

FINAL BILL REPORT

ESHB 1362

C 387 L 09
Synopsis as Enacted

Brief Description: Concerning vehicles used in prostitution-related offenses.

Sponsors: House Committee on Judiciary (originally sponsored by Representatives Goodman, Rodne, Sullivan, Williams, Orwall, O'Brien, Kirby, Chase and Conway).

House Committee on Judiciary
Senate Committee on Judiciary

Background:

Vehicle Impoundment for Prostitution-related Offenses.

Upon an arrest for a suspected violation of patronizing a prostitute or commercial sexual abuse of a minor, the arresting law enforcement officer may impound the person's vehicle if: (1) the vehicle was used in the commission of the crime; (2) the person arrested is the owner of the vehicle; and (3) the person arrested has previously been convicted of patronizing a prostitute or commercial sexual abuse of a minor.

The Prostitution Prevention and Intervention Account.

Persons convicted of promoting prostitution in the first or second degree, commercial sexual abuse of a minor, patronizing a prostitute, indecent exposure, prostitution, or permitting prostitution are assessed a fee. The fee is deposited into the Prostitution Prevention and Intervention Account, which funds the Prostitution Prevention and Intervention Services Grant Program (Program). The Program provides funding for programs that provide prostitution prevention and intervention services, including counseling, parenting, housing relief, education, and vocational training.

Summary:

Vehicle Impoundment for Prostitution-related Offenses.

Motor vehicles are subject to impoundment when they are used to facilitate the following prostitution-related offenses: patronizing a prostitute, promoting prostitution in the first degree, promoting prostitution in the second degree, promoting travel for prostitution, commercial sexual abuse of a minor, promoting commercial sexual abuse of a minor, and promoting travel for commercial sexual abuse of a minor. The arresting law enforcement officer may impound the person's vehicle if: (1) the vehicle was used in the commission of

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the crime; and (2) the person arrested is the owner of the vehicle or the vehicle is a rental car; and (3) the person arrested has previously been convicted of a prostitution-related offense.

A prior conviction of a prostitution-related offense is not a requirement for impoundment if the offense was committed within an area designated by the local governing authority. The designation must be based on evidence indicating that the area has a disproportionately higher number of arrests for prostitution-related offenses compared to other areas within the same jurisdiction of the local governing authority. The local governing authority must post signs at the boundaries of the designated areas to indicate that the area has been designated.

Prior to redeeming an impounded vehicle, the owner must pay all applicable impoundment, towing, and storage fees, and a fine of \$500. The impounding agency collects the \$500 fine and issues a receipt to the owner of the vehicle. To redeem an impounded vehicle, the owner must provide the receipt to the towing company and pay all impoundment, towing, and storage fees. A towing company that relies on a forged receipt to release an impounded vehicle is not liable for any unpaid fine.

A person is entitled to a full refund of the impoundment, towing, and storage fees, and the \$500 fine if he or she substantially prevails in a proceeding to challenge the validity of an impoundment or is found not guilty of a prostitution-related offense at trial. Any refund is paid by the impounding authority upon proof of payment.

The Prostitution Prevention and Intervention Account.

The \$500 fine paid to the impounding agency must be deposited into the Prostitution Prevention and Intervention Account.

Required Release of Impounded Vehicles.

The general towing and impoundment chapter is amended to require an impounding agency to authorize the release of an impounded vehicle pursuant to an applicable state agency rule or local ordinance on the basis of the following: (1) economic or personal hardship to the spouse of the operator, taking into consideration public safety factors, including the operator's criminal history and driving record; or (2) if the owner was not the driver, the owner did not know that the driver's license was suspended or revoked, and the owner has not received a prior release.

Votes on Final Passage:

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|--------|----|---|-------------------|
| House | 91 | 4 | |
| Senate | 47 | 0 | (Senate amended) |
| House | 97 | 0 | (House concurred) |

Effective: July 26, 2009