

## **BILL ANALYSIS**

Senate Research Center  
84R5537 AAF-D

H.B. 1190  
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State Affairs  
5/18/2015  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Under current law, a law enforcement agency, or, in a county with a population of 150,000 or less, a county or district attorney, may, subject to the approval of the commissioners court, use funds recovered from the auctions of abandoned vehicles to compensate persons whose property is damaged as the result of a pursuit involving a law enforcement agency, defined to include state, county, and municipal law enforcement entities. This fund is important to property owners as they typically have little chance of recovering the costs of damage to their property from any other source. The current statute does not, however, permit compensation for damages arising out of a pursuit involving a federal law enforcement agency. This is a significant limitation as, in border counties, many law enforcement pursuits involve United States Customs and Border Protection—a federal agency. H.B. 1190 addresses the problem by providing that compensation is available to proprietors damaged by federal law enforcement pursuits.

H.B. 1190 amends current law relating to the compensation of property owners whose property is damaged as a result of a pursuit involving a federal 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(f), Transportation Code, to authorize a law enforcement agency or an attorney representing the state to use funds transferred under Subsection (d) (authorizing a municipality or county to transfer funds in excess of \$1,000 from a certain 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) to compensate property owners whose property was damaged as a result of a pursuit involving a law enforcement agency or a federal law enforcement agency, regardless of whether the agency would be liable under Chapter 101 (Tort Claims), Civil Practice and Remedies Code.

SECTION 2. Provides that the change in law made by this Act applies only to property damage occurring on or after the effective date of this Act. Makes application of this Act prospective.

SECTION 3. Effective date: upon passage or September 1, 2015.