
ENGROSSED SUBSTITUTE HOUSE BILL 1362

State of Washington

61st Legislature

2009 Regular Session

By House Judiciary (originally sponsored by Representatives Goodman, Rodne, Sullivan, Williams, Orwall, O'Brien, Kirby, Chase, and Conway)

READ FIRST TIME 02/13/09.

1 AN ACT Relating to conveyances used in prostitution-related
2 offenses; and amending RCW 9A.88.140.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 9A.88.140 and 2007 c 368 s 8 are each amended to read
5 as follows:

6 (1)(a) Except as provided in (b) of this subsection, upon an arrest
7 for a suspected violation of patronizing a prostitute ((~~or~~)), promoting
8 prostitution in the first degree, promoting prostitution in the second
9 degree, promoting travel for prostitution, commercial sexual abuse of
10 a minor, promoting commercial sexual abuse of a minor, or promoting
11 travel for commercial sexual abuse of a minor, the arresting law
12 enforcement officer may impound the person's ((~~vehicle~~)) conveyance if
13 ((~~a~~)) (i) the ((~~motor vehicle~~)) conveyance was used in the commission
14 of the crime; ((~~b~~)) (ii) the person arrested is the owner of the
15 ((~~vehicle~~)) conveyance; and ((~~c~~)) (iii) either (A) the person
16 arrested has previously been convicted of ((~~patronizing a prostitute,~~
17 under RCW 9A.88.110, or commercial sexual abuse of a minor, under RCW
18 9.68A.100)) one of the offenses listed in this subsection or (B) the

1 offense was committed within an area designated under (b) of this
2 subsection.

3 (b) A local governing authority may designate areas within which
4 conveyances are subject to impoundment under this section regardless of
5 whether the person arrested has previously been convicted of any of the
6 offenses listed in (a) of this subsection.

7 (i) The designation must be based on evidence indicating that the
8 area has a disproportionately higher number of arrests for the offenses
9 listed in (a) of this subsection as compared to other areas within the
10 same jurisdiction.

11 (ii) The local governing authority shall post signs at the
12 boundaries of the designated area to indicate that the area has been
13 designated under this subsection.

14 (2) Impoundments performed under this section shall be in
15 accordance with chapter 46.55 RCW and the impoundment order must
16 clearly state "prostitution hold."

17 (3)(a) Prior to redeeming the impounded conveyance, and in addition
18 to all applicable impoundment, towing, and storage fees paid to the
19 towing company under chapter 46.55 RCW, the owner of the impounded
20 conveyance must pay an administrative fee of five hundred dollars to
21 the impounding agency. The administrative fee shall be deposited in
22 the prostitution prevention and intervention account established under
23 RCW 43.63A.740.

24 (b) Upon receipt of the administrative fee paid under (a) of this
25 subsection, the impounding agency shall issue a written receipt to the
26 owner of the impounded conveyance.

27 (4)(a) In order to redeem a conveyance impounded under this
28 section, the owner must provide the towing company with the written
29 receipt issued under subsection (3)(b) of this section.

30 (b) The written receipt issued under subsection (3)(b) of this
31 section authorizes the towing company to release the impounded
32 conveyance upon payment of all impoundment, towing, and storage fees.

33 (c) A towing company that relies on a forged receipt to release a
34 conveyance impounded under this section is not liable to the impounding
35 authority for any unpaid administrative fee under subsection (3)(a) of
36 this section.

37 (5)(a) In any proceeding under chapter 46.55 RCW to contest the
38 validity of an impoundment under this section where the claimant

1 substantially prevails, the claimant is entitled to a full refund of
2 the impoundment, towing, and storage fees paid under chapter 46.55 RCW
3 and the five hundred dollar administrative fee paid under subsection
4 (3) of this section.

5 (b) All refunds made under this section shall be paid by the
6 impounding agency.

7 (c) Prior to receiving any refund under this section, the claimant
8 must provide proof of payment.

--- END ---