

## **BILL ANALYSIS**

Senate Research Center

H.B. 453  
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Criminal Justice  
5/17/2009  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

A financial burden is often imposed on families when a criminal evading a law enforcement officer damages private property, specifically fence lines. This bill authorizes a law enforcement agency to use funds from the auction of an abandoned vehicle to alleviate the financial burden imposed on private property owners who suffer property damage as a result of a police pursuit.

H.B. 453 amends current law relating to the use of auction proceeds from the sale of certain abandoned motor vehicles to compensate certain property owners.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 683.015, Transportation Code, by adding Subsections (f) and (g), as follows:

(f) Authorizes a county law enforcement agency to use funds received from the sale of a motor vehicle abandoned as a result of a vehicular pursuit involving the law enforcement agency and transferred under Subsection (d) (relating to the transfer of certain funds to be used by the law enforcement agency) to compensate property owners whose property was damaged as a result of the pursuit, regardless of whether the agency would be liable under Chapter 101 (Tort Claims), Civil Practice and Remedies Code. Prohibits a payment for compensation under this subsection from exceeding any of the following amounts: the net proceeds received from the sale of the motor vehicle abandoned as a result of the pursuit; \$1,000 per property owner, if more than one property owner's property is damaged as a result of the pursuit; or the amount of the property owner's insurance deductible.

(g) Provides that before a law enforcement agency is authorized to compensate a property owner under Subsection (f) using funds transferred to a county under Subsection (d), the sheriff or constable is required to submit the proposed payment for compensation for consideration, and the commissioners court is required to consider the proposed payment for compensation, at the next regularly scheduled meeting of the commissioners court.

SECTION 2. Effective date: upon passage or September 1, 2009.