

## MOTION

Human trafficking is the act of controlling a person through force, fraud, or coercion for labor or services and is the world's second most profitable criminal enterprise. Victims of sex trafficking are often women and children who are forced or coerced to commit commercial sex acts. Motor vehicles play a key role in the act of committing sex crimes because they are often the location where these crimes are committed or perpetuated. Vehicles are also often used to transport victims of human/sex trafficking, which makes them evidence of the crime. Furthermore, vehicles serve as a venue to commit additional crimes against victims of sex trafficking, such as assault.

California law allows cities and counties to adopt an ordinance declaring a motor vehicle to be a public nuisance subject to seizure and an impoundment period of up to 30 days when the vehicle is used in the commission or attempted commission of an act that violates the California Penal Code sections related to prostitution, and other crimes. Currently, local agencies are only allowed to seize the vehicle if the vehicle was owned or operated by a person who had a prior conviction for the same offense within the past three years (three year requirement).

The three year requirement is problematic and counter-productive for local jurisdictions trying to tackle human/sex trafficking in an expedited manner because they are unable to seize these vehicles used in the commission of these crimes. The vehicles used in these crimes are often left on the side of road, parked in front of homes, or in alleyways for extended periods of time and are readily available for other individuals involved in sex trafficking to resume trafficking activities.

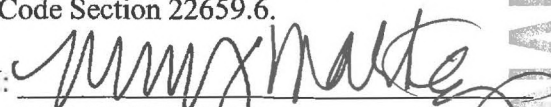
AB 1206 (Bocanegra) was enacted into law on October 6, 2017 and adds Section 22659.6 to the California Vehicle Code to authorize the Cities of Los Angeles, Oakland, and Sacramento to conduct a 24-month pilot program in which law enforcement officers may impound a vehicle used in the commission, or attempted commission, of pimping, pandering, or solicitation of prostitution, regardless of the vehicle owner's prior criminal history. It also states that the cities who implement the pilot program take specified actions such as offering a diversion program to prostitutes cited or arrested in the course of the pilot program.

AB 1206 also requires that cities who implement the pilot program submit a report to the State Legislature within 6 months of the conclusion of the pilot program that includes the following information: number of individuals cited and/or arrested; number of vehicles impounded during the pilot program; and number of minor victims. The AB 1206 provisions will remain in effect until January 1, 2022.

On April 21, 2017, the City Council adopted Resolution (Martinez – Harris-Dawson) to include in the City's 2017-2018 State Legislative Program support of AB 1206 (Bocanegra) (C.F. 17-0002-S44). The City needs to adopt an ordinance in order to implement the 24-month pilot program in accordance with California Vehicle Code Section 22659.6. Seizing a vehicle from a "john" or pimp can be an effective tool in deterring behavior and protecting neighborhoods.

I THEREFORE MOVE that the City Council request the City Attorney to prepare and present an ordinance to implement the 24-month pilot program in which law enforcement officers may impound a vehicle used in the commission or attempted commission of pimping, pandering or solicitation of prostitution within the City of Los Angeles and to enact the other provisions required by California Vehicle Code Section 22659.6.

PRESENTED BY:

  
 NURY MARTINEZ  
 Councilmember, 6<sup>th</sup> District

SECONDED BY:



OCT 20 2017

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