LEGISLATIVE DIGEST

[Police Code - Vehicle Sideshows]

Ordinance amending the Police Code to 1) prohibit persons from promoting a Vehicle Sideshow or preparations for such a sideshow; 2) prohibit persons from assembling together to obstruct the streets, sidewalks, highways, other public right-of-ways, off-street parking facilities, or private property in connection with a Vehicle Sideshow or preparations for such a sideshow; 3) prohibit persons from knowingly being present at a Vehicle Sideshow or preparations for such a sideshow for purposes of participating in the Vehicle Sideshow; 4) prohibit persons present at a Vehicle Sideshow or preparations for such a sideshow from interfering with official performance of law enforcement duties; 5) seize and impound vehicles used in a Vehicle Sideshow or preparations for such a sideshow, and under certain conditions sell the vehicles; and 6) make violations of these provisions a misdemeanor, subject to imprisonment and/or fine.

Existing Law

State law makes it illegal to engage is a Vehicle Sideshow. Upon arrest and consistent with state law, Article 56 of the Police Code requires law enforcement officials to impound vehicles used in Vehicle Sideshows for 14 days for the first incident and anywhere from 15 days to 30 days for the second incident and 30 days thereafter.

Amendments to Current Law

This ordinance would clarify and supplement state law to prohibit persons from:

1. Promoting the Preparation of a Vehicle Sideshow or promoting a Vehicle Sideshow;
2. Assembling together to block or obstruct the street, sidewalk, highway, other public right-of-ways, or private property absent consent of the private property owner, in connection with Preparation of a Vehicle Sideshow or in connection with a Vehicle Sideshow;
3. Knowingly being Present at a Vehicle Sideshow or the Preparation of a Vehicle Sideshow for the purpose of Participating in or aiding and abetting the Vehicle Sideshow or Preparation of the Vehicle Sideshow; and
4. Willfully obstructing, impeding, delaying, or interfering with law enforcement's performance of official duties in connection with Preparation of a Vehicle Sideshow or in connection with a Vehicle Sideshow.

This ordinance does not apply to law enforcement officials engaged in the course and scope of their duties, members of the media engaged in the course and scope of their duties; and members of the public who are merely observing and/or reporting on the Preparation of a

Vehicle Sideshow, or on a Vehicle Sideshow, provided they are not Participating or aiding and abetting in the Preparation of a Vehicle Sideshow or in a Vehicle Sideshow.

This ordinance would also clarify that no persons shall willfully obstruct, impede, delay, or interfere with law enforcement's performance of official duties in connection with Preparation of a Vehicle Sideshow or in connection with a Vehicle Sideshow.

This ordinance also amends Article 56 to require enforcement officials to impound vehicles used in Vehicle Sideshows for 30 days. Except where state law requires the release of the impounded vehicle, law enforcement officials may only release the vehicle if: (1) no criminal charges are brought against the person; (2) the District Attorney or the court directs the law enforcement official to release the vehicle; or (3) there is no other legal basis to hold the vehicle. In the event criminal charges are brought, law enforcement officials shall only release the vehicle at the direction of the District Attorney or the court orders the release of the vehicle. If the defendant is charged with and convicted of violating Section 23109 et. seq. of the California Vehicle Code and the defendant's vehicle was impounded and not subject to return, law enforcement officials may either sell the vehicle at a public auction or destroy it if the vehicle has little to no value.

Finally, this ordinance makes any violations of these provisions a misdemeanor, subject to imprisonment and/or fine.