

House Bill 195
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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 agency loans a motor vehicle under this subsection:

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

(2) is liable to the loaning agency for any damages to the vehicle or reduction in the value of the vehicle

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SECTION 1. Article 59.06, Code of Criminal Procedure, is amended by amending Subsection (b) and adding Subsections (b-1) and (b-2) 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 county agency or school district to which a law enforcement agency loans a motor vehicle under this subsection shall maintain any automobile insurance coverage for the vehicle that is required by law.

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attributable to the receiving agency's using the vehicle.

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

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

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

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

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

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

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

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

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

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

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

SECTION 3. Article 59.06(b), Code of Criminal Procedure, and Section 683.016, Transportation Code, as amended by this Act, 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 is governed by the law in effect on the date the property is seized or taken into custody, and the former law is continued in effect for that purpose.

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

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district.

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

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

Same as House version.

Same as House version.

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