

AN ACT

relating to the transfer of certain abandoned or forfeited property to county or municipal agencies or school districts.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Article 59.06, Code of Criminal Procedure, is amended by amending Subsection (b) and adding Subsections (b-1) and (b-2) to read as follows:

(b) If a local agreement exists between the attorney representing the state and law enforcement agencies, the attorney representing the state may transfer the property to law enforcement agencies to maintain, repair, use, and operate the property for official purposes if the property is free of any interest of an interest holder. The agency receiving the forfeited property may purchase the interest of an interest holder so that the property can be released for use by the agency. The agency receiving the forfeited property may maintain, repair, use, and operate the property with money appropriated for current operations. If the property is a motor vehicle subject to registration under the motor vehicle registration laws of this state, the agency receiving the forfeited vehicle is considered to be the purchaser and the certificate of title shall issue to the agency. A law enforcement [The] agency to which property is transferred under this subsection at any time may transfer or loan the property to any other [a] municipal or county ~~[law enforcement]~~ agency or to a school

1 district for the use of that agency or district. A municipal or
2 county agency or school district to which a law enforcement agency
3 loans a motor vehicle under this subsection shall maintain any
4 automobile insurance coverage for the vehicle that is required by
5 law.

6 (b-1) If a loan is made by a sheriff's office or by a
7 municipal police department, the commissioners court of the county
8 in which the sheriff has jurisdiction or the governing body of the
9 municipality in which the department has jurisdiction, as
10 applicable, may revoke the loan at any time by notifying the
11 receiving agency or district, by mail, that the receiving agency or
12 district must return the loaned vehicle to the loaning agency
13 before the seventh day after the date the receiving agency or
14 district receives the notice.

15 (b-2) An agency that loans property under this article
16 shall:

17 (1) keep a record of the loan, including the name of
18 the agency to which the vehicle was loaned, the fair market value of
19 the vehicle, and where the receiving agency will use the vehicle;
20 and

21 (2) update the record when the information relating to
22 the vehicle changes.

23 SECTION 2. Section 683.016, Transportation Code, is amended
24 by amending Subsections (a) and (b) and adding Subsection (e) to
25 read as follows:

26 (a) The law enforcement agency that takes an abandoned motor
27 vehicle into custody that is not claimed under Section 683.012 may:

1 (1) use the vehicle for agency purposes; or

2 (2) transfer the vehicle to any municipal or county
3 agency or school district for the use of that agency or district.

4 (b) The law enforcement agency shall auction the vehicle as
5 provided by this subchapter if the law enforcement agency or the
6 municipal or county agency or school district to which the vehicle
7 was transferred under Subsection (a) discontinues use of the
8 vehicle.

9 (e) A law enforcement agency must comply with the notice
10 requirements of Section 683.012 before the law enforcement agency
11 may transfer a vehicle under Subsection (a)(2).

12 SECTION 3. Article 59.06(b), Code of Criminal Procedure,
13 and Section 683.016, Transportation Code, as amended by this Act,
14 apply to personal property seized or taken into custody on or after
15 the effective date of this Act. Personal property seized or taken
16 into custody before the effective date of this Act is governed by
17 the law in effect on the date the property is seized or taken into
18 custody, and the former law is continued in effect for that purpose.

19 SECTION 4. This Act takes effect September 1, 2007.

David Beuhner

President of the Senate

Jim Caddick

Speaker of the House

I certify that H.B. No. 195 was passed by the House on March 22, 2007, by the following vote: Yeas 146, Nays 0, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 195 on May 17, 2007, by the following vote: Yeas 144, Nays 0, 1 present, not voting.

Robert Haney
Chief Clerk of the House

I certify that H.B. No. 195 was passed by the Senate, with amendments, on May 15, 2007, by the following vote: Yeas 31, Nays 0.

Letsy Saw
Secretary of the Senate

APPROVED: 15 JUN 07

Date

RICK PERRY

Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
4 PM O'CLOCK

ROGER HUMPHREYS
Secretary of State