

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

May 10, 2007

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB195 by Gonzalez Toureilles (Relating to the transfer of certain abandoned or forfeited property to county or municipal agencies or school districts.), **Committee Report 2nd House, Substituted**

No fiscal implication to the State is anticipated.

The bill would amend the Code of Criminal Procedure to authorize a law enforcement agency to which abandoned or forfeited property has been transferred to transfer or loan the property to any other municipal or county agency or a school district for the use of that agency or district. If the property loaned is a motor vehicle, the municipal or county agency or school district to which the vehicle is loaned would be responsible for all costs associated with use and repair. The agency or district borrowing the vehicle would also be liable to the loaning agency for any damages or reduction in value of the vehicle attributable to use by the receiving agency or district.

The Transportation Code would also be amended to authorize, after fulfilling requirements related to filing notice regarding abandonment, the transfer of an abandoned vehicle from a law enforcement agency to any municipal or county agency or a school district for that agency's or district's use.

Under current statute, while a law enforcement agency may transfer forfeited or abandoned property to a municipal or county law enforcement agency, there is no provision for a law enforcement agency to loan the property. Additionally, under current statute, the transfer of property is to another law enforcement agency only.

Local Government Impact

If a law enforcement agency were to loan an abandoned vehicle that has been taken into the agency's custody to another agency or a school district, the loaning agency would experience a savings in maintenance expenses; however, the receiving agency or school district would incur those costs. Costs would vary depending on the vehicle, its condition, and the amount of usage by the receiving agency. It is anticipated that those costs would be less than purchasing a new or used vehicle.

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JOB, ES, DB