

# HOUSE BILL ANALYSIS

## HB 1131

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**Title:** An act relating to persons who patronize prostitutes.

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

**Sponsors:** Representatives Sheahan, Schindler, Crouse, Gombosky, O'Brien, Keiser, Hurst and D. Sommers.

### Brief Summary of Bill

- Authorizes police to impound vehicles of persons who patronize prostitutes.

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### HOUSE COMMITTEE ON JUDICIARY

**Staff:** Trudes Hutcheson (786-7384).

#### Background:

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.

A person is guilty of patronizing a prostitute if he or she: (a) pays a fee, under a prior understanding, as compensation for another person having engaged in sexual conduct with him or her; (b) pays a fee to another person with the understanding that the person will engage in sexual conduct; or (c) 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.

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. In addition, the person may request a hearing in court to determine the validity of the impoundment.

**Summary of Bill:**

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.

When a police officer arrests and takes into custody a person suspected of patronizing a prostitute or juvenile prostitute, the officer may impound the patron's vehicle if the vehicle was used in the commission of the crime and is owned by the person arrested.

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

**Fiscal Note:** Not requested.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

Office of Program Research