

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,

1 Education Code.

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

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

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

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

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

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

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

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

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

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

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

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

27 SECTION 3. Section 414.003, Government Code, is amended to

1 read as follows:

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

- 4                   (1) a per diem as determined by appropriation; and  
5                   (2) reimbursement for actual and necessary expenses  
6 incurred in performing duties as a member.

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

9           Sec. 414.005. DUTIES. The council shall:

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

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

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

19                   (4) promote the process of crime stoppers  
20 organizations to forward information about criminal acts or conduct  
21 or threatened conduct that constitutes a danger to public safety or  
22 an individual to the appropriate law enforcement agencies, school  
23 districts, and open-enrollment charter schools;

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

27                   (6) create specialized programs targeted at detecting

1 specific crimes or types of crimes identified as priorities by the  
2 council, including at least one program that:

3 (A) encourages individuals to report sex  
4 offenders who have failed to register under Chapter 62, Code of  
5 Criminal Procedure;

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

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

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

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

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

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

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

27 Sec. 414.007. CONFIDENTIALITY OF CRIME STOPPERS [~~COUNCIL~~]

1 RECORDS. A record relating to a report [~~Council records relating to~~  
2 ~~reports~~] of a criminal act or conduct or threatened conduct that  
3 constitutes a danger to public safety or an individual received by a  
4 crime stoppers organization or the council, including the identity  
5 of the person who made the report, is [~~acts are~~] confidential and is  
6 not subject to disclosure under Chapter 552.

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

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

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

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

24 (2) filed in a civil case by a plaintiff who alleges  
25 that denial of access to the record [~~the records~~] concerning the  
26 report of criminal activity or conduct or threatened conduct that  
27 constitutes a danger to public safety or an individual abrogates

1 any part of a cognizable common law cause of action, if the  
2 plaintiff alleging abrogation:

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

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

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

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

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

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

25 (a) A person who is a member or employee of the council, a  
26 crime stoppers organization, a law enforcement agency, a school  
27 district, or an open-enrollment charter school or who otherwise

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

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

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

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

19 (C) the report was made to further:

20 (i) the commission of a criminal act; or

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

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

27 SECTION 8. Sections 414.010(a) and (d), Government Code,

1 are amended to read as follows:

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

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



1 ~~apprehension, and adjudication]~~. An organization that deposits  
2 excess funds in an account as provided by this subsection may use  
3 any interest earned on the funds to pay costs incurred in  
4 administering the organization.

5 SECTION 9. Section 414.012, Government Code, is amended to  
6 read as follows:

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

20 SECTION 10. 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 communicates to the council or a crime stoppers organization a  
24 report of criminal activity or conduct or threatened conduct that  
25 constitutes a danger to public safety or an individual [that leads  
26 to the arrest of, the filing of charges against, or the conviction  
27 of a person for a criminal offense] is immune from civil liability

1 for damages resulting from the communication unless the  
2 communication was:

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

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

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

7 or

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

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

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

21 [~~or~~]

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

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

25 or

26 (4) done to further a purpose other than the  
27 protection of public safety or assistance in the prevention or

1 investigation of a criminal act or conduct or threatened conduct  
2 that constitutes a danger to public safety or an individual.

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

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

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

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

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

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

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

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