

BILL ANALYSIS

Senate Research Center
86R34202 TSS-F

C.S.H.B. 3316
By: White (Schwertner)
Criminal Justice
5/18/2019
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Based on recommendations in Governor Abbott's School and Firearm Safety Action Plan, there have been calls to expand campus crime stoppers programs by such means as expanding the types of tips that can be reported to crime stoppers organizations and involving public school districts and open-enrollment charter schools in the reporting process. H.B. 3316 provides for these changes. (Original Author's/Sponsor's Statement of Intent)

C.S.H.B. 3316 amends current law relating to the Texas Crime Stoppers Council.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Crime Stoppers Council in SECTION 9 (414.010, Government Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 414.001, Government Code, by amending Subdivision (2) and adding Subdivisions (3) and (4) to redefine "crime stoppers organization" and define "open-enrollment charter school" and "school district."

SECTION 2. Amends Chapter 414, Government Code, by adding Section 414.0015, as follows:

Sec. 414.0015. CRIME STOPPERS TIPS. (a) Authorizes the Texas Crime Stoppers Council (council), a crime stoppers organization, or a person accepting information on behalf of the council or a crime stoppers organization to accept tips submitted by any person regarding:

- (1) criminal activity;
- (2) conduct or threatened conduct that constitutes a danger to public safety or an individual; or
- (3) conduct or threatened conduct that would disrupt the efficient and effective operations of a school district or open-enrollment charter school.

(b) Authorizes a crime stoppers organization to forward a tip submitted under Subsection (a) to the appropriate law enforcement agency, school district, or open-enrollment charter school, except that a tip regarding conduct or threatened conduct described only by Subsection (a)(3) is authorized to be forwarded only to the appropriate school district or open-enrollment charter school.

SECTION 3. Amends Section 414.002, Government Code, by amending Subsections (b), (c), and (d) and adding Subsection (e), as follows:

(b) Makes nonsubstantive changes. Redesignates existing Subdivisions (1)–(4) as Subdivisions (2)(A)–(D). Provides that the council consists of five voting members, rather than five members, appointed by the governor with the advice and consent of the senate. Requires at least three members to be:

(1) a current or former official or employee of a school district or open-enrollment charter school; or

(2) a person who has participated in a crime stoppers organization in any of the following capacities:

(A)-(D) makes no further changes to these paragraphs.

(c) Provides that the term of office of a voting member, rather than a member, is four years.

(d) Makes a conforming change to this subsection.

(e) Authorizes the council, in addition to the voting members appointed under Subsection (b), to annually appoint a current student of a public school in this state who participates in the Texas Crime Stoppers Ambassador Program as a nonvoting student advisor to the council.

SECTION 4. Amends Section 414.003, Government Code, to make a conforming change.

SECTION 5. Amends Section 414.005, Government Code, as follows:

Sec. 414.005. DUTIES. Requires the council to:

(1) makes no changes to this subdivision;

(2) foster the detection of crime and encourage persons to submit tips under Section 414.0015(a), rather than foster the detection of crime and encourage persons to report information about criminal acts;

(3) encourage news and other media to inform the public of the functions of crime stoppers organizations' operations and programs, rather than encourage news and other media to broadcast reenactments and to inform the public of the functions of crime stoppers organizations' operations and programs;

(4) promote the process of crime stoppers organizations to forward information from tips submitted under Section 414.0015(a) to the appropriate law enforcement agencies, school districts, and open-enrollment charter schools, rather than promote the process of crime stoppers organizations to forward information about criminal acts to the appropriate law enforcement agencies;

(5) makes no changes to this subdivision;

(6) create specialized programs targeted at detecting specific crimes or types of crimes identified as priorities by the council, including at least one program that:

(A) encourages individuals to submit tips regarding sex offenders, rather than to report sex offenders, who have failed to register under Chapter 62 (Sex Offender Registration Program), Code of Criminal Procedure;

(B) makes a conforming change to this paragraph; and

(C) makes conforming and nonsubstantive changes to this paragraph;

(i) makes no changes to this subparagraph; or

(ii) makes a nonsubstantive change to this subparagraph;

(7) makes a nonsubstantive change to this subdivision; and

(8) encourage, advise, and assist in the creation of campus-based crime stoppers organizations to increase the detection of criminal activity and other conduct or threatened conduct that may be submitted to a crime stoppers organization under Section 414.0015(a).

SECTION 6. Amends Section 414.007, Government Code, as follows:

Sec. 414.007. New heading: CONFIDENTIALITY OF CRIME STOPPERS RECORDS. Provides that a record relating to a tip received under Section 414.0015(a) maintained by the council, a crime stoppers organization, a law enforcement agency, a school district, or an open-enrollment charter school, including the identity of the person who submitted the tip, is confidential and is not subject to disclosure under Chapter 552 (Public Information), rather than providing that council records relating to reports of criminal acts are confidential.

SECTION 7. Amends Sections 414.008(a), (b), and (e), Government Code, as follows:

(a) Provides that, except as otherwise provided by this section, evidence relating to a communication between a person submitting a tip under Section 414.0015(a) and a person who accepted the tip under that subsection is not admissible in a court or an administrative proceeding and is prohibited from being considered in a hearing regarding the expulsion of a student under Subchapter A (Alternative Settings for Behavior Management), Chapter 37, Education Code, or any other disciplinary procedure, rather than providing that, except as otherwise provided in this Section evidence of a communication between 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.

(b) Prohibits a record of the council, a crime stoppers organization, a law enforcement agency, a school district, or an open-enrollment charter school concerning a tip submitted under Section 414.0015(a), rather than records of the council or a crime stoppers organization concerning a report of criminal activity, from being compelled to be produced before a court or other tribunal except on a motion filed in certain courts. Makes conforming and nonsubstantive changes.

(e) Requires the court to return to the council, crime stoppers organization, law enforcement agency, school district, or open-enrollment charter school, rather than to the council or crime stoppers organization the materials that are produced under this section but not disclosed to the movant. Requires the council, crime stoppers organization, law enforcement agency, school district, or open-enrollment charter school, rather than the council or crime stoppers organization, to store the materials at least until the first anniversary of certain dates. Makes nonsubstantive changes.

SECTION 8. Amends Section 414.009(a), Government Code, as follows:

(a) Provides that a person who is a member or employee of the council, a crime stoppers organization, a law enforcement agency, a school district, or an open-enrollment charter school or who accepts a tip under Section 414.0015(a) on behalf of the council or a crime stoppers organization commits an offense if the person intentionally or knowingly discloses to a person not a member of or employed by the council, a crime stoppers organization, a law enforcement agency, a school district, or an open-enrollment charter school the identity of a person who submitted a tip or the content of that tip without the person's consent, unless, rather than providing that a person who is a member or employee of the council or who accepts a report of criminal activity on behalf of a crime stoppers organization commits an offense if the person intentionally or knowingly divulges to a person not employed by a law enforcement agency content of a report of a criminal act or the identity of the person who made the report without the consent of the person who made the report:

(1) the person disclosing the information has received authorization to disclose the information from the chief executive of the crime stoppers organization that originally received the tip, and the chief executive has reasonably determined that failing to disclose the identity of a person who submitted the tip creates a probability of imminent physical injury to another; or

(2) the disclosure is otherwise required by law or court order.

SECTION 9. Amends Sections 414.010(a) and (d), Government Code, as follows:

(a) Authorizes 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 (Community Supervision), Code of Criminal Procedure, or money in the form of repayments of rewards under Articles 37.073 (Repayment of Rewards) and 42.152 (Repayment of Reward), Code of Criminal Procedure, except as provided by Subsection (d), to transfer not more than 20 percent of the money received during each calendar year to accounts used solely to pay costs incurred in administering the organization and requires the organization to use the remainder of the money, including any interest earned on the money, only for the payment of rewards to persons who submit tips under Section 414.0015(a), rather than authorizing 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 Criminal Procedure, except as provided by Subsection (d), to use not more than 20 percent of the money annually received to pay costs incurred in administering the organization and requiring the organization to use the remainder of the money, including any interest earned on the money, only to reward persons who report information concerning criminal activity.

(d) Authorizes a crime stoppers organization under this section to deposit excess funds, in an amount established by council rule, in separate accounts to be used by the organization solely for law enforcement or public safety purposes relating to crime stoppers or juvenile justice, as established by council rule, rather than authorizing the organization, if the amount of funds received by a crime stoppers organization under this section exceeds three times the amount of funds that the organization uses to pay rewards during a fiscal year based on the average amount of funds used to pay rewards during each of the preceding three fiscal years, to deposit the excess amount of funds in a separate interest-bearing account to be used by the organization for law enforcement purposes relating to crime stoppers or juvenile justice, including intervention, apprehension, and adjudication.

SECTION 10. Amends Section 414.012, Government Code, as follows:

Sec. 414.012. STATEWIDE CRIME REPORTING SYSTEMS. Requires the council to establish a free statewide telephone service and other appropriate systems to allow tips under Section 414.0015(a) to be submitted to the council and to 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, rather than requiring the council to establish a free statewide telephone service and other appropriate systems to allow information about criminal acts to be reported to the council and to 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. Makes conforming changes.

SECTION 11. Amends Section 414.013, Government Code, as follows:

Sec. 414.013. IMMUNITY FROM CIVIL LIABILITY. (a) Creates Subdivisions (1)–(2) from existing text. Provides that a person who submits to the council or a crime stoppers organization a tip under Section 414.0015(a) is immune from civil liability for damages resulting from the submission unless the submission was, rather than providing that a person who communicates to the council or a crime stoppers organization a report of

criminal activity that leads to the arrest of, the filing of charges against, or the conviction of a person for a criminal offense is immune from civil liability for damages resulting from the communication unless the communication was intentionally, willfully, or knowingly or done with conscious indifference or reckless disregard for the safety of others:

(1) intentionally, wilfully, or wantonly negligent or false;

(2) made with conscious indifference or reckless disregard for the safety of other; or

(3) made to further the commission of a criminal act.

(b) Makes conforming changes to this subsection.

SECTION 12. Amends Section 351.901(a), Local Government Code, by amending Subdivision (1) and adding Subdivisions (3) and (4) to redefine "crime stoppers organization" and define "open-enrollment charter school" and "school district."

SECTION 13. Effective date: September 1, 2019.