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**SUBSTITUTE HOUSE BILL 1362**

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

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

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