

House Bill 3316
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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 created under the laws of this state.

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

Sec. 414.0015. CRIME STOPPERS TIPS. The council, a crime stoppers organization, or a person accepting information on behalf of the council or a crime stoppers

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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(a), [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 as provided by Section 414.0015(b); 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(a) [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 as provided by Section 414.0015(b).

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

Sec. 414.0015. CRIME STOPPERS TIPS. (a) The council, a crime stoppers organization, or a person accepting information on behalf of the council or a crime stoppers

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organization may 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;

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

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

SECTION 3. 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.

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organization may 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) A crime stoppers organization may 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) may be forwarded only to the appropriate school district or open-enrollment charter school.

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(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 public school in this state who participates in the Texas Crime Stoppers Ambassador Program as a nonvoting student advisor to the council.

SECTION 4. 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 5. 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 submit tips under Section 414.0015 [~~report 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;

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SECTION 4. Same as House version.

SECTION 5. 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 submit tips under Section 414.0015(a) [~~report 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;

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- (4) promote the process of crime stoppers organizations to forward information from tips submitted under Section 414.0015 ~~[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 submit tips regarding ~~[report]~~ sex offenders who have failed to register under Chapter 62, Code of Criminal Procedure;
- (B) encourages individuals to submit tips regarding ~~[report]~~ criminal activity relating to the trafficking of persons, as described under Chapter 20A, Penal Code; and
- (C) financially rewards each individual who submits a tip ~~[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 increase the detection of criminal activity and other conduct or threatened conduct

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- (4) promote the process of crime stoppers organizations to forward information from tips submitted under Section 414.0015(a) ~~[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 submit tips regarding ~~[report]~~ sex offenders who have failed to register under Chapter 62, Code of Criminal Procedure;
- (B) encourages individuals to submit tips regarding ~~[report]~~ criminal activity relating to the trafficking of persons, as described under Chapter 20A, Penal Code; and
- (C) financially rewards each individual who submits a tip ~~[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 increase the detection of criminal activity and other conduct or threatened conduct

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that may be submitted to a crime stoppers organization under Section 414.0015.

SECTION 6. 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 tip received under Section 414.0015 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 [Council records relating to reports of criminal acts are] confidential and is not subject to disclosure under Chapter 552.

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

(a) Except as otherwise provided by this section, evidence relating to [of] a communication between a person submitting a tip under Section 414.0015 [report of a criminal act to the council or a crime stoppers organization] and a [the] person who accepted the tip under that section [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, [of] a crime stoppers organization, a law enforcement agency, a school district, or an open-enrollment charter school concerning a tip

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that may be submitted to a crime stoppers organization under Section 414.0015(a).

SECTION 6. 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 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 [Council records relating to reports of criminal acts are] confidential and is not subject to disclosure under Chapter 552.

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

(a) Except as otherwise provided by this section, evidence relating to [of] a communication between a person submitting a tip under Section 414.0015(a) [report of a criminal act to the council or a crime stoppers organization] and a [the] person who accepted the tip under that subsection [report on behalf of the council or organization] is not admissible in a court or an administrative proceeding and may not be considered in a hearing regarding the expulsion of a student under Subchapter A, Chapter 37, Education Code, or any other student disciplinary proceeding.

(b) A record [Records] of the council, [of] a crime stoppers organization, a law enforcement agency, a school district, or an open-enrollment charter school concerning a tip

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submitted under Section 414.0015 ~~[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 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 tip ~~[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 tip ~~[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.

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submitted under Section 414.0015(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 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 tip ~~[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 tip ~~[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.

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SECTION 8. 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 accepts a tip under Section 414.0015 ~~[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 submitted a tip or the content of that tip ~~[made the report]~~ without the person's consent, unless:

(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 ~~[of the person who made the report].~~

SECTION 9. 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

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SECTION 8. 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 accepts a tip under Section 414.0015(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 submitted a tip or the content of that tip ~~[made the report]~~ without the person's consent, unless:

(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 ~~[of the person who made the report].~~

SECTION 9. 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

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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 solely 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 submit tips under Section 414.0015 [report information concerning eriminal 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) Δ [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 accounts [interest-bearing aecount] 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 [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 10. Section 414.012, Government Code, is amended to read as follows:

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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 solely 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 submit tips under Section 414.0015(a) [report information concerning eriminal 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) Δ [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 accounts [interest-bearing aecount] 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 [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 10. Section 414.012, Government Code, is amended to read as follows:

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Sec. 414.012. STATEWIDE CRIME REPORTING SYSTEMS. The council shall establish a free statewide telephone service and other appropriate systems to allow tips under Section 414.0015 ~~[information about criminal acts]~~ to be submitted ~~[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 crime stoppers organizations, law enforcement agencies, school districts, or open-enrollment charter schools ~~[crime stoppers organization]~~.

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

Sec. 414.013. IMMUNITY FROM CIVIL LIABILITY. (a) A person who submits ~~[communicates]~~ to the council or a crime stoppers organization a tip under Section 414.0015 ~~[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 submission ~~[communication]~~ unless the submission ~~[communication]~~ was:

- (1) intentionally, wilfully, or wantonly negligent or false;
- (2) made ~~[or done]~~ with conscious indifference or reckless disregard for the safety of others; or
- (3) made to further the commission of a criminal act.

(b) A person who in the course and scope of the person's duties or functions receives, forwards, or acts on a tip submitted under Section 414.0015 ~~[report of criminal activity communicated to the council or a crime stoppers~~

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Sec. 414.012. STATEWIDE CRIME REPORTING SYSTEMS. The council shall establish a free statewide telephone service and other appropriate systems to allow tips under Section 414.0015(a) ~~[information about criminal acts]~~ to be submitted ~~[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 crime stoppers organizations, law enforcement agencies, school districts, or open-enrollment charter schools ~~[crime stoppers organization]~~.

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

Sec. 414.013. IMMUNITY FROM CIVIL LIABILITY. (a) A person who submits ~~[communicates]~~ to the council or a crime stoppers organization a tip under Section 414.0015(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 submission ~~[communication]~~ unless the submission ~~[communication]~~ was:

- (1) intentionally, wilfully, or wantonly negligent or false;
- (2) made ~~[or done]~~ with conscious indifference or reckless disregard for the safety of others; or
- (3) made to further the commission of a criminal act.

(b) A person who in the course and scope of the person's duties or functions receives, forwards, or acts on a tip submitted under Section 414.0015(a) ~~[report of criminal activity communicated to the council or a crime stoppers~~

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~~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~~[-or]~~ wilfully or wantonly negligent; ~~[-or]~~ (2) done with conscious indifference or reckless disregard for the safety of others; or (3) done to further the commission of a criminal act.

SECTION 12. 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 submit tips under Section 414.0015, Government Code ~~[report to the organization information about criminal activity]~~; and
(C) 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 created under the laws of this state.

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

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~~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~~[-or]~~ wilfully or wantonly negligent; ~~[-or]~~ (2) done with conscious indifference or reckless disregard for the safety of others; or (3) done to further the commission of a criminal act.

SECTION 12. 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 submit tips under Section 414.0015(a), Government Code ~~[report to the organization information about criminal activity]~~; and
(C) forwards the information received from tips to the appropriate law enforcement agency, school district, or open-enrollment charter school as provided by Section 414.0015(b), Government Code.

(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 13. Same as House version.

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