

BILL ANALYSIS

C.S.H.B. 2896
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Homeland Security & Public Safety
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties note that over the past several years landowners with property adjacent to highways and county roads in southwest Texas have reported problems with motorists crashing through their fences and abandoning the vehicles on the property. The parties believe that this often occurs as a result of the pursuit of motorists by the United States Border Patrol and other law enforcement agencies, and they report that the landowners are rarely reimbursed for the costs to repair the damage to the fences caused by these pursuits. They further note that there are often additional expenses involved if there are any livestock, or other game animals, that escape through the damaged fence. C.S.H.B. 2896 seeks to address this problem by making changes relating to duties of law enforcement in investigating or responding to incidents involving fences damaged by motor vehicles.

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. 2896 amends the Local Government Code to require a peace officer employed by a political subdivision of Texas who investigates or responds to an incident in which a motor vehicle damages a fence, if the peace officer reasonably believes that the fence is intended to contain livestock or other animals, in addition to other requirements, to remain at the location of the damaged fence until the peace officer or another person makes reasonable attempts to secure the fence or until the landowner or the landowner's representative arrives at the scene.

EFFECTIVE DATE

September 1, 2011.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 2896 differs from the original, in the provision requiring a peace officer investigating or responding to an incident in which a motor vehicle damages a fence intended to contain livestock or other animals to remain at the location of the damaged fence until the landowner or landowner's representative arrives at the scene, by providing as an alternative to that requirement that the officer remain at the location until the officer or another person makes reasonable attempts to secure the fence, whereas the original provides no alternative to that requirement. The substitute omits a provision included in the original removing statutory language exempting a peace officer from liability for damage resulting from the officer's failure to notify the landowner regarding the fence damage.

C.S.H.B. 2896 omits provisions included in the original relating to the compensation of property owners for certain property damage resulting from a vehicular pursuit with funds received by a

county law enforcement agency from the sale of a motor vehicle abandoned as a result of a vehicular pursuit. The substitute omits a transition provision included in the original relating to such funds.