



# REPORT TO LAW & LEGISLATION COMMITTEE City of Sacramento

915 I Street, Sacramento, CA 95814-2671

Staff Report  
March 4, 2008

Honorable Members of the  
Law and Legislation Committee

**Title: Legislative Position: Support AB 1751 (Fuentes) Relating to Vehicle Seizure and Impoundment and AB 1724 (Jones) Relating to Vehicle Forfeiture**

**Location/Council District: Citywide**

**Recommendation:** Staff recommends that the Law and Legislation Committee adopt a support position on AB 1751 and AB 1724.

**Contact:** Michelle Heppner, Special Projects Manager, (916) 808-1226

**Presenters:** Patti Bisharat

**Department:** City Manager's Office

**Division:** Governmental Affairs

**Organization No:** 0310

## Description/Analysis

**Issue:** Councilmember Hammond requested that staff bring forward AB 1751 for a support position. Due to AB 1724 being similar in nature, staff has included both bills for the committee's consideration.

AB 1751 authorizes cities or counties to adopt local ordinances declaring a motor vehicle to be a public nuisance, subject to impoundment for not more than thirty (30) days, upon arrest of a person while using the vehicle in the commission or attempted commission of specified crimes including the solicitation of prostitution and specified commercial dumping.

AB 1751 includes provisions for 1) a registered or legal owner of record at the time of impoundment to have a timely poststorage hearing to determine the validity of the impoundment, 2) a procedure allowing a spouse, registered domestic partner, or other affected third party to object to the impoundment of the vehicle on the grounds that it would create hardship if the subject vehicle is the sole vehicle in the household, and 3) require the owner or operator of the vehicle to have a prior misdemeanor or felony conviction for illegally dumping commercial quantities of waste on public or private property.

AB 1724 is being proposed in response to a Supreme Court decision (July 26, 2007) limiting the authority of local governments to enact local ordinances requiring the forfeiture of a person's vehicle when it is used to commit an offense involving the soliciting of prostitution and/or controlled substances. The Supreme Court held that state law preempts local ordinances that provide for the forfeiture of vehicles used to solicit prostitution or to acquire controlled substances.

This legislation seeks to reinstate local government's authority to utilize forfeiture, if desired, in cases involving vehicles used in soliciting prostitution or acquiring controlled substances. AB 1724 will authorize a city or county to adopt a local ordinance declaring a motor vehicle to be a public nuisance, subject to forfeiture, when the vehicle is used in the solicitation of prostitution or in acquiring controlled substances.

While AB 1724 allows for forfeiture, AB 1751 is limited in that it only allows for vehicle seizure for not more than 30 days.

Existing state law authorizes a city, county, or city and county to establish a five-year pilot program that implements a procedure to declare a motor vehicle to be a public nuisance when the motor vehicle is used in the commission of specified crimes related to prostitution. AB 1751 would repeal the pilot program and would instead authorize a city, county, and city and county to adopt an ordinance declaring a motor vehicle to be a nuisance subject to impoundment for not more than thirty days when the motor vehicle used in connection with specific criminal violations including prostitution and illegal dumping of commercial quantities of waste matter.

**Policy Considerations:** The Supreme Court's decision to overturn local ordinances was based on the grounds of preemption; therefore, the Legislature is not precluded from passing legislation authorizing local governments to adopt ordinances to exercise the option to declare vehicles used in soliciting prostitution, acquiring illegal substances, or illegal dumping of harmful waste matter a nuisance.

**Environmental Considerations:** None.

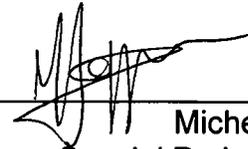
**Committee/Commission Action:** None

**Rationale for Recommendation:** Bills AB 1724 and AB 1751 provide local governments with a more severe punitive remedy to counter illegal activity. These bills allow law enforcement agencies to temporarily or permanently restrict access to the most common mode of transportation (motor vehicle) used in the commission of soliciting prostitution, acquiring controlled substances, and illegal dumping of harmful waste material. Enacting AB 1724 and AB 1751 serves as a deterrent for prospective criminals, making engagement in the specified crimes a higher risk. The Sacramento Police Department and Code Enforcement staff is in favor of supporting AB 1724 and AB 1751.

**Financial Considerations:** AB 1724 and AB 1751 present no fiscal impact on the City. Revenue from impound fees may be generated.

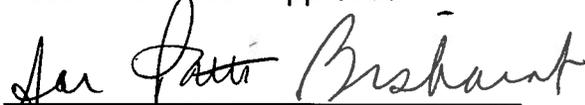
**Emerging Small Business Development (ESBD):** None

Approved by: \_\_\_\_\_



Michelle Heppner  
Special Projects Manager

Recommendation Approved:



RAY KERRIDGE  
City Manager

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March 4, 2008

The Honorable Dave Jones  
California State Assembly  
State Capitol, P.O. Box 942849  
Sacramento, CA 94249

**Subject: Support AB 1724 – Vehicle Seizure Legislation**

Dear Assembly Member Jones:

On behalf of the City of Sacramento, I am pleased to write in support of AB 1724. This legislation would enable cities and counties to seize vehicles used in the solicitation of prostitution and the acquisition of controlled substances.

A properly enforced nuisance vehicle seizure ordinance has the capacity to change the market dynamics of prostitution and drug dealing. Unfortunately, in today's society, there is a demand for such illicit products and services. These illicit products and services are frequently bought and sold in public, "open air" markets. Open air markets create blight upon the communities in which they operate and act as a severe detriment to the quality of life in these communities. Aggressive and regular enforcement of a vehicle seizure ordinance targets the demand side of these offenses, effectively reducing the demand. A decrease in demand reduces the supply, resulting in fewer prostitutes and drug dealers trafficking in local communities. No other local enforcement mechanism has been nearly as effective as the City of Sacramento vehicle seizure ordinance--similar to that ordinance found by the California Supreme Court to be preempted by state law in O'Connell v. City of Stockton.

However, there are two other activities that create public safety hazards and blight for local communities that we request you also address in AB 1724--street racing and illegal dumping. The rationale behind and deterrent effect of seizing vehicles used in street racing is obvious. Street racers often expend large sums of money to enhance their vehicles performance in street racing and would not want to risk the loss of their vehicles. Illegal dumpers have caused much blight in the City of Sacramento and are difficult to catch. Our experience has been that these illegal dumpers are paid to haul and dispose of trash, but elect to pocket the dump fees and instead dump the waste on City streets, empty lots and other public locations creating eyesores and hazards. Increasing the stakes of getting caught by risking forfeiture of the vehicle used to illegally dump should serve as a huge deterrent.

Thank you for introducing this important legislation and for consideration of these additional modifications.

Sincerely,

**SANDY SHEEDY**, CHAIR  
Law and Legislation Committee

cc: Senator Darrell Steinberg  
Senator Dave Cox  
Assembly Member Alan Nakanishi  
Assembly Member Roger Niello  
Mayor Fargo and Members of the City Council  
David Jones, Emanuels, Jones & Associates

March 4, 2008

The Honorable Felipe Fuentes  
California State Assembly  
State Capitol, P.O. Box 942849  
Sacramento, CA 94249

**Subject: Support AB 1751 – Vehicle Seizure and Impoundment**

Dear Assembly Member Fuentes:

On behalf of the City of Sacramento, I am pleased to write in support of AB 1751. This legislation would enable cities and counties to seize vehicles used in the solicitation of prostitution and the illegal dumping of harmful waste matter.

A properly enforced nuisance vehicle seizure and impoundment ordinance has the capacity to change the market dynamics of prostitution and illegal dumping of harmful waste matter. Unfortunately, in today's society there is a demand for such illicit products and services. These illicit products and services are frequently bought and sold in public, "open air" markets. Open air markets create blight upon the communities in which they operate and act as a severe detriment to the quality of life in these communities. Aggressive and regular enforcement of a vehicle seizure and impoundment ordinance targets the demand side of these offenses, effectively reducing the demand. A decrease in demand reduces the supply, resulting in fewer prostitutes trafficking in local communities. Similarly, illegal dumpers have caused much blight in the City of Sacramento, and, in our experience, are paid to haul and dispose of trash, but elect to pocket the dump fees and instead dump the waste on City streets, empty lots and other public locations creating eyesores and hazards. Increasing the stakes of getting caught by risking seizure of the vehicle used to illegally dump should serve as a huge deterrent. No other local enforcement mechanism has been nearly as effective as the City of Sacramento vehicle seizure ordinance--similar to that ordinance found by the California Supreme Court to be preempted by state law in O'Connell v. City of Stockton.

However, there are two other activities that create public safety hazards for local communities that we request you also address in AB 1751—acquiring controlled substances and street racing. The City of Sacramento's vehicle seizure ordinance includes vehicles used to acquire or attempt to acquire any controlled substance, or loiter for the purpose of acquiring a controlled substance, these vehicles would be declared a nuisance and the vehicle enjoined and abated by seizure and forfeiture. Including this language in AB 1751 will afford the City of Sacramento to opportunity to retain this section and avoid a revision to our existing ordinance. The rationale behind and deterrent effect of seizing vehicles used in street racing is obvious. Street racers often expend large sums of money to enhance their vehicles performance in street racing and would not want to risk the loss of their vehicles.

Thank you for introducing this important legislation and for consideration of these additional modifications.

Sincerely,

**SANDY SHEEDY, CHAIR**  
Law and Legislation Committee

cc: Senator Darrell Steinberg  
Senator Dave Cox  
Assembly Member Dave Jones  
Assembly Member Alan Nakanishi  
Assembly Member Roger Niello  
Assembly Member Felipe Fuentes  
Mayor Fargo and Members of the City Council  
David Jones, Emanuels, Jones & Associates

AMENDED IN SENATE AUGUST 20, 2007

AMENDED IN SENATE JULY 18, 2007

AMENDED IN SENATE JUNE 28, 2007

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1724**

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**Introduced by ~~Committee on Judiciary (Jones (Chair), Evans, Feuer, Krekorian, Laird, Levine, and Lieber)~~ Assembly Member Jones**

March 6, 2007

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An act to ~~amend Section 340.1 of the Code of Civil Procedure repeal and add Section 22659.5 of the Vehicle Code~~, relating to ~~civil procedure vehicle forfeiture~~.

LEGISLATIVE COUNSEL'S DIGEST

AB 1724, as amended, ~~Committee on Judiciary Jones. Actions: sexual abuse: certificates of merit. Vehicle: nuisance abatement: forfeiture: solicitation for controlled substances and prostitution.~~

(1) *The Uniform Controlled Substances Act provides for the forfeiture of a vehicle that is used as an instrument to facilitate the manufacture of, or possession for sale or sale of, a specified amount of controlled substances.*

*This bill would authorize a city, a county, or a city and county to adopt an ordinance declaring a motor vehicle to be a nuisance subject to forfeiture when the motor vehicle is used in the acquisition or the attempted acquisition of a controlled substance.*

(2) *Existing law authorizes a city, a county, or a city and county to establish a 5-year pilot program that implements a procedure to declare*

*a motor vehicle to be a public nuisance when the motor vehicle is used in the commission of specified crimes related to prostitution.*

*This bill would repeal that provision and would authorize a city, a county, or a city and county, to adopt an ordinance declaring a motor vehicle to be a nuisance subject to forfeiture when the motor vehicle is used in the commission of specified crimes related to prostitution.*

~~(1) Existing law provides for a specified period to commence an action for recovery of damages suffered as a result of childhood sexual abuse. Existing law requires every plaintiff 26 years of age or older at the time the action is filed to file certificates of merit executed by the attorney for the plaintiff and by a licensed mental health practitioner, as specified. Existing law provides that no defendant may be served, and the duty to serve a defendant with process does not attach, until the court has reviewed the certificates of merit filed pursuant to these provisions and has found that there is reasonable and meritorious cause for the filing of the action against that defendant.~~

~~This bill would require the court to keep under seal and confidential from the public and all parties to the litigation, other than the plaintiff, each certificate of merit filed pursuant to these provisions.~~

~~(2) Existing law requires that an action for recovery of damages suffered as a result of childhood sexual abuse, as defined, be commenced within 8 years of the date the plaintiff attains the age of majority or within 3 years of the date the plaintiff discovers or reasonably should have discovered that the psychological injury or illness occurring after the age of majority was caused by sexual abuse, whichever occurs later. Existing law provides that certain of those actions may not be commenced on or after the plaintiff's 26th birthday, except if the person or entity against whom the action is commenced knew, had reason to know, or was otherwise on notice of any unlawful sexual conduct by an employee, volunteer, representative, or agent, and failed to take reasonable steps, and implement reasonable safeguards, to avoid future acts of unlawful sexual conduct.~~

~~This bill would find and declare that the above provisions did not restrict existing law relating to the delayed discovery of childhood sexual abuse or the filing of those claims under the above exception. The bill would also provide that those findings and declarations are declaratory of existing law.~~

~~Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.~~

*The people of the State of California do enact as follows:*

1     *SECTION 1. Section 22659.5 of the Vehicle Code is repealed.*

2     ~~22659.5. (a) Notwithstanding any other provision of law, any~~  
3 ~~city, any county, or any city and county, may adopt an ordinance~~  
4 ~~establishing a five-year pilot program that implements procedures~~  
5 ~~for declaring any motor vehicle a public nuisance when the vehicle~~  
6 ~~is used in the commission of an act in violation of Section 266h~~  
7 ~~or 266i of the Penal Code or subdivision (b) of Section 647 of that~~  
8 ~~code, and there is a conviction of Section 266h or 266i of the Penal~~  
9 ~~Code or subdivision (b) of Section 647 of that code, or a provision~~  
10 ~~involving any lesser included offense to which the defendant enters~~  
11 ~~a plea of guilty or nolo contendere as part of a plea agreement~~  
12 ~~subsequent to the defendant having been charged with a violation~~  
13 ~~of Section 266h or 266i of the Penal Code or subdivision (b) of~~  
14 ~~Section 647 of that code.~~

15     ~~(b) In addition to the authority provided by subdivision (h) of~~  
16 ~~Section 22651, the ordinance may also include procedures to enjoin~~  
17 ~~and abate the declared nuisance by ordering the defendant not to~~  
18 ~~use the vehicle again for purposes of violating Section 266h or~~  
19 ~~266i of the Penal Code or subdivision (b) of Section 647 of that~~  
20 ~~code and authorizing the temporary impoundment of the vehicle~~  
21 ~~that the court has declared a nuisance if the defendant violates the~~  
22 ~~order. The impoundment shall not exceed 48 hours.~~

23     ~~(c) The only action that may be taken to enjoin and abate the~~  
24 ~~declared nuisance are those actions specified in subdivision (b).~~

25     ~~(d) Any procedures implemented pursuant to this section shall~~  
26 ~~ensure that no vehicle is declared a nuisance if the vehicle is stolen,~~  
27 ~~unless it is not possible to reasonably ascertain the identity of any~~  
28 ~~owner of the vehicle.~~

29     *SEC. 2. Section 22659.5 is added to the Vehicle Code, to read:*

30     *22659.5. Notwithstanding any other provision of law, a city*  
31 *or a county may adopt an ordinance declaring a motor vehicle to*  
32 *be a public nuisance subject to forfeiture when the motor vehicle*  
33 *is used in the commission of any of the following:*

34     *(a) A violation of Section 266h of the Penal Code.*

35     *(b) A violation of Section 226i of the Penal Code.*

36     *(c) A violation of subdivision (b) of Section 647 of the Penal*  
37 *Code.*

1     *(d) The acquisition or the attempted acquisition of a controlled*  
2     *substance that is illegal to possess pursuant to the Uniform*  
3     *Controlled Substances Act (Division 10 (commencing with Section*  
4     *11000) of the Health and Safety Code).*

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**All matter omitted in this version of the bill  
appears in the bill as amended in Senate,  
July 18, 2007 (JR11)**

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BILL ANALYSIS

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SENATE RULES COMMITTEE	AB 1724
Office of Senate Floor Analyses	
1020 N Street, Suite 524	
(916) 651-1520 Fax: (916)	
327-4478	
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THIRD READING

Bill No: AB 1724  
Author: Assembly Judiciary Committee  
Amended: 8/20/07 in Senate  
Vote: 21

ALL PRIOR VOTES NOT RELEVANT

SUBJECT : Vehicle Forfeitures

SOURCE : Author

DIGEST : This is a new bill.

As amended, this bill now responds to the recent Supreme Court decision limiting the authority of local governments to enact local ordinances requiring the forfeiture of a person's vehicle when it is used to commit an offense involving prostitution or drugs.

Senate Floor Amendments of 8/20/07 deleted provisions dealing with civil actions relative to childhood sexual abuse claims.

ANALYSIS : In O'Connell v. City of Stockton , decided on July 26, 2007, the California Supreme Court held that a local city ordinance allowing forfeiture to the city of any vehicle used to commit certain criminal acts prohibited by state statute was preempted by state law. Specifically, the court ruled that the Uniform Controlled Substances Act, which sets forth its own vehicle forfeiture provisions, is

CONTINUED

so thorough and detailed that its comprehensive nature manifest the Legislature's intent to preclude local regulation, and that the ordinance conflicts with state law because it provides for penalties in excess of those prescribed by the Legislature.

The amendments of 8/20/07 addresses the preemption issue by authorizing a city or county to adopt a local ordinance declaring a motor vehicle to be a public nuisance subject to forfeiture when the vehicle is used in an offense involving prostitution, pimping, pandering, or the procuring of an illegal controlled substance.

Specifically, the bill provides that notwithstanding any other provision of law, a city or a county may adopt an ordinance declaring a motor vehicle to be a public nuisance subject to forfeiture when the motor vehicle is used in the commission of any of the following:

1. A violation of Section 266h of the Penal Code.
2. A violation of Section 266i of the Penal Code.
3. A violation of subdivision (b) Section 647 of the Penal Code.
4. The acquisition or the attempted acquisition of a controlled substance that is illegal to possess pursuant to the Uniform Controlled Substances Act (Division 10 commencing with Section 11000) of the Health and Safety Code.

FISCAL EFFECT : Appropriation: No Fiscal Com.: No  
Local: No

RJG:nl 8/20/07 Senate Floor Analyses

SUPPORT/OPPOSITION: NONE RECEIVED

\*\*\*\* END \*\*\*\*

AMENDED IN ASSEMBLY JANUARY 17, 2008

AMENDED IN ASSEMBLY JANUARY 7, 2008

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1751**

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**Introduced by Assembly Member Fuentes**

August 27, 2007

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An act to repeal and add Section 22659.5 of the Vehicle Code, relating to vehicles, ~~and declaring the urgency thereof, to take effect immediately.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1751, as amended, Fuentes. Vehicles: nuisance abatement: impoundment.

~~(1) Existing~~

*Existing* law authorizes a court in a criminal action against a person who is charged with a misdemeanor or felony violation of illegally dumping harmful waste matter, on the motion of the prosecutor or county counsel, to declare a person's vehicle used in the commission of the violation to be a nuisance and, upon conviction, to order the vehicle sold if the person has 2 or more prior convictions, which are not infractions, for illegally dumping waste matter and the person is the registered owner or the registered owner's agent or employee.

Existing law authorizes a city, a county, or a city and county to establish a 5-year pilot program that implements a procedure to declare a motor vehicle to be a public nuisance when the motor vehicle is used in the commission of specified crimes related to prostitution.

This bill would repeal the pilot program and would instead authorize a city, a county, and a city and county to adopt an ordinance declaring

a motor vehicle to be a nuisance subject to impoundment for not more than 30 days when the motor vehicle is involved in the commission of specified crimes related to illegal dumping of commercial quantities of waste matter and prostitution. The bill would require the ordinance to include specified procedures for the impoundment of the motor vehicle and for a poststorage hearing.

~~(2) This bill would declare that it is to take effect immediately as an urgency statute.~~

Vote:  $\frac{2}{3}$ -majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. It is the intent of the Legislature in enacting this  
2 measure to authorize cities and counties to enact vehicle seizure  
3 and impoundment ordinances to abate nuisances, as long as the  
4 ordinance includes the due process safeguards contained in this  
5 measure and Section 14602.8 of the Vehicle Code and is limited  
6 to vehicles used in connection with specific criminal violations.

7 SEC. 2. Section 22659.5 of the Vehicle Code is repealed.

8 SEC. 3. Section 22659.5 is added to the Vehicle Code, to read:

9 22659.5. (a) A city or county may adopt an ordinance declaring  
10 a motor vehicle to be a public nuisance subject to impoundment  
11 for not more than 30 days upon the arrest of a person while using  
12 the vehicle, if the motor vehicle is used in the commission or  
13 attempted commission of an act in violation of any of the  
14 following:

15 (1) Section 266h of the Penal Code.

16 (2) Section 266i of the Penal Code.

17 (3) Subdivision (h) of Section 374.3 of the Penal Code.

18 (4) Subdivision (b) of Section 647 of the Penal Code.

19 (b) An ordinance adopted pursuant to subdivision (a) may  
20 incorporate any or all of the offenses enumerated in paragraphs  
21 (1) to (4), inclusive, of subdivision (a).

22 (b)

23 (c) An ordinance adopted pursuant to subdivision (a) shall  
24 include, but is not limited to, all of the following provisions:

25 (1) A procedure for a registered or legal owner of record at the  
26 time of impoundment to determine the validity of the impoundment

1 pursuant to Section 14602.8 and expressly requiring a timely  
2 poststorage hearing pursuant to Section 22852.

3 (2) A procedure allowing a spouse, registered domestic partner,  
4 or other affected third party to object to the impoundment of the  
5 vehicle on the grounds that it would create a hardship if the subject  
6 vehicle is the sole vehicle in a household.

7 (3) A condition that in determining whether to order a vehicle  
8 impounded, the hearing officer shall consider whether the hardship  
9 to a spouse, registered domestic partner, or other affected third  
10 party created by the impoundment of the subject vehicle, or the  
11 severity of the impoundment, outweigh the seriousness and the  
12 severity of the act in which the vehicle was used.

13 ~~SEC. 4. This act is an urgency statute necessary for the~~  
14 ~~immediate preservation of the public peace, health, or safety within~~  
15 ~~the meaning of Article IV of the Constitution and shall go into~~  
16 ~~immediate effect. The facts constituting the necessity are:~~

17 ~~In order for cities and counties to address the compelling problem~~  
18 ~~of urban blight caused by illegal dumping of commercial quantities~~  
19 ~~of waste matter and prostitution at the earliest possible moment,~~  
20 ~~it is necessary for this act to take effect immediately.~~

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(Without Reference to File)

ASSEMBLY THIRD READING  
AB 1751 (Fuentes)  
As Amended January 29, 2008  
Majority vote

PUBLIC SAFETY            7-0

Ayes:	Solorio, Aghazarian,		
	Anderson,		
	De La Torre, Ma,		
	Portantino, Berg		

SUMMARY : Authorizes cities or counties to adopt local ordinances declaring a motor vehicle to be a public nuisance subject to impoundment for not more than 30 days upon arrest of a person while using the vehicle in the commission or attempted commission of specified crimes. Specifically, this bill :

- 1) States a vehicle used in the commission or attempted commission of the following crimes may lead to impoundment:
  - a) Solicitation of prostitution;
  - b) Pimping and pandering a minor; and,
  - c) Commercial dumping, as specified.
  
- 2) Requires that the adopted ordinance shall include, but is not limited to, all of the following provisions:
  - a) A procedure for a registered or legal owner of record at the time of impoundment to determine the validity of the impoundment pursuant to Vehicle Code provisions related to vehicle impoundment for driving on a suspended or revoked license, as specified;
  - b) A procedure for a spouse, registered domestic partner or other affected party to object to the impoundment of the vehicle on the grounds that it would create a hardship if the subject vehicle is the sole vehicle in the family;
  
  - c) A condition that in determining whether to order a vehicle impounded, the hearing officer shall consider whether the hardship to a spouse, registered domestic partner, or other affected third party created by the impoundment of the subject vehicle, or the severity of the forfeiture, outweigh the seriousness and the severity of the act in which the vehicle was used; and,

d) Procedures set out in the Vehicle Code related to notice and impoundment, as specified.

3) Allows local jurisdictions to only impound a vehicle due to its use in commercial dumping, as specified, if the owner or operator has suffered a previous conviction for commercial dumping.

4) Declares legislative intent to authorize cities and counties to enact vehicle seizure and impoundment ordinances to abate nuisances as long as the ordinance includes the due process safeguards contained in this bill and Vehicle Code provisions related to impoundment and forfeiture for driving on a suspended or revoked license and is limited to vehicles used to commit certain criminal offenses.

EXISTING LAW states that notwithstanding any other provision of law, any city, any county, or any city and county may adopt an ordinance establishing a five-year pilot program that implements procedures for declaring any motor vehicle a public nuisance when the vehicle is used in the commission of an act in violation of prostitution, as specified, or a provision involving any lesser included offense to which the defendant enters a plea of guilty or no contest as part of a plea agreement subsequent to the defendant having been charged with prostitution, as specified.

FISCAL EFFECT : None

COMMENTS : According to the author, this bill "expressly grants local governments the authority to regulate in the area of nuisance abatement vehicle impoundment so long as certain guidelines are adhered to. Specifically, this bill allows local governments to adopt ordinances intended to abate nuisances created by vehicles that are involved in certain criminal offenses, where offenders are arrested for prostitution/pimping and commercial quantity illegal dumping. This bill contains both substantive and procedural safeguards to ensure that due process rights are protected. Much of these safeguards mirror those currently contained in the Vehicle Code. However, this bill requires that any ordinance adopted must contain a provision requiring a balancing of the hardship the impoundment would have on a spouse, registered domestic partner, or other affected third party, and the severity of impoundment as a sanction, against the seriousness and severity of the violation. This bill gives local governments the power to fight quality-of-life crimes and it is a responsible, balanced response to the Supreme Court's decision. This bill provides cities and counties with a powerful tool to fight quality of life crimes, while respecting constitutional rights."

Please see the policy committee analysis for full discussion of this bill.

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Analysis Prepared by : Kimberly Horiuchi / PUB. S. / (916)  
319-3744

FN: 0003944