

## **BILL ANALYSIS**

H.B. 3223  
By: Goldman  
Homeland Security & Public Safety  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Interested parties suggest certain problems might arise when buyers with criminal intentions purchase a marked patrol car or other law enforcement motor vehicle that has not first had all applicable insignias and equipment removed. H.B. 3223 seeks to prevent these problems by revising the law regarding liability for the sale or transfer of law enforcement vehicles before removal of certain equipment and insignia.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **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**

H.B. 3223 amends the Transportation Code to prohibit a person from selling or transferring a marked patrol car or other law enforcement motor vehicle to the public unless the person first removes any equipment or insignia that could mislead a reasonable person to believe that the vehicle is a law enforcement motor vehicle or to a security services contractor who is regulated by the Department of Public Safety and licensed under the Private Security Act unless each emblem or insignia that identifies the vehicle as a law enforcement motor vehicle is removed before the sale or transfer. The bill makes a person who sells or transfers a marked patrol car or other law enforcement motor vehicle to the public in violation of that prohibition liable for damages proximately caused by the use of that vehicle during the commission of a crime and to the state for a \$1,000 civil penalty. The bill authorizes the attorney general to bring an action to recover the civil penalty.

H.B. 3223 amends the Local Government Code to make a political subdivision that sells or transfers a marked patrol car or other law enforcement motor vehicle to the public in violation of the applicable prohibition against such a sale or transfer liable for damages proximately caused by the use of that vehicle during the commission of a crime and to the state for a \$1,000 civil penalty. The bill authorizes the attorney general to bring an action to recover the civil penalty and waives and abolishes governmental immunity to suit and from liability to the extent of liability incurred by a political subdivision under the bill's provisions.

### **EFFECTIVE DATE**

September 1, 2017.