

SENATE AMENDMENTS

2nd Printing

By: Gonzalez Toureilles

H.B. No. 195

A BILL TO BE ENTITLED

AN ACT

relating to the transfer of certain abandoned or forfeited property to county or municipal agencies.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

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

(b) If a local agreement exists between the attorney representing the state and law enforcement agencies, the attorney representing the state may transfer the property to law enforcement agencies to maintain, repair, use, and operate the property for official purposes if the property is free of any interest of an interest holder. The agency receiving the forfeited property may purchase the interest of an interest holder so that the property can be released for use by the agency. The agency receiving the forfeited property may maintain, repair, use, and operate the property with money appropriated for current operations. If the property is a motor vehicle subject to registration under the motor vehicle registration laws of this state, the agency receiving the forfeited vehicle is considered to be the purchaser and the certificate of title shall issue to the agency. A law enforcement ~~[The]~~ agency to which property is transferred under this subsection at any time may transfer or loan the property to any other [a] municipal or county ~~[law enforcement]~~ agency for the use of that agency. A municipal or county agency to which a law enforcement

1 agency loans a motor vehicle under this subsection:

2 (1) shall maintain the vehicle and pay for all costs
3 associated with the use and repair of the vehicle; and

4 (2) is liable to the loaning agency for any damages to
5 the vehicle or reduction in the value of the vehicle attributable to
6 the receiving agency's using the vehicle.

7 SECTION 2. Sections 683.016(a) and (b), Transportation
8 Code, are amended to read as follows:

9 (a) The law enforcement agency that takes an abandoned motor
10 vehicle into custody that is not claimed under Section 683.012 may:

11 (1) use the vehicle for agency purposes; or
12 (2) transfer the vehicle to any municipal or county
13 agency for the use of that agency.

14 (b) The law enforcement agency shall auction the vehicle as
15 provided by this subchapter if the law enforcement agency or the
16 municipal or county agency to which the vehicle was transferred
17 under Subsection (a) discontinues use of the vehicle.

18 SECTION 3. Article 59.06(b), Code of Criminal Procedure,
19 and Section 683.016, Transportation Code, as amended by this Act,
20 apply to personal property seized or taken into custody on or after
21 the effective date of this Act. Personal property seized or taken
22 into custody before the effective date of this Act is governed by
23 the law in effect on the date the property is seized or taken into
24 custody, and the former law is continued in effect for that purpose.

25 SECTION 4. This Act takes effect September 1, 2007.

ADOPTED

MAY 15 2007

Atty. Gen. Spaw
Secretary of the Senate

By: Gonzalez-Tourelles

H.B. No. 195

Substitute the following for H.B. No. 195:

By: [Signature]

C.S. H.B. No. 195

A BILL TO BE ENTITLED

AN ACT

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

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

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

(b) If a local agreement exists between the attorney representing the state and law enforcement agencies, the attorney representing the state may transfer the property to law enforcement agencies to maintain, repair, use, and operate the property for official purposes if the property is free of any interest of an interest holder. The agency receiving the forfeited property may purchase the interest of an interest holder so that the property can be released for use by the agency. The agency receiving the forfeited property may maintain, repair, use, and operate the property with money appropriated for current operations. If the property is a motor vehicle subject to registration under the motor vehicle registration laws of this state, the agency receiving the forfeited vehicle is considered to be the purchaser and the certificate of title shall issue to the agency. A law enforcement ~~[The]~~ agency to which property is transferred under this subsection at any time may transfer or loan the property to any other ~~[a]~~ municipal or county ~~[law enforcement]~~ agency or to a school district for the use of that agency or district. A municipal or

1 county agency or school district to which a law enforcement agency
2 loans a motor vehicle under this subsection:

3 (1) shall maintain the vehicle and pay for all costs
4 associated with the use and repair of the vehicle; and

5 (2) is liable to the loaning agency for any damages to
6 the vehicle or reduction in the value of the vehicle attributable to
7 the receiving agency's or district's use of the vehicle.

8 SECTION 2. Section 683.016, Transportation Code, is amended
9 by amending Subsections (a) and (b) and adding Subsection (e) to
10 read as follows:

11 (a) The law enforcement agency that takes an abandoned motor
12 vehicle into custody that is not claimed under Section 683.012 may:

13 (1) use the vehicle for agency purposes; or

14 (2) transfer the vehicle to any municipal or county
15 agency or school district for the use of that agency or district.

16 (b) The law enforcement agency shall auction the vehicle as
17 provided by this subchapter if the law enforcement agency or the
18 municipal or county agency or school district to which the vehicle
19 was transferred under Subsection (a) discontinues use of the
20 vehicle.

21 (e) A law enforcement agency must comply with the notice
22 requirements of Section 683.012 before the law enforcement agency
23 may transfer a vehicle under Subsection (a)(2).

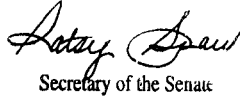
24 SECTION 3. Article 59.06(b), Code of Criminal Procedure,
25 and Section 683.016, Transportation Code, as amended by this Act,
26 apply to personal property seized or taken into custody on or after
27 the effective date of this Act. Personal property seized or taken

1 into custody before the effective date of this Act is governed by
2 the law in effect on the date the property is seized or taken into
3 custody, and the former law is continued in effect for that purpose.

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

ADOPTED

MAY 15 2007


Secretary of the Senate

FLOOR AMENDMENT NO. 1

BY: 

1 Amend C.S.H.B. No. 195 (Senate Committee Printing) as
2 follows:

3 (1) On page 1, lines 13 and 14, strike "Article 59.06(b),
4 Code of Criminal Procedure, is amended" and substitute "Article
5 59.06, Code of Criminal Procedure, is amended by amending
6 Subsection (b) and adding Subsections (b-1) and (b-2)".

7 (2) On page 1, line 34, strike the colon and substitute the
8 following:

9 shall maintain any automobile insurance coverage for the vehicle
10 that is required by law.

11 (b-1) If a loan is made by a sheriff's office or by a
12 municipal police department, the commissioners court of the county
13 in which the sheriff has jurisdiction or the governing body of the
14 municipality in which the department has jurisdiction, as
15 applicable, may revoke the loan at any time by notifying the
16 receiving agency or district, by mail, that the receiving agency or
17 district must return the loaned vehicle to the loaning agency
18 before the seventh day after the date the receiving agency or
19 district receives the notice.

20 (b-2) An agency that loans property under this article
21 shall:

22 (1) keep a record of the loan, including the name of
23 the agency to which the vehicle was loaned, the fair market value of
24 the vehicle, and where the receiving agency will use the vehicle;
25 and

26 (2) update the record when the information relating to
27 the vehicle changes.

28 (3) On page 1 strike lines 35 through 39.

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

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

May 4, 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.), **As Engrossed**

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 for the use of that agency. If the property loaned is a motor vehicle, the municipal or county agency to which the vehicle is loaned would be responsible for all costs associated with use and repair. The agency borrowing the vehicle would also be liable to the loaning agency for any damages or reduction in value of the vehicle attributable to the receiving agency's use.

The Transportation Code would also be amended to authorize the transfer of an abandoned vehicle from a law enforcement agency to any municipal or county agency for that agency'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 to another agency, the loaning agency would experience a savings in maintenance expenses; however, the receiving agency would incur those costs. Costs would vary depending on the vehicle, its condition, and the amount of usage by the receiving agency.

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

Source Agencies:

LBB Staff: JOB, ES, DB

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

March 5, 2007

TO: Honorable Kevin Bailey, Chair, House Committee on Urban Affairs

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.), **Committee Report 1st 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 for the use of that agency. If the property loaned is a motor vehicle, the municipal or county agency to which the vehicle is loaned would be responsible for all costs associated with use and repair. The agency borrowing the vehicle would also be liable to the loaning agency for any damages or reduction in value of the vehicle attributable to the receiving agency's use.

The Transportation Code would also be amended to authorize the transfer of an abandoned vehicle from a law enforcement agency to any municipal or county agency for that agency'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 to another agency, the loaning agency would experience a savings in maintenance expenses; however, the receiving agency would incur those costs. Costs would vary depending on the vehicle, its condition, and the amount of usage by the receiving agency.

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

Source Agencies:

LBB Staff: JOB, DB

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

February 14, 2007

TO: Honorable Kevin Bailey, Chair, House Committee on Urban Affairs

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.), **As Introduced**

No fiscal implication to the State is anticipated.

If an agreement exists between the attorney representing the state and law enforcement agencies, the bill would authorize the attorney to transfer abandoned or forfeited property to a municipal or county agency for that agency's use. Under current statute, such property may be transferred only to a municipal or county law enforcement agency.

The bill would also authorize a law enforcement agency in receipt of an abandoned or forfeited vehicle to transfer the vehicle to any municipal or county agency. The law enforcement agency would also be responsible for auctioning abandoned or forfeited vehicles transferred to another municipal or county agency once use of the vehicle is discontinued.

The bill would take effect September 1, 2007 and would apply only to property and vehicles seized or taken into custody on or after that date.

Local Government Impact

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

Source Agencies:

LBB Staff: JOB, DB

LEGISLATIVE BUDGET BOARD
Austin, Texas

CRIMINAL JUSTICE IMPACT STATEMENT

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 significant impact on the programs and workload of state corrections agencies or on the demand for resources and services of those agencies is anticipated from any provisions of this bill that authorize or require a change in the sanctions applicable to adults convicted of felony crimes.

Source Agencies:

LBB Staff: JOB, GG, LM

LEGISLATIVE BUDGET BOARD
Austin, Texas

CRIMINAL JUSTICE IMPACT STATEMENT

80TH LEGISLATIVE REGULAR SESSION

May 4, 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.), **As Engrossed**

No significant impact on the programs and workload of state corrections agencies or on the demand for resources and services of those agencies is anticipated from any provisions of this bill that authorize or require a change in the sanctions applicable to adults convicted of felony crimes.

Source Agencies:

LBB Staff: JOB, GG, LM