

SUBJECT: Using auction proceeds to reimburse law enforcement for certain expenses

COMMITTEE: Homeland Security and Public Safety — favorable, without amendment

VOTE: 7 ayes — Burns, Hinojosa, Holland, J. Johnson, Metcalf, Schaefer, Wray

0 nays

2 absent — P. King, Nevárez

WITNESSES: For — (*Registered, but did not testify*: Ernest Gonzalez, Cities of Freer and San Diego, TX; AJ Louderback, William Mills, and Ricky Scaman, Sheriffs' Association of Texas; Joey Park, South Texans Property Rights Association; Jeremy Fuchs, Texas and Southwestern Cattle Raisers Association)

Against — None

BACKGROUND: Transportation Code, sec. 683.015 allows a law enforcement agency to be reimbursed from the proceeds of the sale of an abandoned motor vehicle, aircraft, watercraft, or outboard motor for the cost of the auction, towing, and other fees, as well as the cost of sending notice to certain persons.

Sec. 683.015(f) allows a law enforcement agency or an attorney representing the state to use funds from auction proceeds to compensate property owners whose property was damaged as a result of a law enforcement pursuit.

Concerns have been raised that law enforcement agencies are not able to obtain reimbursement for any compensation the agency makes to a landowner whose property was damaged as a result of a pursuit.

DIGEST: HB 2306 would allow auction proceeds from the sale of an abandoned motor vehicle, aircraft, watercraft, or outboard motor to be used to reimburse law enforcement for any compensation made to property owners whose property was damaged as a result of a pursuit involving the

motor vehicle.

The bill would take effect September 1, 2017, and would apply only to proceeds of a sale of an abandoned motor vehicle that took place on or after that date.