

## **BILL ANALYSIS**

C.S.H.B. 3690  
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Homeland Security & Public Safety  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Interested parties contend that statutory provisions relating to the Texas Crime Stoppers Council are in need of an update to reflect modern realities facing the council. C.S.H.B. 3690 seeks to enhance the efficiency of the council by, among other provisions, changing the method of selecting the director of the council and revising reporting system requirements to account for modern practices and technologies.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 3690 amends the Government Code to replace the requirement for the Texas Crime Stoppers Council and the executive director of the criminal justice division of the governor's office to designate a person to serve as director of the council with a requirement for the executive director to make such a designation with input from the council. The bill removes the requirement that the council's director be approved by the governor and replaces the requirement for the council to define the director's authority and responsibilities with a requirement that the executive director of the criminal justice division consult with the council to define that authority and those responsibilities.

C.S.H.B. 3690 requires the council to establish other appropriate systems in addition to the council's telephone service for purposes of reporting information about criminal acts to the council and to make the telephone service and other reporting systems accessible at all times to a person residing in areas of Texas not served by a crime stoppers organization. The bill removes the requirement that the council operate the telephone service as a toll-free service and specifies that the service is a statewide telephone service.

C.S.H.B. 3690 amends the Code of Criminal Procedure to make conforming changes.

### **EFFECTIVE DATE**

September 1, 2017.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 3690 may differ from the original in minor or nonsubstantive ways, the

following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

#### INTRODUCED

SECTION 1. Section 414.004, Government Code, is amended to read as follows:

Sec. 414.004. DIRECTOR. The ~~[council and the]~~ executive director of the criminal justice division of the governor's office shall designate a person to serve as director.

~~[The director must be approved by the governor. The council shall define the director's authority and responsibilities.]~~

SECTION 2. Section 414.006, Government Code, is amended to read as follows:

Sec. 414.006. RULES. The council may adopt rules to carry out its functions under this chapter. The rules adopted by the council shall not conflict with rules ~~[relating to grants]~~ adopted by the criminal justice division of the governor's office. The council may not adopt a rule unless the executive director of the criminal justice division of the governor's office determines that the rule can be appropriately implemented.

SECTION 3. Section 414.008(a), Government Code, is amended to read as follows:

(a) Except as otherwise provided by this section, evidence of a communication between an anonymous ~~[a]~~ person submitting a report of a criminal act to the council or a crime stoppers organization and the person who accepted the report on behalf of the council or organization is not admissible in a court or an administrative proceeding.

SECTION 4. Section 414.010, Government Code, is amended by amending Subsections (a) and (d) and adding Subsection (a-1) to read as follows:

(a) Except as provided by Subsection (d), a crime stoppers organization certified by the council to receive money in the form of payments from defendants placed on community supervision under Chapter 42A, Code of Criminal Procedure, or money in the form of repayments of rewards under Articles 37.073 and 42.152, Code of

#### HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 414.004, Government Code, is amended to read as follows:

Sec. 414.004. DIRECTOR. The ~~[council and the]~~ executive director of the criminal justice division of the governor's office, with input from the council, shall designate a person to serve as director.

~~[The director must be approved by the governor.]~~ The executive director [council] shall consult with the council to define the director's authority and responsibilities.

No equivalent provision.

No equivalent provision.

No equivalent provision.

Criminal Procedure, may use money received under this chapter in a calendar year as follows:

(1) not more than 20 percent of the money may be used [~~annually received~~] to pay costs incurred in administering the organization during that same calendar year; and

(2) [~~shall use~~] the remainder of the money, including any interest earned on the money, shall be used only to reward persons who report information concerning criminal activity.

(a-1) Not later than January 31 of each year, a crime stoppers organization that receives or expends money under this section shall file a detailed report in the form and manner prescribed by [~~with~~] the council.

(d) If the amount of funds received by a crime stoppers organization during a calendar year under this section exceeds [~~three times~~] the total amount of [~~funds that the organization uses to pay~~] rewards paid during [~~a fiscal year based on the average amount of funds used to pay rewards during each of~~] the preceding three calendar [~~fiscal~~] years, the organization may deposit the excess amount of funds in a separate interest-bearing account to be used by the organization for eligible [~~law enforcement~~] purposes as defined by the council [~~relating to crime stoppers or juvenile justice, including intervention, apprehension, and adjudication~~]. An organization that deposits excess funds in an account as provided by this subsection may use any interest earned on the funds to pay costs incurred in administering the organization.

SECTION 5. Section 414.012, Government Code, is amended to read as follows:

Sec. 414.012. STATEWIDE CRIME REPORTING SYSTEMS [~~TOLL-FREE TELEPHONE SERVICE~~]. The council shall establish a statewide [~~and operate a toll-free~~] telephone service and other appropriate systems to allow information about criminal acts to be reported to the council and shall make the telephone service and other reporting systems accessible at all times to persons residing in areas of the state not served by a crime stoppers organization [~~for reporting to the council information about criminal acts~~]. [~~The toll-free service must be available between the hours of 5 p.m. and 8 a.m. Monday through Thursday~~

SECTION 2. Same as introduced version.

~~and from 5 p.m. Friday until 8 a.m. Monday.]~~ The council shall forward the information received to appropriate law enforcement agencies or crime stoppers organization.

SECTION 6. Article 102.013(a), Code of Criminal Procedure, is amended to read as follows:

(a) The legislature shall appropriate funds from the crime stoppers assistance account to the Criminal Justice Division of the Governor's Office. The Criminal Justice Division may use 10 percent of the funds for the operation of the statewide [toll-free] telephone service or other appropriate systems for the reporting of crime under Section 414.012, Government Code, and shall distribute the remainder of the funds only to crime stoppers organizations. The Criminal Justice Division may adopt a budget and rules to implement the distribution of these funds.

SECTION 7. This Act takes effect September 1, 2017.

SECTION 3. Same as introduced version.

SECTION 4. Same as introduced version.