

RESOLUTION

INTERGOVERNMENTAL
RELATIONS

JUL 27 2007

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, the California Supreme Court ruled yesterday that cities can no longer seize automobiles whose drivers are arrested for buying drugs or soliciting prostitutes; and

WHEREAS, this ruling overturns the laws of more than two dozen cities from Oakland to Los Angeles that allowed police to seize an automobile immediately after the driver's arrest; the ruling asserts that only state law can impose punishment for drug and prostitution offenses and that without authorization from the California Legislature, cities cannot pass seizure ordinances that are harsher than state and federal laws; and

WHEREAS, it is possible that this ruling would also ban local seizure ordinances focused on illegal street races, illegal dumping and "sideshowes;" and

WHEREAS, many cities, including Los Angeles, have enacted seizure laws as a way to combat drug sales and prostitution and clean up some of their most blighted neighborhoods and these ordinances are not in conflict with state law. Without these ordinances innocent people would be forced to share their neighborhoods with a street commerce in drugs, sex and other illegal activities and would have to share their neighborhoods with pimps, prostitutes, and drug dealers who use their streets as a bazaar for illegal transactions; and

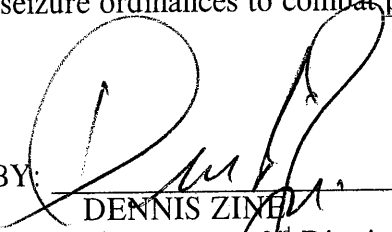
WHEREAS, this ruling will hinder law enforcement in at least 28 cities, including Los Angeles, because it takes away a very useful tool to fight crime; and

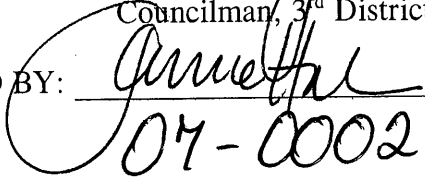
WHEREAS, State law currently does not provide for vehicle seizure in prostitution-related crimes, even though many cities have enacted such ordinances; and

WHEREAS, the dissenting opinion in this case has indicated that street crime is "immediate, significant, and certainly a local concern," and that it affects "the aged homeowner who must shut herself inside while drug transactions are conducted in her front yard, and the parents who must walk their children to school while commercial sex acts are performed in cars parked at the curb pay a heavy and very local price;" and

WHEREAS, it is incumbent upon the state legislature to overcome this ruling;

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 2007-2008 State Legislative Program SPONSORSHIP and SUPPORT of any legislation which would effectively overturn the California Supreme Court's Ruling in O'Connell v. City of Stockton, and would restore to cities the right to enact vehicle seizure ordinances to combat prostitution, drug dealing and other illicit activity.

PRESENTED BY: 
DENNIS ZINE
Councilman, 3rd District

SECONDED BY: 
07-0002-S176

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