

By: White

H.B. No. 3316

Substitute the following for H.B. No. 3316:

By: Allen

C.S.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 submit tips under Section 414.0015, [report to the organization information about criminal activity] and that forwards the information received from tips 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 submit tips under Section 414.0015 [report to the organization information about criminal activity], and that forwards the information received from tips 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

1 created under the laws of this state.

2 SECTION 2. Chapter 414, Government Code, is amended by
3 adding Section 414.0015 to read as follows:

4 Sec. 414.0015. CRIME STOPPERS TIPS. The council, a crime
5 stoppers organization, or a person accepting information on behalf
6 of the council or a crime stoppers organization may accept tips
7 submitted by any person regarding:

8 (1) criminal activity;

9 (2) conduct or threatened conduct that constitutes a
10 danger to public safety or an individual;

11 (3) conduct or threatened conduct that would disrupt
12 the efficient and effective operations of a school district or
13 open-enrollment charter school; or

14 (4) any other activity that may be of interest to a law
15 enforcement agency, school district, or open-enrollment charter
16 school, including truancy or school rule violations.

17 SECTION 3. Section 414.002, Government Code, is amended by
18 amending Subsections (b), (c), and (d) and adding Subsection (e) to
19 read as follows:

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

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

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

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

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

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

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

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

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

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

13 SECTION 4. Section 414.003, Government Code, is amended to
14 read as follows:

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

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

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

20 SECTION 5. Section 414.005, Government Code, is amended to
21 read as follows:

22 Sec. 414.005. DUTIES. The council shall:

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

25 (2) foster the detection of crime and encourage
26 persons to submit tips under Section 414.0015 [~~report information~~
27 ~~about criminal acts~~];

1 (3) encourage news and other media to [~~broadcast~~
2 ~~reenactments and to~~] inform the public of the functions of crime
3 stoppers organizations' operations and programs;

4 (4) promote the process of crime stoppers
5 organizations to forward information from tips submitted under
6 Section 414.0015 [~~about criminal acts~~] to the appropriate law
7 enforcement agencies, school districts, and open-enrollment
8 charter schools;

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

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

15 (A) encourages individuals to submit tips
16 regarding [~~report~~] sex offenders who have failed to register under
17 Chapter 62, Code of Criminal Procedure;

18 (B) encourages individuals to submit tips
19 regarding [~~report~~] criminal activity relating to the trafficking of
20 persons, as described under Chapter 20A, Penal Code; and

21 (C) financially rewards each individual who
22 submits a tip [~~makes a report~~] described by Paragraph (A) or (B)
23 that leads or substantially contributes to the arrest or
24 apprehension:

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

27 (ii) of a person suspected of engaging in

1 conduct that constitutes an offense under Chapter 20A, Penal Code;
2 [~~and~~]

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

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

12 SECTION 6. Section 414.007, Government Code, is amended to
13 read as follows:

14 Sec. 414.007. CONFIDENTIALITY OF CRIME STOPPERS [~~COUNCIL~~]
15 RECORDS. A record relating to a tip received under Section 414.0015
16 maintained by the council, a crime stoppers organization, a law
17 enforcement agency, a school district, or an open-enrollment
18 charter school, including the identity of the person who submitted
19 the tip, is [~~Council records relating to reports of criminal acts~~
20 ~~are~~] confidential and is not subject to disclosure under Chapter
21 552.

22 SECTION 7. Sections 414.008(a), (b), and (e), Government
23 Code, are amended to read as follows:

24 (a) Except as otherwise provided by this section, evidence
25 relating to [~~of~~] a communication between a person submitting a tip
26 under Section 414.0015 [~~report of a criminal act to the council or a~~
27 ~~crime stoppers organization~~] and a [~~the~~] person who accepted the

1 tip under that section [~~report on behalf of the council or~~
2 ~~organization~~] is not admissible in a court or an administrative
3 proceeding.

4 (b) A record [~~Records~~] of the council, [~~or~~] a crime stoppers
5 organization, a law enforcement agency, a school district, or an
6 open-enrollment charter school concerning a tip submitted under
7 Section 414.0015 [~~report of criminal activity~~] may not be compelled
8 to be produced before a court or other tribunal except on a motion:

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

12 (2) filed in a civil case by a plaintiff who alleges
13 that denial of access to the record [~~the records~~] concerning the tip
14 [~~report of criminal activity~~] abrogates any part of a cognizable
15 common law cause of action, if the plaintiff alleging abrogation:

16 (A) was charged with or convicted of a criminal
17 offense based at least partially on the tip [~~report~~] and the charges
18 were dismissed, the plaintiff was acquitted, or the conviction was
19 overturned, as applicable; and

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

24 (e) The court shall return to the council, [~~or~~] crime
25 stoppers organization, law enforcement agency, school district, or
26 open-enrollment charter school the materials that are produced
27 under this section but not disclosed to the movant. The council,

1 ~~[or]~~ crime stoppers organization, law enforcement agency, school
2 district, or open-enrollment charter school shall store the
3 materials at least until the first anniversary of the following
4 appropriate date:

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

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

9 SECTION 8. Section 414.009(a), Government Code, is amended
10 to read as follows:

11 (a) A person who is a member or employee of the council, a
12 crime stoppers organization, a law enforcement agency, a school
13 district, or an open-enrollment charter school or who accepts a tip
14 under Section 414.0015 ~~[report of criminal activity]~~ on behalf of
15 the council or a crime stoppers organization commits an offense if
16 the person intentionally or knowingly discloses ~~[divulges]~~ to a
17 person not a member of or employed by the council, a crime stoppers
18 organization, a law enforcement agency, a school district, or an
19 open-enrollment charter school the ~~[content of a report of a~~
20 ~~criminal act or the]~~ identity of a [the] person who submitted a tip
21 or the content of that tip ~~[made the report]~~ without the person's
22 consent, unless:

23 (1) the person disclosing the information has received
24 authorization to disclose the information from the chief executive
25 of the crime stoppers organization that originally received the
26 tip, and the chief executive has reasonably determined that failing
27 to disclose the identity of a person who submitted the tip creates a

1 probability of imminent physical injury to another; or

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

4 SECTION 9. Sections 414.010(a) and (d), Government Code,
5 are amended to read as follows:

6 (a) Except as provided by Subsection (d), a crime stoppers
7 organization certified by the council to receive money in the form
8 of payments from defendants placed on community supervision under
9 Chapter 42A, Code of Criminal Procedure, or money in the form of
10 repayments of rewards under Articles 37.073 and 42.152, Code of
11 Criminal Procedure, may transfer [~~use~~] not more than 20 percent of
12 the money [~~annually~~] received during each calendar year to accounts
13 used solely to pay costs incurred in administering the organization
14 and shall use the remainder of the money, including any interest
15 earned on the money, only for the payment of rewards to [~~reward~~]
16 persons who submit tips under Section 414.0015 [~~report information~~
17 ~~concerning criminal activity~~]. Not later than January 31 of each
18 year, a crime stoppers organization that receives or expends money
19 under this section shall file a detailed report with the council.

20 (d) A [~~If the amount of funds received by a~~] crime stoppers
21 organization under this section [~~exceeds three times the amount of~~
22 ~~funds that the organization uses to pay rewards during a fiscal year~~
23 ~~based on the average amount of funds used to pay rewards during each~~
24 ~~of the preceding three fiscal years, the organization~~] may deposit
25 excess funds, in an amount established by council rule, [~~the excess~~
26 ~~amount of funds~~] in [~~a~~] separate accounts [~~interest-bearing~~
27 ~~account~~] to be used by the organization solely for law enforcement

1 or public safety purposes relating to crime stoppers or juvenile
2 justice, as established by council rule [~~including intervention,~~
3 ~~apprehension, and adjudication~~]. An organization that deposits
4 excess funds in an account as provided by this subsection may use
5 any interest earned on the funds to pay costs incurred in
6 administering the organization.

7 SECTION 10. Section 414.012, Government Code, is amended to
8 read as follows:

9 Sec. 414.012. STATEWIDE CRIME REPORTING SYSTEMS. The
10 council shall establish a free statewide telephone service and
11 other appropriate systems to allow tips under Section 414.0015
12 [~~information about criminal acts~~] to be submitted [~~reported~~] to the
13 council and shall make the telephone service and other reporting
14 systems accessible at all times to persons residing in areas of the
15 state not served by a crime stoppers organization. The council
16 shall forward any [~~the~~] information it receives [~~received~~] to
17 appropriate crime stoppers organizations, law enforcement
18 agencies, school districts, or open-enrollment charter schools
19 [~~crime stoppers organization~~].

20 SECTION 11. Section 414.013, Government Code, is amended to
21 read as follows:

22 Sec. 414.013. IMMUNITY FROM CIVIL LIABILITY. (a) A person
23 who submits [~~communicates~~] to the council or a crime stoppers
24 organization a tip under Section 414.0015 [~~report of criminal~~
25 ~~activity that leads to the arrest of, the filing of charges against,~~
26 ~~or the conviction of a person for a criminal offense~~] is immune from
27 civil liability for damages resulting from the submission

1 ~~[communication]~~ unless the submission ~~[communication]~~ was:

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

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

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

7 (b) A person who in the course and scope of the person's
8 duties or functions receives, forwards, or acts on a tip submitted
9 under Section 414.0015 ~~[report of criminal activity communicated to~~
10 ~~the council or a crime stoppers organization]~~ is immune from civil
11 liability for damages resulting from an act or omission in the
12 performance of the person's duties or functions unless the act or
13 omission was:

14 (1) intentional or ~~[r]~~ wilfully or wantonly negligent;
15 ~~[r or]~~

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

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

19 SECTION 12. Section 351.901(a), Local Government Code, is
20 amended by amending Subdivision (1) and adding Subdivisions (3) and
21 (4) to read as follows:

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

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

25 (B) accepts ~~[and expends]~~ donations and expends

26 funds for rewards to persons who submit tips under Section

27 414.0015, Government Code ~~[report to the organization information~~

1 ~~about criminal activity]; and~~

2 (C) forwards the information received from tips
3 to the appropriate law enforcement agency, school district, or
4 open-enrollment charter school.

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

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

10 SECTION 13. This Act takes effect September 1, 2019.