

BILL ANALYSIS

Senate Research Center
80R6707 JPL-D

H.B. 195
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Criminal Justice
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under current law, if a local agreement exists between law enforcement agencies and the attorney representing the state, property may be transferred to municipal or county law enforcement agencies to maintain, repair, use, and operate for official purposes if the property is free of any interest of an interest holder. The law enforcement agency receiving the property may then also transfer the property to a municipal or county law enforcement agency.

H.B. 195 expands the ability to transfer property to any other municipal or county agency.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Article 59.06(b), Code of Criminal Procedure, as follows:

(b) Authorizes a law enforcement agency to which property is transferred under this subsection at any time to transfer or loan the property to any other municipal or county agency for the use of that agency. Requires a municipal or county agency to which a law enforcement agency loans a motor vehicle under this subsection to maintain the vehicle and pay for all costs associated with the use and repair of the vehicle and provides that the municipal or county agency is liable to the loaning agency for any damages to the vehicle or reduction in the value of the vehicle attributable to the receiving agency's using the vehicle.

SECTION 2. Amends Sections 683.016(a) and (b), Transportation Code, as follows:

(a) Authorizes the law enforcement agency that takes an abandoned motor vehicle into custody that is not claimed under Section 683.012 (Taking Abandoned Motor Vehicle Into Custody: Notice) to use the vehicle for agency purposes or transfer the vehicle to any municipal or county agency for the use of that agency.

(b) Requires the law enforcement agency to auction the vehicle as provided by this subchapter (Abandoned Motor Vehicles: Seizure and Auction) if the law enforcement agency or the municipal or county agency to which the vehicle was transferred under Subsection (a) discontinues use of the vehicle.

SECTION 3. Makes application of Article 59.06(b), Code of Criminal Procedure, and Section 683.016, Transportation Code, as amended by this Act, prospective.

SECTION 4. Effective date: September 1, 2007.