



Legislation Text

File #: 2012-0134, **Version:** 1

Clerk 04/05/2012

AN ORDINANCE protecting citizens from criminal gang intimidation through addressing a gap in Washington state law; 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. RCW 9A.46.120 provides that criminal gang intimidation is a class C felony provided the victim or perpetrator is enrolled or attending a public school.
4. Current state law leaves a gap for circumstances in which both the victim and the perpetrator of criminal gang intimidation are not enrolled or attending a public school.
5. The gap in state law leaves at greater risk, the safety of potentially disenfranchised youth who have dropped-out of school and all adults.
6. Gang intimidation comes in many physical and psychological forms and is not restricted solely to school-aged children.
7. Under RCW 36.32.120(7), the county has the authority to adopt regulations, ordinances, codes, compilations, statutes and/or resolutions that constitute misdemeanors.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Section 2 of this ordinance should constitute a new chapter in K.C.C. Title 12:

NEW SECTION. SECTION 2. A. It is unlawful for any person to knowingly threaten another person with bodily injury because the threatened person or any other person refuses to join, has attempted to withdraw, or has withdrawn from a criminal street gang. This is also referred to as criminal gang intimidation.

B. For the purposes of this section and consistent with RCW 9.101.010, "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. A violation of subsection A. of this section is a misdemeanor.