AB-1206 Vehicles: impoundment: pilot program. (2017-2018)

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Assembly Bill No. 1206

CHAPTER 531

An act to add and repeal Section 22659.6 of the Vehicle Code, relating to vehicles.

[Approved by Governor October 06, 2017. Filed with Secretary of State October 06, 2017.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1206, Bocanegra. Vehicles: impoundment: pilot program.

Existing law authorizes a city or county to adopt an ordinance declaring a motor vehicle to be a public nuisance subject to seizure and an impoundment of up to 30 days if the vehicle is used in the commission or attempted commission of the crimes of pimping, pandering, and soliciting, or agreeing to engage in, or engaging in, any act of prostitution, or illegal dumping of commercial quantities of waste matter upon a public or private highway or road, and the owner or operator of the vehicle had a prior conviction for the same offense within the past 3 years.

This bill would authorize the Cities of Los Angeles, Oakland, and Sacramento to conduct a 24-month pilot program in which law enforcement officers may remove a vehicle used in the commission, or attempted commission, of pimping, pandering, or solicitation of prostitution. The bill would require each of these cities, if they elect to implement the pilot program, to take specified actions, including, among others, offering a diversion program to prostitutes cited or arrested in the course of the pilot program. The bill would require any ordinance adopted by each of these cities to include specified procedural guidelines for the removal and retrieval of vehicles. The bill would require each of these cities, within 6 months of the completion of the pilot program, to issue a report, as specified. The bill would repeal these provisions on January 1, 2022.

Vote: majority   Appropriation: no   Fiscal Committee: no   Local Program: no

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THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 22659.6 is added to the Vehicle Code, to read:

22659.6. (a) Notwithstanding any other law, the Cities of Los Angeles, Oakland, and Sacramento may each adopt an ordinance to conduct a 24-month pilot program in which law enforcement officers of the city may, pursuant to a valid arrest, remove a vehicle used in the commission, or attempted commission, of pimping in violation of Section 266h of the Penal Code, pandering in violation of Section 266i of the Penal Code, or solicitation of prostitution in violation of paragraph (2) or (3) of subdivision (b) of Section 647 of the Penal Code.

(b) If either city elects to implement the pilot program described in subdivision (a), it shall do all of the following:

(1) Offer a diversion program to prostitutes cited or arrested in the course of the pilot program.

(2) Authorize the removal of a vehicle only if the individual committing, or attempting to commit, a crime described in subdivision (a) is the sole registered owner of the vehicle. If that individual is not the sole registered owner, the other registered owner or owners of the vehicle shall be provided an opportunity to take possession of the vehicle.

(3) Reimburse an individual for the costs associated with towing and impounding the vehicle if he or she is not found guilty of the crime for which the vehicle was impounded or if the charge of committing, or attempting to commit, the crime for which the vehicle was impounded was dismissed.

(c) (1) Within six months of the completion of the pilot program described in subdivision (a), each of the participating cities shall issue a report that describes, at a minimum, all of the following:

(A) The number of individuals cited, and the number of individuals arrested, during the pilot program for the commission, or attempted commission, of a crime described in subdivision (a).

(B) The number of vehicles towed during the pilot program because they were used in the commission, or attempted commission, of a crime described in subdivision (a).

(C) The number of minor victims of a crime described in subdivision (a) that law enforcement encountered during the course of the pilot program.

(D) Whether the implementation of the pilot program impacted the number of citations or arrests for commission, or attempted commission, of a crime described in subdivision (a).

(2) (A) The report described in paragraph (1) shall be submitted to the Legislature, including the Chairs of the Senate and Assembly Committees on Public Safety, the Senate President pro Tempore, and the Speaker of the Assembly, and to the Governor and Attorney General.

(B) A report to be submitted pursuant to subparagraph (A) shall be submitted in compliance with Section 9795 of the Government Code.

(d) An ordinance adopted pursuant to this section shall contain, but not be limited to, the following provisions:

(1) At the time of arrest, the person shall be notified that his or her vehicle will be towed and given information on how the vehicle may be retrieved.

(2) The registered owner or his or her agent may retrieve the vehicle at any time.

(3) The registered owner or his or her agent is responsible for all towing and storage fees related to the seizure of a vehicle pursuant to this section.

(4) If a vehicle is not claimed by the registered owner within 30 days and the legal owner is a motor vehicle dealer, bank, credit union, acceptance corporation, or other licensed financial institution legally operating in this state, or is another person who is not the registered owner but holds a security interest in the vehicle, the legal owner shall be given notice that the car has been seized and shall be given an opportunity to retrieve the vehicle. The vehicle shall be released to the legal owner upon payment of all towing and storage fees due.

(e) This section shall not be construed to limit the authority of any peace officer to impound a vehicle pursuant to any applicable provision of this code.

(f) This section shall remain in effect only until January 1, 2022, and as of that date is repealed.