

16 MAR 31 PM 1:20


City Attorney's Office

OAKLAND CITY COUNCIL

RESOLUTION No. 86112 C.M.S.

INTRODUCED BY COUNCILMEMBER NOEL GALLO

RESOLUTION IN SUPPORT OF AND TO SPONSOR ASSEMBLY BILL 2811 (CHAVEZ) WHICH AMENDS SECTION 22659.5 OF THE VEHICLE CODE, RELATED TO VEHICLES: NUISANCE ABATEMENT, WHICH DECLARES A MOTOR VEHICLE TO BE A PUBLIC NUISANCE SUBJECT TO IMPOUNDMENT IF THE VEHICLE IS USED IN THE COMMISSION OR ATTEMPTED COMMISSION OF THE CRIMES OF PIMPING, PANDERING, AND SOLICITING, OR AGREEING TO ENGAGE IN, OR ENGAGING IN, ANY ACT OF PROSTITUTION. AB2811 WILL PROVIDE A REAL DETERRENT THAT WILL PREVENT 'JOHNS' FROM SEEKING TO PURCHASE SEX IN THE FUTURE

WHEREAS, Human trafficking of children for the purposes of pimping and sale of sexual services is one of the largest human rights problems facing the State of California today; as well as, affecting more than 20.9 million people worldwide, and California is considered one of the top destinations in the US for the practice of human trafficking; and in California, 72 percent of all human trafficking victims are US citizens; and

WHEREAS, in 1997, the Oakland City Council enacted Ordinance No. 11987 C.M.S. declaring vehicles used to solicit an act of prostitution or to illegally acquire a controlled substance to be public nuisances and authorized the seizure and forfeiture of said vehicles; and

WHEREAS, the Oakland City Council subsequently enacted Ordinances No. 12015, 12093, and 12684 C.M.S. amending various provisions of the original Ordinance No. 11987 C.M.S.; and

WHEREAS, AB2811 introduced by Assembly Member Rocky Chávez is an act to amend Section 22659.5 of the Vehicle Code, relating to vehicles; and

WHEREAS, currently Vehicle Code 22659.5 covers the impoundment of vehicles used in the commission of specified public nuisances, and requires there to be a prior conviction of the same offense within the past three years for an impoundment, the amended law will permit impoundments without a prior conviction at the time of the arrest; and

WHEREAS, existing law authorizes a city or county to adopt an ordinance declaring a motor vehicle to be a public nuisance subject to seizure and an impoundment of up to 30 days if the vehicle is used in the act or attempted act of the crimes of pimping,

pandering, and soliciting, or agreeing to engage in, or engaging in, any act of prostitution, if the owner or operator of the vehicle had a prior conviction for the same offense within the past 3 years; and

WHEREAS, AB2811 would remove the prior conviction requirement for the sex crimes, above fore mentioned, if the victim is a minor or a victim of human trafficking as defined in Section 236.1 of the Penal Code; now, therefore be it

RESOLVED: that AB 2811 would remove the prior conviction requirements for the sex crimes described above if the victim is a minor or a victim of human trafficking, as defined, and it would also make other technical, *nonsubstantive, and clarifying* changes to these provisions; and be it

FURTHER RESOLVED: that the Oakland City Council hereby supports, asks to be included as a sponsor, and encourages the California Legislature to approve California Assembly Bill 2811 (CHAVEZ), which amends Section 22659.5 of the Vehicle Code, relating to vehicles, to allow the 30 day impoundment of vehicles used by "Johns," pimps, and/or panders when law enforcement have probable cause to believe the victim is a minor or a victim of human trafficking.

IN COUNCIL, OAKLAND, CALIFORNIA, APR 19 2016, 2016

PASSED BY THE FOLLOWING VOTE:

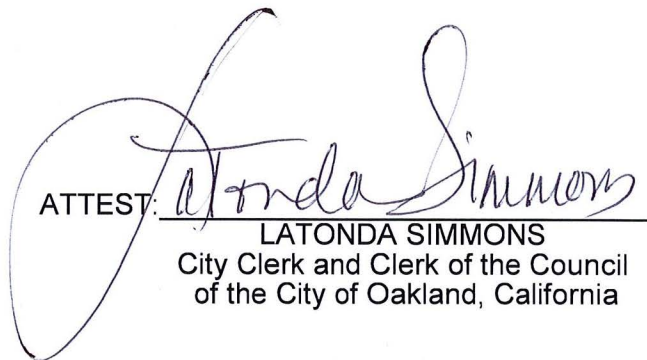
AYES- BROOKS, CAMPBELL WASHINGTON, GALLO, GUILLÉN, KALB, KAPLAN,
REID AND PRESIDENT GIBSON MCELHANEY - 8

NOES- 0

ABSENT- 0

ABSTENTION- 0

ATTEST:


LATONDA SIMMONS
City Clerk and Clerk of the Council
of the City of Oakland, California