

SENATE BILL REPORT

ESHB 1131

As Reported By Senate Committee On:
Judiciary, March 31, 1999

Title: An act relating to persons who patronize prostitutes.

Brief Description: Preventing prostitution by modifying sentencing provisions and allowing the impoundment of vehicles used to patronize prostitutes.

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

Brief History: Passed House 3/15/99, 91-6.

Committee Activity: Judiciary: 3/29/99, 3/31/99 [DPA].

SENATE COMMITTEE ON JUDICIARY

Majority Report: Do pass as amended.

Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Goings, Haugen, Long, McCaslin and Roach.

Staff: Penny Nerup (786-7484)

Background: Under current law, law enforcement officers have the authority to impound a vehicle under a variety of circumstances. These include: 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 law have ruled that the authority granted is discretionary and that impoundment is not authorized unless it is reasonable under the circumstances.

A person is guilty of patronizing a prostitute if he or she pays a fee either for past sexual conduct or future sexual conduct, or solicits another to engage in sexual conduct in exchange for a fee. Patronizing a prostitute is a misdemeanor offense.

A person is guilty of patronizing a juvenile prostitute if he or she engages in, or offers or agrees to engage in sexual conduct with a minor in return for a fee. Patronizing a juvenile prostitute is a class C felony.

Summary of Amended Bill: The Legislature finds that many persons patronizing prostitutes use motor vehicles to obtain these services and that the use of motor vehicles for this purpose may cause traffic congestion.

When the court sentences a person convicted of or receiving a deferred sentence or prosecution for patronizing a prostitute (or juvenile prostitute), the court must require the offender to not again be arrested for patronizing, and to remain outside the geographical area in which the person was arrested for patronizing.

Law enforcement may impound the vehicle of a person arrested for patronizing a prostitute (or juvenile prostitute) if the vehicle was used in committing the crime; and, the arrested person is the owner of the vehicle; and, the person was previously convicted of the same crime.

If the officer who impounds the vehicle does so in good faith and without gross negligence, neither he or she nor the government that employs the officer are liable for damages if the impoundment is later found to be unlawful.

Technical changes are made in other statutes to conform with the wording of the new law.

Amended Bill Compared to Substitute Bill: The term geographical jurisdiction– is changed to geographical area.– Officers and their employers are not immune from suit for damages for an unlawful impound.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: Areas in Spokane have become a haven for prostitution. Prostitution is not a victimless crime and police need a bigger hammer to control it. This approach has worked well in Portland and this bill is modeled after theirs. The injury to an innocent spouse by impounding a vehicle is less than the injury caused by having unprotected sex with a prostitute. Prostitution has disrupted legitimate businesses and affected the economic health of the area. Patrons shy away from high crime areas. It is expensive to lock up "johns."

Testimony Against: None.

Testified: PRO: Senator Sheahan, Representative Schindler, Representative Gombosky, prime sponsors; Alan Chertok, Chief, Spokane Police; Linda Dean, business owner, Calgary Steak House; Dave Clack, Olympic Capital Partners; Bob Mack, City of Spokane.