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By:  White H.B. No. 3316

A BILL TO BE ENTITLED

AN ACT

relating to the Texas Crime Stoppers Council.

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

SECTION 1.  Section 414.001, Government Code, is amended by amending Subdivision (2) and adding Subdivisions (3) and (4) to read as follows:

(2)  "Crime stoppers organization" means:

(A)  a private, nonprofit organization that is operated on a local or statewide level, that accepts [~~and expends~~] donations and expends funds for rewards to persons who report to the organization information about criminal activity or conduct or threatened conduct that constitutes a danger to public safety or an individual, and that forwards the information to the appropriate law enforcement agency, school district, or open-enrollment charter school; or

(B)  a public organization that is operated on a local or statewide level, that pays rewards to persons who report to the organization information about criminal activity or conduct or threatened conduct that constitutes a danger to public safety or an individual, and that forwards the information to the appropriate law enforcement agency, school district, or open-enrollment charter school.

(3)  "Open-enrollment charter school" means a school that has been granted a charter under Subchapter D, Chapter 12, Education Code.

(4)  "School district" means a public school district created under the laws of this state.

SECTION 2.  Section 414.002, Government Code, is amended by amending Subsections (b), (c), and (d) and adding Subsection (e) to read as follows:

(b)  The council consists of five voting members appointed by the governor with the advice and consent of the senate. At least three members must be:

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

(2)  a person [~~persons~~] who has [~~have~~] participated in a crime stoppers organization in any of the following capacities:

(A) [~~(1)~~]  as a law enforcement coordinator;

(B) [~~(2)~~]  as a member of the board of directors;

(C) [~~(3)~~]  as a media representative; or

(D) [~~(4)~~]  as an administrative officer.

(c)  The term of office of a voting member is four years.

(d)  At its first meeting after the beginning of each fiscal year the council shall elect from among its voting members a chairman and other officers that the council considers necessary.

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

SECTION 3.  Section 414.003, Government Code, is amended to read as follows:

Sec. 414.003.  PER DIEM AND EXPENSES. A voting member of the council is entitled to:

(1)  a per diem as determined by appropriation; and

(2)  reimbursement for actual and necessary expenses incurred in performing duties as a member.

SECTION 4.  Section 414.005, Government Code, is amended to read as follows:

Sec. 414.005.  DUTIES.  The council shall:

(1)  encourage, advise, and assist in the creation of crime stoppers organizations;

(2)  foster the detection of crime and encourage persons to report information about criminal acts or conduct or threatened conduct that constitutes a danger to public safety or an individual;

(3)  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 about criminal acts or conduct or threatened conduct that constitutes a danger to public safety or an individual to the appropriate law enforcement agencies, school districts, and open-enrollment charter schools;

(5)  help law enforcement agencies detect and combat crime by increasing the flow of information to and between law enforcement agencies;

(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 report sex offenders who have failed to register under Chapter 62, Code of Criminal Procedure;

(B)  encourages individuals to report criminal activity relating to the trafficking of persons, as described under Chapter 20A, Penal Code; and

(C)  financially rewards each individual who makes a report described by Paragraph (A) or (B) that leads or substantially contributes to the arrest or apprehension:

(i)  of a sex offender who has failed to register under Chapter 62, Code of Criminal Procedure; or

(ii)  of a person suspected of engaging in conduct that constitutes an offense under Chapter 20A, Penal Code; [~~and~~]

(7)  encourage, advise, and assist crime stoppers organizations in implementing any programs created under Subdivision (6), including a program specifically described by Subdivision (6); and

(8)  encourage, advise, and assist in the creation of campus-based crime stoppers organizations to address criminal activity and conduct or threatened conduct that constitutes a danger to public safety or an individual.

SECTION 5.  Section 414.007, Government Code, is amended to read as follows:

Sec. 414.007.  CONFIDENTIALITY OF CRIME STOPPERS [~~COUNCIL~~] RECORDS. A record relating to a report [~~Council records relating to reports~~] of a criminal act or conduct or threatened conduct that constitutes a danger to public safety or an individual received by a crime stoppers organization or the council, including the identity of the person who made the report, is [~~acts are~~] confidential and is not subject to disclosure under Chapter 552.

SECTION 6.  Sections 414.008(a), (b), and (e), Government Code, are amended to read as follows:

(a)  Except as otherwise provided by 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 a [~~the~~] person who accepted the report on behalf of the council or organization is not admissible in a court or an administrative proceeding.

(b)  A record [~~Records~~] of the council, [~~or~~] a crime stoppers organization, a law enforcement agency, a school district, or an open-enrollment charter school concerning a report of criminal activity or conduct or threatened conduct that constitutes a danger to public safety or an individual may not be compelled to be produced before a court or other tribunal except on a motion:

(1)  filed in a criminal trial court by a defendant who alleges that the record [~~records~~] or report contains evidence that is exculpatory to the defendant in the trial of that offense; or

(2)  filed in a civil case by a plaintiff who alleges that denial of access to the record [~~the records~~] concerning the report of criminal activity or conduct or threatened conduct that constitutes a danger to public safety or an individual abrogates any part of a cognizable common law cause of action, if the plaintiff alleging abrogation:

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

(B)  in the motion establishes a prima facie case that the plaintiff's abrogated claim is based on injuries from the criminal charge or conviction caused by the wrongful acts of another performed in connection with the report.

(e)  The court shall return to the council, [~~or~~] crime stoppers organization, law enforcement agency, school district, or open-enrollment charter school the materials that are produced under this section but not disclosed to the movant. The council, [~~or~~] crime stoppers organization, law enforcement agency, school district, or open-enrollment charter school shall store the materials at least until the first anniversary of the following appropriate date:

(1)  the date of expiration of the time for all direct appeals in a criminal case; or

(2)  the date a plaintiff's right to appeal in a civil case is exhausted.

SECTION 7.  Section 414.009(a), Government Code, is amended to read as follows:

(a)  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 otherwise accepts a report of criminal activity or conduct or threatened conduct that constitutes a danger to public safety or an individual on behalf of a crime stoppers organization commits an offense if the person intentionally or knowingly discloses [~~divulges~~] to a person not a member of or employed by a crime stoppers organization, a law enforcement agency, a school district, or an open-enrollment charter school the [~~content of a report of a criminal act or the~~] identity of a [~~the~~] person who made a [~~the~~] report or the content of a report that reveals the identity of a person who made a report without the person's consent, unless:

(1)  the person disclosing the information reasonably determines that:

(A)  failing to disclose the identity of a person who made the report creates a probability of imminent physical injury to another;

(B)  the report was intentionally, wilfully, or wantonly negligent or made with conscious indifference or reckless disregard for the safety of others; or

(C)  the report was made to further:

(i)  the commission of a criminal act; or

(ii)  a purpose other than the protection of public safety or assistance in the prevention or investigation of a criminal act or conduct or threatened conduct that constitutes a danger to public safety or an individual; or

(2)  the disclosure is otherwise required by law or court order [~~of the person who made the report~~].

SECTION 8.  Sections 414.010(a) and (d), Government Code, are amended 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 Criminal Procedure, may transfer [~~use~~] not more than 20 percent of the money [~~annually~~] received during each calendar year to an account used to pay costs incurred in administering the organization and shall use the remainder of the money, including any interest earned on the money, only for the payment of rewards to [~~reward~~] persons who report information concerning criminal activity or conduct or threatened conduct that constitutes a danger to public safety or an individual. 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 with the council.

(d)  A [~~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, the organization~~] may deposit excess funds, in an amount established by council rule, [~~the excess amount of funds~~] in a separate [~~interest-bearing~~] account to be used by the organization for law enforcement or public safety purposes as established by council rule and 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 9.  Section 414.012, Government Code, is amended to read as follows:

Sec. 414.012.  STATEWIDE CRIME REPORTING SYSTEMS.  The council shall establish a free statewide telephone service and other appropriate systems to allow information about criminal acts or conduct or threatened conduct that constitutes a danger to public safety or an individual to be reported to the council, crime stoppers organizations, law enforcement agencies, school districts, or open-enrollment charter schools 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. The council shall forward any [~~the~~] information it receives [~~received~~] to appropriate crime stoppers organizations, law enforcement agencies, school districts, or open-enrollment charter schools [~~crime stoppers organization~~].

SECTION 10.  Section 414.013, Government Code, is amended to read as follows:

Sec. 414.013.  IMMUNITY FROM CIVIL LIABILITY. (a) A person who communicates to the council or a crime stoppers organization a report of criminal activity or conduct or threatened conduct that constitutes a danger to public safety or an individual [~~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:

(1)  intentionally, wilfully, or wantonly negligent;

(2)  made [~~or done~~] with conscious indifference or reckless disregard for the safety of others;

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

(4)  made to further a purpose other than the protection of public safety or assistance in the prevention or investigation of a criminal act or conduct or threatened conduct that constitutes a danger to public safety or an individual.

(b)  A person who in the course and scope of the person's duties or functions receives, forwards, or acts on a report of criminal activity or conduct or threatened conduct that constitutes a danger to public safety or an individual communicated to the council or a crime stoppers organization is immune from civil liability for damages resulting from an act or omission in the performance of the person's duties or functions unless the act or omission was:

(1)  intentional or[~~,~~] wilfully or wantonly negligent; [~~, or~~]

(2)  done with conscious indifference or reckless disregard for the safety of others;

(3)  done to further the commission of a criminal act; or

(4)  done to further a purpose other than the protection of public safety or assistance in the prevention or investigation of a criminal act or conduct or threatened conduct that constitutes a danger to public safety or an individual.

SECTION 11.  Section 351.901(a), Local Government Code, is amended by amending Subdivision (1) and adding Subdivisions (3) and (4) to read as follows:

(1)  "Crime stoppers organization" means a private, nonprofit organization or a public organization that:

(A)  is operated on a local or statewide level;

(B)  accepts [~~and expends~~] donations and expends funds for rewards to persons who report to the organization information about criminal activity or conduct or threatened conduct that constitutes a danger to public safety or an individual; and

(C)  forwards the information to the appropriate law enforcement agency, school district, or open-enrollment charter school.

(3)  "Open-enrollment charter school" means a school that has been granted a charter under Subchapter D, Chapter 12, Education Code.

(4)  "School district" means a public school district created under the laws of this state.

SECTION 12.  This Act takes effect September 1, 2019.