

BILL ANALYSIS

Senate Research Center

H.B. 1931
By: Guillen et al. (Estes)
Agriculture, Rural Affairs & Homeland Security
5/9/2013
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

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. H.B. 1931 seeks to extend the authority to compensate property owners in that manner to attorneys representing the state.

H.B. 1931 amends current law relating to compensation of property owners whose property is damaged as a result of a pursuit involving a law enforcement agency.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

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

(d) Authorizes a municipality or county to transfer funds in excess of \$1,000 from the account to the municipality's or county's general revenue account to be used by the law enforcement agency or, if the vehicle, aircraft, watercraft, or outboard motor was located in a county with a population of less than 150,000, by the attorney representing the state.

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

(g) Requires the sheriff, constable, or attorney representing the state, before a law enforcement agency or an attorney representing the state is authorized to compensate a property owner under Subsection (f) using funds transferred to a county under Subsection (d), to 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. Makes nonsubstantive changes.

(h) Defines, in this section, "attorney representing the state" to mean a district attorney, criminal district attorney, or county attorney performing the duties of a district attorney.

SECTION 2. Effective date: September 1, 2013.