

1-1 By: Whitmire, et al. S.B. No. 1874
1-2 (In the Senate - Filed April 20, 2005; April 21, 2005, read
1-3 first time and referred to Committee on Criminal Justice;
1-4 April 29, 2005, reported favorably by the following vote: Yeas 7,
1-5 Nays 0; April 29, 2005, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the Automobile Theft Prevention Authority.

1-9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-10 SECTION 1. The heading to Article 4413(37), Revised
1-11 Statutes, is amended to read as follows:

1-12 Art. 4413(37). AUTOMOBILE BURGLARY AND THEFT PREVENTION
1-13 AUTHORITY

1-14 SECTION 2. Section 1, Article 4413(37), Revised Statutes,
1-15 is amended to read as follows:

1-16 Sec. 1. DEFINITIONS. In this article:

1-17 (1) "Authority" means the Automobile Burglary and
1-18 Theft Prevention Authority.

1-19 (2) "Economic automobile theft" means automobile
1-20 burglary or theft committed for financial gain.

1-21 (3) "Department" means the Texas Department of
1-22 Transportation.

1-23 (4) "Director" means the executive director of the
1-24 Texas Department of Transportation.

1-25 SECTION 3. Section 2, Article 4413(37), Revised Statutes,
1-26 is amended to read as follows:

1-27 Sec. 2. ESTABLISHMENT OF AUTHORITY. The Automobile
1-28 Burglary and Theft Prevention Authority is established in the Texas
1-29 Department of Transportation. The authority is not an advisory
1-30 body to the Texas Department of Transportation.

1-31 SECTION 4. Subsection (d), Section 6A, Article 4413(37),
1-32 Revised Statutes, is amended to read as follows:

1-33 (d) Determinations made under this section shall be
1-34 performed in accordance with procedures set forth in rules adopted
1-35 by the authority [~~Automobile Theft Prevention Authority~~]. The
1-36 question of eligibility for a refund is not a contested case within
1-37 the meaning of the Administrative Procedure Act (Chapter 2001,
1-38 Government Code).

1-39 SECTION 5. Subsection (b), Section 7, Article 4413(37),
1-40 Revised Statutes, is amended to read as follows:

1-41 (b) The plan of operation must include:

1-42 (1) an assessment of the scope of the problems of
1-43 automobile burglary or theft and economic automobile theft,
1-44 including particular areas of the state where the problems are
1-45 greatest;

1-46 (2) an analysis of various methods of combating the
1-47 problems of automobile burglary or theft and economic automobile
1-48 theft;

1-49 (3) a plan for providing financial support to combat
1-50 automobile burglary or theft and economic automobile theft; and

1-51 (4) an estimate of the funds required to implement the
1-52 plan of operation.

1-53 SECTION 6. Subsection (a), Section 8, Article 4413(37),
1-54 Revised Statutes, is amended to read as follows:

1-55 (a) Money appropriated to the department for authority
1-56 purposes shall be used by the authority to pay the department for
1-57 administrative costs and to achieve the purposes of this article,
1-58 including:

1-59 (1) establishing and funding the automobile
1-60 registration program required by Section 9 of this article;

1-61 (2) providing financial support to law enforcement
1-62 agencies for economic automobile theft enforcement teams;

1-63 (3) providing financial support to law enforcement
1-64 agencies, local prosecutors, judicial agencies, and neighborhood,

2-1 community, business, and nonprofit organizations for programs
2-2 designed to reduce the incidence of economic automobile theft;
2-3 (4) conducting educational programs designed to
2-4 inform automobile owners of methods of preventing automobile
2-5 burglary or theft;
2-6 (5) providing equipment, for experimental purposes,
2-7 to assist automobile owners in preventing automobile burglary or
2-8 theft; and
2-9 (6) establishing a uniform program to prevent stolen
2-10 motor vehicles from entering Mexico.

2-11 SECTION 7. Subsection (a), Section 11, Article 4413(37),
2-12 Revised Statutes, is amended to read as follows:

2-13 (a) In this section, "automobile theft rate" means the ratio
2-14 of automobile burglaries or thefts in this state to the number of
2-15 automobiles in this state. The ratio shall be based on statistical
2-16 information provided by the Department of Public Safety's uniform
2-17 crime reporting division.

2-18 SECTION 8. This Act takes effect September 1, 2005.

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