

BILL ANALYSIS

C.S.H.B. 195
By: Gonzalez Toureilles
Committee on Urban Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Under current law, if a local agreement exists between law enforcement agencies and the attorney representing the State, property may be transferred to municipal or county law enforcement agencies to maintain, repair, use, and operate for official purposes if the property is free of any interest of an interest holder. The law enforcement agency receiving the property may then also transfer the property to a municipal or county law enforcement agency.

The proposed complete committee substitute for House Bill No. 195 would expand the ability to transfer property to any other municipal or county agency by amending Section 59.06 of the Code of Criminal Procedure and Section 683.016 of the Transportation Code.

Thus, no longer requiring the agency to be a municipal or county law enforcement agency for the transfer of property.

RULEMAKING AUTHORITY

It is the opinion of the committee that this bill does not expressly grant any additional rulemaking authority to a State officer, department, institution, or agency.

SECTION-BY-SECTION ANALYSIS

SECTION 1 would amend Article 59.06 (b) of the Code of Criminal Procedure.

Subsection (b) would allow forfeited property to be transferred to any other municipal or county agency for the use of that agency, if a local agreement exists between the attorney representing the State and law enforcement agencies. The municipal or county agency to which a law enforcement agency loans a motor vehicle under this subsection would maintain the vehicle and pay for costs associated with the use and repair of the vehicle. The municipal or county agency would also be liable to the loaning agency for any damages or reduction in the value of the vehicle, due to the receiving agency's use.

SECTION 2 would amend Sections 683.016(a) and (b) of the Transportation Code.

Subsection (a) would permit law enforcement agencies that have acquired an abandoned motor vehicle to transfer that vehicle to any municipal or county agency for the use of that agency.

Subsection (b) would permit law enforcement agencies or the municipal county to auction the motor vehicle once use of the vehicle is discontinued.

SECTION 3 would provide that this Act would apply to personal property seized or taken into custody on or after the effective date of this Act. Personal property seized or taken into custody before the effective date of this Act would be governed by the law in effect on the date of occurrence.

SECTION 4 sets the effective date.

EFFECTIVE DATE

September 1, 2007.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The original bill contained no provisions regarding the maintenance and financial liability of the loaned vehicle and provided only for the expansion of the ability to transfer property to any other municipal or county agency. The proposed complete committee substitute, however, specifies that the municipal or county agency, to which a law enforcement agency transfers a motor vehicle, would maintain the vehicle and will be liable for any damages or reduction in the value of the vehicle, due to the receiving agency's use.