

RESOLUTION

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations or policies proposed to or pending before a local, state, or federal governmental body or agency must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, prostitution plagues various neighborhoods throughout the City of Los Angeles; and

WHEREAS, California Vehicle Code Section 22659.5 permits cities and counties to adopt an ordinance declaring motor vehicles to be a public nuisance subject to seizure and an impoundment period of up to 30 days when the motor vehicle is used in the commission or attempted commission of an act that violates the California Penal Code sections related to prostitution, pimping, pandering, and solicitation; and

WHEREAS, California Vehicle Code Section 22659.5 only allows cities and counties to seize or impound vehicles if the owner or operator of the vehicle has had a prior conviction for the same offense within the past three years; and

WHEREAS, the City of Los Angeles enacted an ordinance, Los Angeles Municipal Code Section 41.70, that is substantially similar to the California Vehicle Code Section; and

WHEREAS, the California Constitution allows cities and counties to enact and enforce local ordinances so long as they are not in conflict with the state's general laws; and

WHEREAS, any conflicting ordinance is preempted by state law and thus void; and

WHEREAS, in many cases "Johns" or potential "Johns" may not be convicted for their crimes, thus police officers may be unable to seize or impound their vehicles despite the fact that they are committing or attempting to commit solicitation of a prostitute; and

WHEREAS, the City is unable to effectively use its ordinance as a way to deter prostitution and solicitation;

NOW, THEREFORE, BE IT RESOVLED, with the concurrence of the Mayor, that by adoption of this Resolution, the City of Los Angeles hereby includes in its 2015-2016 State Legislative Program sponsor and/or support of legislation that would amend California Vehicle Code Section 22659.5 to allow for the seizure and impoundment of a motor vehicle when it used in the commission or attempted commission of an act that violates the California Penal Code sections related to prostitution, pimping, pandering, and solicitation, even if the owner or operator of the vehicle has not had a prior conviction for the same offense within the past three years.

PRESENTED BY: Nury Martinez  
NURY MARTINEZ  
Councilmember, 6<sup>th</sup> District

SECONDED BY: Joe Bu



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