

# FINAL BILL REPORT

## ESHB 1131

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C 327 L 99

Synopsis as Enacted

**Brief Description:** Impounding cars used to patronize prostitutes.

**Sponsors:** By House Committee on Judiciary (Originally sponsored by Representatives Sheahan, Schindler, Crouse, Gombosky, O'Brien, Keiser, Hurst and D. Sommers).

**House Committee on Judiciary**  
**Senate Committee on Judiciary**

**Background:**

A law enforcement officer may impound a vehicle under a variety of circumstances, such as when the vehicle is unattended on a highway and is obstructing traffic, when the officer arrests the driver, or when a person is driving the vehicle without a valid driver's license. Courts interpreting this statute have ruled that the authority granted is a discretionary authority to impound and that the statute does not authorize impoundment unless impoundment is reasonable under the circumstances.

A person whose vehicle has been impounded may redeem the vehicle by paying the costs of towing and storage. The person may request a hearing in court to contest the validity of the impoundment.

If the impoundment is determined to be invalid, the person or agency that authorized the impoundment is liable for towing and impoundment costs and reasonable damages for loss of use of the vehicle.

A person is guilty of patronizing a prostitute if he or she: (1) pays a fee, under a prior understanding, as compensation for another person having engaged in sexual conduct with him or her; (2) pays a fee to another person with the understanding that the person will engage in sexual conduct; or (3) solicits another person to engage in sexual conduct in exchange for a fee. A person is guilty of patronizing a juvenile prostitute if that person engages in, or offers or agrees to engage in, sexual conduct with a minor in return for a fee. It is a misdemeanor offense for a person to patronize a prostitute and a class C felony for a person to patronize a juvenile prostitute.

**Summary:**

The Legislature finds that many patrons of prostitutes use motor vehicles to obtain the services of prostitutes. The Legislature intends to decrease prostitution and eliminate traffic congestion caused by patrons cruising in cars in areas of high prostitution.

A person convicted of patronizing a prostitute or juvenile prostitute under state law is required, as part of the person's sentence, to remain outside the geographical area in which the person was arrested. The requirement may be waived if it interferes with the person's employment, residence, or is otherwise infeasible. In addition, the court must impose a sentencing condition that the person not be subsequently arrested for patronizing a prostitute or juvenile prostitute. These requirements also apply when a person receives a deferred sentence or deferred prosecution for patronizing a prostitute or juvenile prostitute.

When a police officer arrests a person suspected of patronizing a prostitute or juvenile prostitute, the officer may impound the patron's vehicle if: (1) the vehicle was used in the commission of the crime; (2) the vehicle is owned by the person arrested; and (3) the person arrested has previously been convicted of patronizing a prostitute or juvenile prostitute under state law.

Impoundments must be performed in accordance with current law regarding towing and impoundment.

**Votes on Final Passage:**

House 91 6  
Senate 44 0 (Senate amended)  
House 87 10 (House concurred)

**Effective:** July 25, 1999