

BILL ANALYSIS

C.S.H.B. 453
By: Gonzalez Toureilles
Public Safety
Committee Report (Substituted)

BACKGROUND AND PURPOSE

A financial burden is often imposed on families when a criminal evading a law enforcement officer damages private property, specifically fence lines.

C.S.H.B. 453 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.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 453 amends the Transportation Code to authorize a 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 from an account containing auction proceeds from the sale of abandoned motor vehicles, watercraft, or outboard motors into a municipality's or county's general revenue account to compensate property owners whose property was damaged as a result of a pursuit involving the law enforcement agency, regardless of whether the agency would be liable under the Texas Tort Claims Act.

C.S.H.B. 453 prohibits a payment for such compensation for property damage from exceeding: the net proceeds received from the sale of the abandoned motor vehicle; \$1,000 per property owner, if more than one property owner's property is damaged as a result of pursuit; or the amount of the property owner's insurance deductible. The bill requires the sheriff or constable, before a law enforcement agency compensates a property owner, to submit the proposed payment for compensation for consideration at the next regularly scheduled meeting of the commissioners court.

EFFECTIVE DATE

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 453 adds a provision not in the original to limit the amount of compensation that a law enforcement agency may pay to a property owner. The substitute adds a provision not in the original to require a sheriff or constable, prior to compensating a property owner, to submit a proposed payment for compensation to the commissioners court for consideration.