

By: González of Dallas

H.B. No. 1233

A BILL TO BE ENTITLED

AN ACT

relating to the disclosure of crime stoppers tips.

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

SECTION 1. Articles 2.1397(b) and (c), Code of Criminal Procedure, are amended to read as follows:

(b) A law enforcement agency filing a case with the attorney representing the state shall submit to the attorney representing the state a written statement by an agency employee with knowledge of the case acknowledging that the following items have been disclosed to the attorney representing the state:

(1) all documents, items, and information in the possession of the agency that are required to be disclosed to the defendant in the case under Article 39.14; and

(2) any crime stoppers tips that are required to be disclosed to the attorney representing the state under Section 414.0015(c), Government Code [~~have been disclosed to the attorney representing the state~~].

(c) If at any time after the case is filed with the attorney representing the state the law enforcement agency discovers or acquires any additional document, item, [~~or~~] information, or tip described by Subsection (b) [~~required to be disclosed to the defendant under Article 39.14~~], an agency employee shall promptly disclose the document, item, [~~or~~] information, or tip to the attorney representing the state.

1 SECTION 2. Section 414.0015, Government Code, is amended by
2 adding Subsection (c) to read as follows:

3 (c) A law enforcement agency that receives a tip submitted
4 under Subsection (a) shall disclose the tip to the attorney
5 representing the state if the agency files a case with the attorney
6 representing the state related to the criminal activity or the
7 conduct described in the tip.

8 SECTION 3. Sections 414.008(b), (c), and (d), Government
9 Code, are amended to read as follows:

10 (b) A record of the council, a crime stoppers organization,
11 a law enforcement agency, a school district, or an open-enrollment
12 charter school concerning a tip submitted under Section 414.0015(a)
13 may not be compelled to be produced before a court or other tribunal
14 except on a motion:

15 (1) filed in a criminal trial court by a defendant who
16 alleges that the record contains impeachment evidence or evidence
17 that is exculpatory or mitigating to the defendant in the trial of
18 that offense; or

19 (2) filed in a civil case by a plaintiff who alleges
20 that denial of access to the record concerning the tip abrogates any
21 part of a cognizable common law cause of action, if the plaintiff
22 alleging abrogation:

23 (A) was charged with or convicted of a criminal
24 offense based at least partially on the tip and the charges were
25 dismissed, the plaintiff was acquitted, or the conviction was
26 overturned, as applicable; and

27 (B) in the motion establishes a prima facie case

1 that the plaintiff's abrogated claim is based on injuries from the
2 criminal charge or conviction caused by the wrongful acts of
3 another performed in connection with the tip.

4 (c) On motion of a movant under Subsection (b), the court
5 may subpoena the records or report. The court shall conduct an in
6 camera inspection of materials produced under subpoena to determine
7 whether the materials contain:

8 (1) impeachment evidence or evidence that is
9 exculpatory or mitigating to the defendant; or

10 (2) information necessary to a plaintiff as described
11 by Subsection (b)(2).

12 (d) If the court determines that the materials produced
13 contain impeachment evidence or evidence that is exculpatory or
14 mitigating to the defendant or information necessary to a plaintiff
15 as described by Subsection (b)(2), the court shall present the
16 evidence to the movant in a form that does not disclose the identity
17 of the person who was the source of the evidence, unless the state
18 or federal constitution requires the disclosure of that person's
19 identity. The court shall execute an affidavit accompanying the
20 disclosed materials swearing that, in the opinion of the court, the
21 materials disclosed represent the evidence the movant is entitled
22 to receive under this section.

23 SECTION 4. Article [2.1397](#), Code of Criminal Procedure, as
24 amended by this Act, and Section 414.0015(c), Government Code, as
25 added by this Act, apply only with respect to a case filed with an
26 attorney representing the state on or after the effective date of
27 this Act. A case filed before the effective date of this Act is

H.B. No. 1233

1 governed by the law in effect on the date the case was filed, and the
2 former law is continued in effect for that purpose.

3 SECTION 5. This Act takes effect September 1, 2023.