

AMENDED IN SENATE AUGUST 20, 2007

AMENDED IN SENATE JULY 18, 2007

AMENDED IN SENATE JUNE 28, 2007

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1724**

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Introduced by ~~Committee on Judiciary (Jones (Chair), Evans, Feuer, Krekorian, Laird, Levine, and Lieber)~~ *Assembly Member Jones*

March 6, 2007

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An act to amend Section 340.1 of the Code of Civil Procedure *repeal and add Section 22659.5 of the Vehicle Code*, relating to ~~civil procedure~~ *vehicle forfeiture*.

LEGISLATIVE COUNSEL'S DIGEST

AB 1724, as amended, ~~Committee on Judiciary Jones. Actions: sexual abuse: certificates of merit. Vehicle: nuisance abatement: forfeiture: solicitation for controlled substances and prostitution.~~

(1) *The Uniform Controlled Substances Act provides for the forfeiture of a vehicle that is used as an instrument to facilitate the manufacture of, or possession for sale or sale of, a specified amount of controlled substances.*

*This bill would authorize a city, a county, or a city and county to adopt an ordinance declaring a motor vehicle to be a nuisance subject to forfeiture when the motor vehicle is used in the acquisition or the attempted acquisition of a controlled substance.*

(2) *Existing law authorizes a city, a county, or a city and county to establish a 5-year pilot program that implements a procedure to declare*

*a motor vehicle to be a public nuisance when the motor vehicle is used in the commission of specified crimes related to prostitution.*

*This bill would repeal that provision and would authorize a city, a county, or a city and county, to adopt an ordinance declaring a motor vehicle to be a nuisance subject to forfeiture when the motor vehicle is used in the commission of specified crimes related to prostitution.*

~~(1) Existing law provides for a specified period to commence an action for recovery of damages suffered as a result of childhood sexual abuse. Existing law requires every plaintiff 26 years of age or older at the time the action is filed to file certificates of merit executed by the attorney for the plaintiff and by a licensed mental health practitioner, as specified. Existing law provides that no defendant may be served, and the duty to serve a defendant with process does not attach, until the court has reviewed the certificates of merit filed pursuant to these provisions and has found that there is reasonable and meritorious cause for the filing of the action against that defendant.~~

~~This bill would require the court to keep under seal and confidential from the public and all parties to the litigation, other than the plaintiff, each certificate of merit filed pursuant to these provisions.~~

~~(2) Existing law requires that an action for recovery of damages suffered as a result of childhood sexual abuse, as defined, be commenced within 8 years of the date the plaintiff attains the age of majority or within 3 years of the date the plaintiff discovers or reasonably should have discovered that the psychological injury or illness occurring after the age of majority was caused by sexual abuse, whichever occurs later. Existing law provides that certain of those actions may not be commenced on or after the plaintiff's 26th birthday, except if the person or entity against whom the action is commenced knew, had reason to know, or was otherwise on notice of any unlawful sexual conduct by an employee, volunteer, representative, or agent, and failed to take reasonable steps, and implement reasonable safeguards, to avoid future acts of unlawful sexual conduct.~~

~~This bill would find and declare that the above provisions did not restrict existing law relating to the delayed discovery of childhood sexual abuse or the filing of those claims under the above exception. The bill would also provide that those findings and declarations are declaratory of existing law.~~

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     *SECTION 1. Section 22659.5 of the Vehicle Code is repealed.*

2     ~~22659.5. (a) Notwithstanding any other provision of law, any~~  
3 ~~city, any county, or any city and county, may adopt an ordinance~~  
4 ~~establishing a five-year pilot program that implements procedures~~  
5 ~~for declaring any motor vehicle a public nuisance when the vehicle~~  
6 ~~is used in the commission of an act in violation of Section 266h~~  
7 ~~or 266i of the Penal Code or subdivision (b) of Section 647 of that~~  
8 ~~code, and there is a conviction of Section 266h or 266i of the Penal~~  
9 ~~Code or subdivision (b) of Section 647 of that code, or a provision~~  
10 ~~involving any lesser included offense to which the defendant enters~~  
11 ~~a plea of guilty or nolo contendere as part of a plea agreement~~  
12 ~~subsequent to the defendant having been charged with a violation~~  
13 ~~of Section 266h or 266i of the Penal Code or subdivision (b) of~~  
14 ~~Section 647 of that code.~~

15     ~~(b) In addition to the authority provided by subdivision (h) of~~  
16 ~~Section 22651, the ordinance may also include procedures to enjoin~~  
17 ~~and abate the declared nuisance by ordering the defendant not to~~  
18 ~~use the vehicle again for purposes of violating Section 266h or~~  
19 ~~266i of the Penal Code or subdivision (b) of Section 647 of that~~  
20 ~~code and authorizing the temporary impoundment of the vehicle~~  
21 ~~that the court has declared a nuisance if the defendant violates the~~  
22 ~~order. The impoundment shall not exceed 48 hours.~~

23     ~~(c) The only action that may be taken to enjoin and abate the~~  
24 ~~declared nuisance are those actions specified in subdivision (b).~~

25     ~~(d) Any procedures implemented pursuant to this section shall~~  
26 ~~ensure that no vehicle is declared a nuisance if the vehicle is stolen,~~  
27 ~~unless it is not possible to reasonably ascertain the identity of any~~  
28 ~~owner of the vehicle.~~

29     *SEC. 2. Section 22659.5 is added to the Vehicle Code, to read:*

30     ~~22659.5. Notwithstanding any other provision of law, a city~~  
31 ~~or a county may adopt an ordinance declaring a motor vehicle to~~  
32 ~~be a public nuisance subject to forfeiture when the motor vehicle~~  
33 ~~is used in the commission of any of the following:~~

- 34     ~~(a) A violation of Section 266h of the Penal Code.~~
- 35     ~~(b) A violation of Section 226i of the Penal Code.~~
- 36     ~~(c) A violation of subdivision (b) of Section 647 of the Penal~~
- 37 ~~Code.~~

1     *(d) The acquisition or the attempted acquisition of a controlled*  
2     *substance that is illegal to possess pursuant to the Uniform*  
3     *Controlled Substances Act (Division 10 (commencing with Section*  
4     *11000) of the Health and Safety Code).*

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**All matter omitted in this version of the bill  
appears in the bill as amended in Senate,  
July 18, 2007 (JR11)**

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