

SENATE BILL REPORT

ESHB 1362

As Reported by Senate Committee On:
Judiciary, March 24, 2009

Title: An act relating to conveyances used in prostitution-related offenses.

Brief Description: Concerning conveyances used in prostitution-related offenses.

Sponsors: House Committee on Judiciary (originally sponsored by Representatives Goodman, Rodne, Sullivan, Williams, Orwall, O'Brien, Kirby, Chase and Conway).

Brief History: Passed House: 3/06/09, 91-4.

Committee Activity: Judiciary: 3/24/09 [DPA].

SENATE COMMITTEE ON JUDICIARY

Majority Report: Do pass as amended.

Signed by Senators Kline, Chair; Regala, Vice Chair; McCaslin, Ranking Minority Member; Carrell, Hargrove, Kohl-Welles and Tom.

Staff: Brandon Roché (786-7405)

Background: The Legislature established the Prostitution Prevention and Intervention Program in 1995 to provide programs to help people leave or avoid prostitution. The programs are funded by fees paid by those convicted of, or given deferred prosecutions for, violating prostitution-related laws. Although the fund was created in 1995, the first programs were not funded until 2008 due to the slow accumulation of funds in the account.

Prostitution-related offenses include patronizing a prostitute, promoting prostitution in the first degree, promoting prostitution in the second degree, promoting travel for prostitution, commercial sexual abuse of a minor, promoting commercial sexual abuse of a minor, and promoting travel for commercial sexual abuse of a minor.

Summary of Bill (Recommended Amendments): A local governing authority may designate areas within which vehicles are subject to impoundment when they are used to facilitate prostitution-related offenses. The arresting law enforcement officer may impound the person's vehicle if (1) the vehicle was used in the commission of the crime; and (2) the person arrested is the owner of the vehicle or the vehicle is a rental car.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

A prior conviction of a prostitution-related offense is a requirement for impoundment if the offense was committed in an undesignated area. A prior conviction of a prostitution-related offense is not a requirement for impoundment if the offense was committed within a designated area. The designation must be based on evidence indicating that the area has a disproportionately higher number of arrests for prostitution-related offenses compared to other areas within the same jurisdiction of the local governing authority. The local governing authority must post signs at the boundaries of the designated areas to indicate that the area has been designated.

Prior to redeeming an impounded vehicle, the owner must pay all applicable impoundment, towing, and storage fees and an administrative fine of \$500. The administrative fee is paid to the impounding agency that issues a receipt to the owner of the vehicle. The \$500 fine paid to the impounding agency must be deposited into the Prostitution Prevention and Intervention Account.

Acquittal at trial entitles a person to a full refund of all fees and fines. If the impoundment causes a hardship to the innocent spouse and a local governing body has an ordinance or law to allow for such an exception, the vehicle must be released to the spouse without a fine being paid.

EFFECT OF CHANGES MADE BY JUDICIARY COMMITTEE (Recommended Amendments): The word "conveyance" is changed to "vehicle" throughout. The \$500 fee is changed to a fine and rental cars are also subject to impoundment. Prostitution itself is removed from the list of offenses subjecting a car to impoundment. Acquittal at trial is added to what entitles the person to a full refund of all fees and fines. If the impoundment causes a hardship to the innocent spouse and a local governing body has an ordinance or law to allow for such an exception, the vehicle must be released to the spouse without a fine being paid.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony on Engrossed Substitute House Bill: PRO: Why do we have to use "vehicle" as opposed to "conveyance"? This addresses a public order problem. This is a serious matter. There are three types of this activity: online, importation of foreign prostitutes, and then there is street prostitution. The old style approach to fighting this has not worked. This bill puts more of an economic bite into the fight against prostitution. This is not forfeiture. These are young people who are victimized and they need help; that's why this money goes into the prevention and intervention fund.

We commend this bill to you; it has a broad base of support from the community. About two weeks ago we conducted a John sting with female decoys and arrested 15 individuals.

During that operation, 14 of them owned their vehicle and the other was a rental. This would really send a message.

Persons Testifying: PRO: Representative Goodman, prime sponsor; Doug Levy, cities of Kent and Federal Way; Steve Strachan, Kent Police Chief, Jim Graddon, SeaTac Police Chief; Jim Blanchard, Auburn Youth Services.