

STATE OF OKLAHOMA

2nd Session of the 43rd Legislature (1992)

HOUSE BILL NO. 2014

BY: HUTCHCROFT

AS INTRODUCED

AN ACT RELATING TO STATE GOVERNMENT; ENACTING THE
GANG VIOLENCE SUPPRESSION PROGRAM; PROVIDING SHORT
TITLE; STATING LEGISLATIVE FINDINGS, DECLARATIONS
AND INTENT; ESTABLISHING THE GANG VIOLENCE
SUPPRESSION PROGRAM WITHIN THE OKLAHOMA STATE
BUREAU OF INVESTIGATION; STATING PURPOSE; PROVIDING
FOR FUNDING; REQUIRING CERTAIN WRITTEN PROGRAMS AND
ADMINISTRATIVE GUIDELINES; REQUIRING CERTAIN
REPORTS; PROVIDING FOR THE ALLOCATION OF FUNDS;
ESTABLISHING A GANG VIOLENCE SUPPRESSION ADVISORY
COMMITTEE; PROVIDING FOR MEMBERSHIP OF SUCH
COMMITTEE; AUTHORIZING, PROVIDING FOR, AND
SPECIFYING ENHANCED PROSECUTION EFFORTS; DEFINING
TERMS; PROVIDING FOR CERTAIN COMMUNITY-BASED
PROGRAMS RELATING TO GANG ACTIVITY; SPECIFYING
ACTIVITIES; AUTHORIZING THE ESTABLISHMENT OF AN
URBAN CORPS PROGRAM WITHIN THE OKLAHOMA STATE
BUREAU OF INVESTIGATION; REQUIRING THE
IMPLEMENTATION OF CERTAIN ACTIVITIES; LIMITING THE
OPERATION OF SUCH PROGRAM; REQUIRING A REPORT ON
SUCH PROGRAM; SPECIFYING CONTENTS OF SUCH REPORT;
AUTHORIZING CERTAIN SCHOOL DISTRICTS TO PROVIDE FOR
GANG VIOLENCE PREVENTION CURRICULUM; ENCOURAGING
SCHOOL DISTRICTS TO IDENTIFY, DEVELOP, AND

ESTABLISH CERTAIN PROGRAMS; PROVIDING FOR FUNDING;
PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE
DATE; AND DECLARING AN EMERGENCY.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 150.30-1 of Title 74, unless there is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Gang Violence Suppression Act".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 150.30-2 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. The Legislature finds and declares all of the following:

1. That violent activity by gangs is a serious and growing problem in this state;
2. There is an increasing percentage of students involved in gang activities;
3. There are many schools that serve a disproportionate number of youths involved in gang activities which are unable to effectively implement programs designed to prevent youth from becoming involved in gang activity. There is no statewide funded educational program developed for this purpose;
4. There is evidence that gang involvement among youths begins at an early age;
5. There is evidence that the parents of gang members lack appropriate parenting skills;

6. There is evidence that controlled substance abuse is increasing among youth involved in gang activity;

7. There is evidence that gang members have no contact with positive role models; and

8. There is evidence that most gang members lack basic educational skills.

B. The Legislature intends to support increased efforts by district attorneys' offices to prosecute the perpetrators of gang violence, support increased efforts by local law enforcement agencies to identify, investigate, and apprehend perpetrators of gang violence, support increased efforts by probation departments to intensively supervise gang members who are on court-ordered probation, support gang violence prevention and intervention efforts by school districts and support gang violence suppression efforts by community-based organizations.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 150.30-3 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. There is hereby established in the Oklahoma State Bureau of Investigation the Gang Violence Suppression Program, a program of financial and technical assistance for district attorneys' offices, local law enforcement agencies, probation departments, school districts, or any consortium thereof, and community-based organizations which are primarily engaged in the suppression of gang violence. All funds appropriated to the Oklahoma State Bureau of Investigation for the purposes of this act shall be administered and disbursed by the Director of the Bureau and shall to the greatest extent feasible be coordinated or consolidated with federal funds that may be made available for these purposes.

B. The Director may allocate and award funds to municipalities, counties, school districts, or any consortium thereof, and community-based organizations in which gang violence suppression

programs are established in substantial compliance with the policies and criteria set forth in this act.

C. The allocation and award of funds shall be made on the application of the district attorney, chief law enforcement officer or chief probation officer of the applicable unit of government, school districts, or any consortium thereof, or the chief executive of a community-based organization. All programs funded pursuant to this act shall work cooperatively to ensure the highest quality provision of services and to reduce unnecessary duplication. Funds disbursed pursuant to this act shall not supplant local funds, that would, in the absence of the Gang Violence Suppression Program, be made available to support the activities set forth in this act.

D. The Director shall prepare and issue written program and administrative guidelines and procedures for the Gang Violence Suppression Program consistent with this act. These guidelines shall set forth the terms and conditions upon which the Oklahoma State Bureau of Investigation is prepared to offer grants of funds pursuant to statutory authority.

E. Annually, commencing November 1, 1993, the Director shall prepare a report to the Legislature describing in detail the operation of the statewide program and the results obtained by district attorneys' offices, local law enforcement agencies, probation departments, school districts, or any consortium thereof, and community-based organizations receiving funds pursuant to this act and pursuant to comparable federally financed awards.

F. Criteria for selection of district attorneys' offices, local law enforcement agencies, probation departments, school districts, or any consortium thereof, and community-based organizations to receive gang violence suppression funding shall be developed in consultation with the Gang Violence Suppression Advisory Committee whose members shall be appointed by the Director unless otherwise designated.

G. The Gang Violence Suppression Advisory Committee shall be composed of nineteen (19) members as follows:

1. Five district attorneys;
2. Two chief probation officers;
3. Two representatives of community-based organizations;
4. Three attorneys primarily engaged in the practice of juvenile criminal defense;
5. Three law enforcement officials with expertise in gang-related investigations;
6. One member of the Department of Corrections nominated by the Director of the Department of Corrections;
7. One member from the Attorney General's Office nominated by the Attorney General;
8. The Superintendent of Public Instruction, or his or her designee; and
9. One representative of a school program specializing in the education of the target population identified in this act.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 150.30-4 of Title 74, unless there is created a duplication in numbering, reads as follows:

Gang violence prosecution units receiving funds pursuant to this act shall concentrate enhanced prosecution efforts and resources upon cases identified under criteria set forth in Section 5 of this act. Enhanced prosecution efforts shall include, but not be limited to:

1. "Vertical" prosecutorial representation, whereby the prosecutor who makes the initial filing or appearance in a gang-related case will perform all subsequent court appearances on that particular case through its conclusion, including the sentencing phase;
2. Assignment of highly qualified investigators and prosecutors to gang-related cases;

3. Significant reduction of caseloads for investigators and prosecutors assigned to gang-related cases; and

4. Measures taken in coordination with law enforcement agencies to protect cooperating witnesses from intimidation or retribution at the hands of gang members or associates.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 150.30-5 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. An individual shall be subject to gang violence prosecution efforts who is under arrest for the commission or the attempted commission of any gang-related violent crime where the individual is:

1. A known member of a gang; and
2. Has exhibited a prior criminal background.

B. For purposes of this act:

1. "Gang-related" means that the suspect or victim of the crime is a known member of a gang; and

2. "Gang violence prosecution" includes both criminal prosecutions and proceedings in the juvenile division of the district court in which a petition is filed.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 150.30-6 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. For purposes of this act, a "community-based" organization means a nonprofit operation established to serve gang members, their families, school and the community with programs of community supervision and service which maintain community participation in the planning, operation and evaluation of their programs.

B. Unless funded pursuant to subsection D of this section, community-based organizations supported under the Gang Violence Suppression Program shall implement the following activities:

1. Providing information to law enforcement agencies concerning gang-related activities in the community;

2. Providing information to school administrators and staff concerning gang-related activities in the community;

3. Provide conflict resolution by means of intervention or mediation to prevent and limit gang crisis situations; and

4. Increase witness cooperation through coordination with local law enforcement and prosecutors and by education of the community about the roles of these government agencies and the availability of witness protection services.

C. Community-based organizations funded pursuant to subsection B of this section shall also implement at least one of the following activities:

1. Maintaining a 24-hour public telephone message center for the receipt of information and to assist individuals seeking services from the organization;

2. Maintaining a "rumor control" public telephone service to provide accurate and reliable information to concerned citizens;

3. Providing technical assistance and training concerning gang related activities to school staff members, law enforcement personnel, and community members including parental groups. This training and assistance shall include coverage of how to prevent and minimize intergang confrontations;

4. Providing recreational activities for gang members or potential gang members;

5. Providing job training and placement services for youth;

6. Referring gang members, as needed, to appropriate agencies for the treatment of health, psychological, and controlled substance abuse related problems; or

7. Mobilizing the community to share joint responsibility with local criminal justice personnel to prevent and suppress gang violence.

D. Community-based organizations funded pursuant to the Gang Violence Suppression Program for specialized school prevention and intervention activities shall only be required to implement activities in the schools which are designed to discourage students from joining gangs and which offer or encourage students to participate in alternative programs.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 150.30-7 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. There is hereby established in the Oklahoma State Bureau of Investigation the "Urban Corps Program". Community-based organizations receiving grants to participate in the Urban Corps Program shall implement the following activities:

1. Identification of publicly and privately administered programs in the county dealing with the suppression or prevention of criminal gang activities, or both;

2. Maintenance of a listing of programs within the county identified as dealing with the suppression or prevention of criminal gang activities, or both;

3. Surveying gang suppression and prevention organizations for the types of services and activities each is engaged in, and identifying needs among these organizations for resources to provide services and fulfill their activities;

4. Recruitment of volunteers, identification of their skills, abilities and interest, and matching volunteers with the resources needs of gang prevention and suppression organizations; and

5. Establishment of an urban respite program for the purpose of preventing self-destructive activities and diverting identified youth gang members and youths who are at risk of becoming gang members, for the purposes of reducing or eliminating incentives for those youths to participate in gang-related crime activities.

B. The Urban Corps Program shall operate within the Oklahoma State Bureau of Investigation for two (2) years following the establishment of a contract with a community-based organization to administer the program.

C. The Oklahoma State Bureau of Investigation shall complete and submit a report on the Urban Corps Program to the Speaker of the House of Representatives and the President Pro Tempore of the Senate within six (6) months after the completion of the project. The report shall include all of the following:

1. A master list of available community resources that are involved in the suppression, or prevention of criminal gang activities, or both;
2. A list of volunteers and private sector resources recruited;
3. The number of volunteers trained;
4. The number of volunteers matched with identified needs;
5. The number of private sector resources matched with identified needs;

D. This section shall be implemented to the extent that funds are available to the Oklahoma State Bureau of Investigation for this purpose.

SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 150.30-8 of Title 74, unless there is created a duplication in numbering, reads as follows:

School districts receiving funding pursuant to this act shall develop, adopt and implement a gang violence prevention curriculum, provide gang violence prevention and intervention services for school age children, and shall be encouraged to do all of the following:

1. Establish a local steering committee comprised of representatives of each local program funded pursuant to this act, corporations, small businesses, and other appropriate local, county

and community organizations knowledgeable in the area of youth gang violence;

2. Develop and distribute information concerning parent education and parenting classes, including methods whereby parents may recognize youth gang involvement;

3. Identify and utilize the resources of appropriate community-based organizations involved in the coordination of after school activities for school age youth;

4. Establish contact between positive role models and youth involved in gang activity through adopt-a-youth programs and similar programs;

5. Incorporate into gang prevention activities references to the relationship between controlled substance abuse and gang violence;

6. Develop partnerships between schools and businesses for the purpose of enhancing student achievement through such methods as tutorial services, field trips, role modeling and other supportive services; and

7. Develop methods of assuring followup services for youths receiving the initial gang violence prevention and intervention services.

SECTION 9. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 150.30-9 of Title 74, unless there is created a duplication in numbering, reads as follows:

The Oklahoma State Bureau of Investigation is encouraged to utilize any federal funds that may become available for purposes of this act.

SECTION 10. This act shall become effective July 1, 1992.

SECTION 11. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

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