

BILL ANALYSIS

C.S.H.B. 1931
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Homeland Security & Public Safety
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties note that currently, a municipality or county may transfer funds in excess of \$1,000 from an account containing criminal asset forfeiture revenue to the municipality's or county's general revenue account to be used by the law enforcement agency entitled to the proceeds to compensate property owners whose property was damaged as a result of a criminal pursuit. C.S.H.B. 1931 seeks to extend the authority to compensate property owners in that manner to attorneys representing the state.

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. 1931 amends the Transportation Code to authorize a county with a population of 150,000 or less or a municipality in a county with a population of 150,000 or less to transfer to the attorney representing the state any funds from the proceeds of the sale of certain abandoned motor vehicles, aircraft, watercraft, or outboard motors previously transferred to a law enforcement agency that were not used by the law enforcement agency before the 90th day after the date of the transfer. The bill authorizes the attorney representing the state to use the transferred funds in the manner provided for a law enforcement agency to compensate property owners whose property was damaged as a result of a pursuit involving the law enforcement agency.

EFFECTIVE DATE

September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1931 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Section 683.015, Transportation Code, is amended by amending Subsections (d), (f), and (g) and adding Subsection (h) to read as follows:

(d) A municipality or county may transfer funds in excess of \$1,000 from the account

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 683.015, Transportation Code, is amended by adding Subsection (h) to read as follows:

to the municipality's or county's general revenue account to be used by the law enforcement agency or the attorney representing the state.

(f) A law enforcement agency or an attorney representing the state may use funds transferred under Subsection (d) to compensate property owners whose property was damaged as a result of a pursuit involving a [the] law enforcement agency, regardless of whether the agency would be liable under Chapter 101, Civil Practice and Remedies Code.

(g) Before a law enforcement agency or an attorney representing the state may compensate a property owner under Subsection (f) using funds transferred to a county under Subsection (d), the sheriff, [or] constable, or attorney representing the state must submit the proposed payment for compensation for consideration, and the commissioners court shall consider the proposed payment for compensation, at the next regularly scheduled meeting of the commissioners court.

(h) In this section, "attorney representing the state" means a district attorney, criminal district attorney, or county attorney performing the duties of a district attorney.

SECTION 2 Article 59.06, Code of Criminal Procedure, as amended by this Act, applies 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.

(h) A county with a population of 150,000 or less or a municipality in a county with a population of 150,000 or less may transfer to the attorney representing the state any funds previously transferred to a law enforcement agency under Subsection (d) that were not used by the law enforcement agency before the 90th day after the date of the transfer. The attorney representing the state may use funds transferred under this subsection in the manner provided for a law enforcement agency under Subsections (f) and (g).

In this subsection, "attorney representing the state" means a district attorney, criminal district attorney, or county attorney performing the duties of a district attorney.

No equivalent provision.

SECTION 3 This Act takes effect
September 1, 2013.

SECTION 2. Same as introduced version.