

1-1 By: Gonzalez Toureilles (Senate Sponsor - Hegar) H.B. No. 195
1-2 (In the Senate - Received from the House March 26, 2007;
1-3 April 3, 2007, read first time and referred to Committee on
1-4 Criminal Justice; May 11, 2007, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 6, Nays 0;
1-6 May 11, 2007, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 195 By: Hinojosa

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the transfer of certain abandoned or forfeited property
1-11 to county or municipal agencies or school districts.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Article 59.06(b), Code of Criminal Procedure, is
1-14 amended to read as follows:

1-15 (b) If a local agreement exists between the attorney
1-16 representing the state and law enforcement agencies, the attorney
1-17 representing the state may transfer the property to law enforcement
1-18 agencies to maintain, repair, use, and operate the property for
1-19 official purposes if the property is free of any interest of an
1-20 interest holder. The agency receiving the forfeited property may
1-21 purchase the interest of an interest holder so that the property can
1-22 be released for use by the agency. The agency receiving the
1-23 forfeited property may maintain, repair, use, and operate the
1-24 property with money appropriated for current operations. If the
1-25 property is a motor vehicle subject to registration under the motor
1-26 vehicle registration laws of this state, the agency receiving the
1-27 forfeited vehicle is considered to be the purchaser and the
1-28 certificate of title shall issue to the agency. A law enforcement
1-29 [The] agency to which property is transferred under this subsection
1-30 at any time may transfer or loan the property to any other [a]
1-31 municipal or county [law enforcement] agency or to a school
1-32 district for the use of that agency or district. A municipal or
1-33 county agency or school district to which a law enforcement agency
1-34 loans a motor vehicle under this subsection:

1-35 (1) shall maintain the vehicle and pay for all costs
1-36 associated with the use and repair of the vehicle; and

1-37 (2) is liable to the loaning agency for any damages to
1-38 the vehicle or reduction in the value of the vehicle attributable to
1-39 the receiving agency's or district's use of the vehicle.

1-40 SECTION 2. Section 683.016, Transportation Code, is amended
1-41 by amending Subsections (a) and (b) and adding Subsection (e) to
1-42 read as follows:

1-43 (a) The law enforcement agency that takes an abandoned motor
1-44 vehicle into custody that is not claimed under Section 683.012 may:

1-45 (1) use the vehicle for agency purposes; or

1-46 (2) transfer the vehicle to any municipal or county
1-47 agency or school district for the use of that agency or district.

1-48 (b) The law enforcement agency shall auction the vehicle as
1-49 provided by this subchapter if the law enforcement agency or the
1-50 municipal or county agency or school district to which the vehicle
1-51 was transferred under Subsection (a) discontinues use of the
1-52 vehicle.

1-53 (e) A law enforcement agency must comply with the notice
1-54 requirements of Section 683.012 before the law enforcement agency
1-55 may transfer a vehicle under Subsection (a)(2).

1-56 SECTION 3. Article 59.06(b), Code of Criminal Procedure,
1-57 and Section 683.016, Transportation Code, as amended by this Act,
1-58 apply to personal property seized or taken into custody on or after
1-59 the effective date of this Act. Personal property seized or taken
1-60 into custody before the effective date of this Act is governed by
1-61 the law in effect on the date the property is seized or taken into
1-62 custody, and the former law is continued in effect for that purpose.

1-63 SECTION 4. This Act takes effect September 1, 2007.

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