively affect the economic vitality and reduce the right to full enjoyment of liberty and property rights of the people of King County.
2. Government has a responsibility to provide for the physical safety, liberty and property rights of its citizens.
3. King County has established antiprostitution emphasis areas and drug-free zones to address illegal prostitution and illegal drug activities.
4. The state of Washington has not enacted legislation related to establishment of anti-criminal street gang emphasis areas. Accordingly, in the exercise its general police powers, the county prohibits herein an identified gang member from entering a designated area in violation of court-imposed conditions of release or conditions of suspension or deferral of any sentence.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Sections 2 through 4 of this ordinance should constitute a new chapter in K.C.C. Title 12.

NEW SECTION. SECTION 2. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

A. "Anti-criminal street gang emphasis area" means an area, approved by ordinance, that has been identified by law enforcement through a history of arrests and observation to be locales where criminal street gang activity, or criminal street gang-related offenses confirms a pattern of endangering physical safety, liberty or property rights of its citizens. "Anti-criminal street gang emphasis area" is not intended to preclude an individual from accessing his or her established place of residence or employment or school or in circumstances where it would otherwise be infeasible.

B. "Criminal street gang" means an ongoing organization, association or group, of three or more persons, whether formal or informal, having a common name or common identifying sign or symbol, having as one of its primary activities the commission of criminal acts, and whose members or associates individually or collectively engage in or have engaged in a pattern of criminal street gang activity. "Criminal street gang" does not apply to employees engaged in concerted activities for their mutual aid and protection, or to the activities of labor and bona fide nonprofit organizations or their members or agents.

C. "Criminal street gang-related offense" means any felony or misdemeanor offense, whether in this state or elsewhere, that is committed for the benefit of, at the direction of or in association with any criminal street gang, is committed with the intent to promote, further or assist in any criminal conduct by the gang or is committed for one or more of the following reasons:

1. To gain admission, prestige or promotion within the gang;
2. To increase or maintain the gang's size, membership, prestige, dominance or control in any geographical area;
3. To exact revenge or retribution for the gang or any member of the gang;
4. To obstruct justice or to intimidate or eliminate any witness against the gang or any member of the gang;
5. To directly or indirectly cause any benefit, aggrandizement, gain, profit, or other advantage for the gang, its reputation, influence or membership; or

6. To provide the gang with any advantage in, or any control or dominance over any criminal market sector, including, but not limited to:

chapter 69.50 RCW;

- a. arson in violation of chapter 9A.48 RCW;
- b. human trafficking in violation of RCW 9A.40.100;
- c. manufacturing, delivering or selling any controlled substance in violation of chapter 69.50 RCW;
- d. promoting pornography in violation of chapter 9.68 RCW;
- e. promoting prostitution in violation of chapter 9A.88 RCW; or
- f. trafficking in stolen property in violation of chapter 9A.82 RCW;

NEW SECTION. SECTION 3. Anti-criminal street gang emphasis areas shall be designated by ordinance identifying the designated parcel or parcels and shall also include the adjacent public right of way within twenty feet of each designated parcel.

NEW SECTION. SECTION 4. The presence of a person within an anti-criminal street gang emphasis area in violation of court imposed conditions of release or conditions of suspension or deferral of a sentence shall constitute a separate crime, hereby designated a misdemeanor, and such a person may be apprehended and arrested without the necessity for any warrant or additional court order. Upon conviction, a person so violating the conditions of release or conditions of suspension or deferral shall be punished by imprisonment in jail for a maximum term fixed by the court of not more than ninety days, by a fine in an amount set by the court of not more than one thousand dollars or by both such a fine and imprisonment.