

**REPORT OF THE
CHIEF LEGISLATIVE ANALYST**

DATE: February 13, 2017

TO: Honorable Members of the Rules, Elections, Intergovernmental Relations and
Neighborhoods Committee

FROM: Sharon M. Tso *Sharon M. Tso* Council File No: 17-0002-S7
Chief Legislative Analyst Assignment No: 17-02-0124

SUBJECT: Resolution (Englander - Buscaino) to support and/or sponsor legislation that would enable local jurisdictions to impound, seize, auction or destroy vehicles involved in serious hit-and-run crimes, street racing, exhibitions of speed or reckless driving

CLA RECOMMENDATION: Adopt Resolution (Englander - Buscaino) to include in the City's 2017 - 2018 State Legislative Program SUPPORT for and/or SPONSORSHIP of legislation that would enable local jurisdictions to impound, seize, auction or destroy vehicles involved in serious hit-and-run crimes, street racing, exhibitions of speed or reckless driving.

SUMMARY

On January 11, 2017, a Resolution (Englander - Buscaino) was introduced to support and/or sponsor legislation that would enable local jurisdictions to impound vehicles utilized in certain illegal activities. The Resolution states that crimes involving vehicles, such as hit-and-run collisions, illegal street racing and demonstrations of speed, continue to be serious issues in the City of Los Angeles, and that despite efforts by the City to curtail these crimes, they still persist.

The Resolution states that under current State law, local jurisdictions are preempted from enacting laws that are stricter than State laws regulating the impoundment or the seizure and forfeiture of vehicles involved in criminal activities. The Resolution further states that the City of Los Angeles needs the ability to implement regulations and penalties related to vehicles involved in certain crimes, in order to deter illegal behavior. The Resolution, therefore, seeks an official position of the City of Los Angeles to support and/or sponsor legislation that would enable local jurisdictions to impound, seize, auction or destroy vehicles involved in serious hit-and-run crimes, street racing, exhibitions of speed or reckless driving.

BACKGROUND

Hit-and-run crimes, exhibitions of speed, reckless driving and street racing are significant problems in the City of Los Angeles. In an effort to address these issues, the City Council authorized a standing hit-and-run reward program in 2015 to encourage individuals to provide information to the Police Department (LAPD) on hit-and-run collisions, and supported the creation of the "Yellow Alert" system, which enables the LAPD to quickly notify the public of a fatal or serious hit-and-run when a description of a vehicle is available, in the hopes that a member of the public will see the alert and be able to provide information to the police that would enable the police to arrest the perpetrator. Further, LAPD has consistently participated in task forces with other jurisdictions to disrupt street racing networks and arrest individuals involved in these races. However, despite these efforts, these crimes continue to occur in the City.

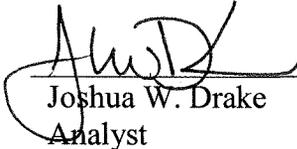
In an effort to decrease the number of vehicle-related crimes, the Resolution calls for State legislation that would enable the City to enact measures to seize vehicles involved in serious hit-and-runs, exhibitions of speed, street racing and reckless driving.

The State of California extensively regulates vehicles on public roads, and local governments are preempted from enacting their own regulation of vehicles in areas where the state has already enacted laws. Under current law, a vehicle used in street racing, speed exhibitions or reckless driving can be seized and impounded for 30 days when an officer arrests the violator and takes the violator into custody. Current law also allows local law enforcement to impound vehicles involved in crimes when an officer has probable cause to believe that the vehicle was used in the commission of a crime, and the vehicle itself shows evidence of a crime. The State law does not put a time limit on these types of impounds, and the Police Department uses this statute for “evidence holds” of vehicles.

Further, state law, in Vehicle Code Section 14607.6, does allow for the forfeiture of vehicles involved in crimes, but only in cases where the vehicle is “driven on a highway...by a driver with a suspended or revoked license, or by an unlicensed driver, who is a registered owner of the vehicle at the time of impoundment and has a previous misdemeanor conviction [for specified license-related offenses]. Vehicle Code Section 23596 allows a court to declare a motor vehicle a nuisance in specified offenses, including gross vehicular manslaughter and vehicular manslaughter while intoxicated. Local jurisdictions are expressly prohibited from seizing and forfeiting vehicles for crimes not included in these sections of the California Vehicle Code. New legislation would be needed at the State level to authorize the seizure of vehicles involved in other illegal activities.

DEPARTMENTS NOTIFIED

Police Department


Joshua W. Drake
Analyst

SMT:jwd

Attachments: Resolution (Englander - Buscaino)

RESOLUTION RULES, ELECTIONS & INTERGOVERNMENTAL RELATIONS

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, crimes involving vehicles, such as hit-and-run collisions, illegal street racing and demonstrations of speed, continue to be serious issues in the City of Los Angeles; and

WHEREAS, the City of Los Angeles has tried various methods to increase enforcement efforts and deter illegal behavior by drivers; and

WHEREAS, these efforts include increased operations by the Police Department (LAPD) targeting street racing rings and a standing hit-and-run reward system to encourage individuals to report information on hit-and-run perpetrators; and

WHEREAS, despite these efforts, hit-and-runs, street racing and other illegal activities continue to occur, resulting in a number of deaths and injuries in the City every year; and

WHEREAS, under current State law, local jurisdictions are preempted from enacting laws stricter than the State's regulating of vehicles involved in criminal activity, specifically with regard to impoundment or the seizure and forfeiture of vehicles involved in criminal activity; and

WHEREAS, the City of Los Angeles needs the ability to implement regulations that would enable the City to impound, seize, auction or destroy vehicles involved in serious hit-and-run crimes, street racing, exhibitions of speed or reckless driving; and

WHEREAS, this type of legislation would ensure that drivers who engage in behavior that endangers the lives of others do not retain their vehicles if caught and convicted, and would serve as an effective deterrent against these crimes;

NOW, THEREFORE, BE IT RESOLVED, with the concurrence of the Mayor, that by the adoption of this Resolution, the City of Los Angeles hereby includes in its 2017 - 2018 State Legislative Program SUPPORT for and/or SPONSORSHIP of legislation that would enable local jurisdictions to impound, seize, auction or destroy vehicles involved in serious hit-and-run crimes, street racing, exhibitions of speed or reckless driving.

PRESENTED BY:


MITCHELL ENGLANDER
Councilmember, 12th District

SECONDED BY:



jwd

JAN 11 2017

ORIGINAL

