

SYN. NO. _____

AGN. NO. _____

MOTION BY SUPERVISOR ZEV YAROSLAVSKY

September 4, 2007

In July of this year the California Supreme Court issued a ruling in the case of O'Connell v. City of Stockton which considered the issue of local ordinances that allow the forfeiture of vehicles used to commit certain criminal acts (in this case, acquisition of controlled substances or solicitation of prostitution). The Supreme Court held that state law pre-empts the Stockton ordinance.

Los Angeles County has vehicles forfeiture ordinances for three types of criminal offenses: illegal dumping, water theft and speed contests. In addition, the County is considering similar ordinances to deal with graffiti and tagging activities. On July 31, 2007 this Board directed County Counsel to work with the District Attorney and the Sheriff and report back with a review of the Supreme Court's ruling and recommendations on how to proceed.

County Counsel's report suggests that the Board consider seeking legislation to authorize local jurisdictions to enforce forfeiture ordinances related to crimes such as illegal dumping and street racing, because the recent ruling does imply that these existing ordinances may not be enforceable without amendments to State Codes. County Counsel also suggests that legislation could help clarify the authority of local jurisdictions to adopt forfeiture ordinances for other underlying activities, such as graffiti.

MOTION

MOLINA _____

BURKE _____

KNABE _____

ANTONOVICH _____

YAROSLAVSKY _____

I, THEREFORE, MOVE that the Chief Executive Officer, working with County Counsel, the District Attorney and the Sheriff be directed to further evaluate the issues for enforcement of local vehicle forfeiture ordinances raised by the California Supreme Court's recent decision in O'Connell v. City of Stockton, and to report back with recommendations for State legislation and/or revisions to existing County ordinances that would guarantee their compliance with existing state laws relating to preemption and due process.

SN I:\Forfeiture Ordinance O'Connell Decision