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By:  Schwertner S.B. No. 2213

A BILL TO BE ENTITLED

AN ACT

relating to the operations of the Texas Crime Stoppers Council and crime stoppers organizations.

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), (4), and (5) 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 public safety tips [~~information about criminal activity~~] 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 public safety tips [~~information about criminal activity~~], 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.

(5)  "Public safety tip" means a report submitted to the council, a crime stoppers organization, or a person accepting the information on behalf of the council or crime stoppers organization regarding criminal activity, conduct or threatened conduct that constitutes a danger to public safety or an individual, conduct or threatened conduct that would disrupt the efficient and effective operations of a school district or open-enrollment charter school, or other activity of interest to law enforcement agencies, school districts, or open-enrollment charter schools, including truancy and school rule violations.

SECTION 2.  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 public safety tips [~~information about criminal acts~~];

(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 public safety tips [~~information about criminal acts~~] 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, conduct or threatened conduct that constitutes a danger to public safety or an individual, conduct or threatened conduct that would disrupt the efficient and effective operations of a school district or open-enrollment charter school, or other activity of interest to law enforcement agencies, school districts, or open-enrollment charter schools, including truancy and school rule violations.

SECTION 3.  Section 414.007, Government Code, is amended to read as follows:

Sec. 414.007.  CONFIDENTIALITY OF CRIME STOPPERS [~~COUNCIL~~] RECORDS. A record of the council, a crime stoppers organization, a law enforcement agency, a school district, or an open-enrollment charter school relating to a public safety tip, including the identity of the person who made the report, is [~~Council records relating to reports of criminal acts are~~] confidential and is not subject to disclosure under Chapter 552.

SECTION 4.  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 public safety tip [~~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)  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 public safety tip [~~a report of criminal activity~~] 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 public safety tip [~~report of criminal activity~~] 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 5.  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 receives a public safety tip from or [~~who accepts a report of criminal activity~~] on behalf of the council or 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 the council, 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 public safety tip or the content of a public safety tip [~~the report~~] without the consent of the person who made the report, unless:

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

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

SECTION 6.  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 accounts 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 public safety tips [~~information concerning criminal activity~~]. 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)  If the amount of funds accumulated [~~received~~] by a crime stoppers organization under this section exceeds [~~three times~~] the total amount of [~~funds that the organization uses to pay~~] rewards paid by the organization 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 the excess amount of funds in a separate [~~interest-bearing~~] account to be used by the organization for crime solving and crime prevention [~~law enforcement~~] purposes of the organization [~~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 7.  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 public safety tips [~~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. The council shall forward any [~~the~~] information it receives [~~received~~] to appropriate law enforcement agencies or crime stoppers organization.

SECTION 8.  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 public safety tip [~~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, wilfully, or wantonly negligent or done with conscious indifference or reckless disregard for the safety of others.

(b)  A person who in the course and scope of the person's duties or functions receives, forwards, or acts on a public safety tip [~~a report of criminal activity~~] 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 intentionally, wilfully, or wantonly negligent or done with conscious indifference or reckless disregard for the safety of others.

SECTION 9.  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, conduct or threatened conduct that constitutes a danger to public safety or an individual, conduct or threatened conduct that would disrupt the efficient and effective operations of a school district or open-enrollment charter school, or other activity of interest to law enforcement agencies, school districts, or open-enrollment charter schools, including truancy and school rule violations; 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 10.  This Act takes effect September 1, 2019.