

1-1 By: White (Senate Sponsor - Schwertner) H.B. No. 3316
1-2 (In the Senate - Received from the House May 13, 2019;
1-3 May 14, 2019, read first time and referred to Committee on Criminal
1-4 Justice; May 19, 2019, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 6, Nays 0;
1-6 May 19, 2019, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10			X	
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			

1-16 COMMITTEE SUBSTITUTE FOR H.B. No. 3316 By: Whitmire

1-17 A BILL TO BE ENTITLED
1-18 AN ACT

1-19 relating to the Texas Crime Stoppers Council.

1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-21 SECTION 1. Section 414.001, Government Code, is amended by
1-22 amending Subdivision (2) and adding Subdivisions (3) and (4) to
1-23 read as follows:

1-24 (2) "Crime stoppers organization" means:

1-25 (A) a private, nonprofit organization that is
1-26 operated on a local or statewide level, that accepts ~~and expends~~
1-27 donations and expends funds for rewards to persons who submit tips
1-28 under Section 414.0015(a), ~~report to the organization information~~
1-29 ~~about criminal activity~~ and that forwards the information received
1-30 from tips to the appropriate law enforcement agency, school
1-31 district, or open-enrollment charter school as provided by Section
1-32 414.0015(b); or

1-33 (B) a public organization that is operated on a
1-34 local or statewide level, that pays rewards to persons who submit
1-35 tips under Section 414.0015(a) ~~report to the organization~~
1-36 ~~information about criminal activity~~, and that forwards the
1-37 information received from tips to the appropriate law enforcement
1-38 agency, school district, or open-enrollment charter school as
1-39 provided by Section 414.0015(b).

1-40 (3) "Open-enrollment charter school" means a school
1-41 that has been granted a charter under Subchapter D, Chapter 12,
1-42 Education Code.

1-43 (4) "School district" means a public school district
1-44 created under the laws of this state.

1-45 SECTION 2. Chapter 414, Government Code, is amended by
1-46 adding Section 414.0015 to read as follows:

1-47 Sec. 414.0015. CRIME STOPPERS TIPS. (a) The council, a
1-48 crime stoppers organization, or a person accepting information on
1-49 behalf of the council or a crime stoppers organization may accept
1-50 tips submitted by any person regarding:

1-51 (1) criminal activity;

1-52 (2) conduct or threatened conduct that constitutes a
1-53 danger to public safety or an individual; or

1-54 (3) conduct or threatened conduct that would disrupt
1-55 the efficient and effective operations of a school district or
1-56 open-enrollment charter school.

1-57 (b) A crime stoppers organization may forward a tip
1-58 submitted under Subsection (a) to the appropriate law enforcement
1-59 agency, school district, or open-enrollment charter school, except
1-60 that a tip regarding conduct or threatened conduct described only

2-1 by Subsection (a)(3) may be forwarded only to the appropriate
2-2 school district or open-enrollment charter school.

2-3 SECTION 3. Section 414.002, Government Code, is amended by
2-4 amending Subsections (b), (c), and (d) and adding Subsection (e) to
2-5 read as follows:

2-6 (b) The council consists of five voting members appointed by
2-7 the governor with the advice and consent of the senate. At least
2-8 three members must be:

2-9 (1) a current or former official or employee of a
2-10 school district or open-enrollment charter school; or

2-11 (2) a person [persons] who has [have] participated in
2-12 a crime stoppers organization in any of the following capacities:

2-13 (A) [~~(1)~~] as a law enforcement coordinator;

2-14 (B) [~~(2)~~] as a member of the board of directors;

2-15 (C) [~~(3)~~] as a media representative; or

2-16 (D) [~~(4)~~] as an administrative officer.

2-17 (c) The term of office of a voting member is four years.

2-18 (d) At its first meeting after the beginning of each fiscal
2-19 year the council shall elect from among its voting members a
2-20 chairman and other officers that the council considers necessary.

2-21 (e) In addition to the voting members appointed under
2-22 Subsection (b), the council may annually appoint a current student
2-23 of a public school in this state who participates in the Texas Crime
2-24 Stoppers Ambassador Program as a nonvoting student advisor to the
2-25 council.

2-26 SECTION 4. Section 414.003, Government Code, is amended to
2-27 read as follows:

2-28 Sec. 414.003. PER DIEM AND EXPENSES. A voting member of the
2-29 council is entitled to:

2-30 (1) a per diem as determined by appropriation; and

2-31 (2) reimbursement for actual and necessary expenses
2-32 incurred in performing duties as a member.

2-33 SECTION 5. Section 414.005, Government Code, is amended to
2-34 read as follows:

2-35 Sec. 414.005. DUTIES. The council shall:

2-36 (1) encourage, advise, and assist in the creation of
2-37 crime stoppers organizations;

2-38 (2) foster the detection of crime and encourage
2-39 persons to submit tips under Section 414.0015(a) [~~report~~
2-40 ~~information about criminal acts~~];

2-41 (3) encourage news and other media to [~~broadcast~~
2-42 ~~reenactments and to~~] inform the public of the functions of crime
2-43 stoppers organizations' operations and programs;

2-44 (4) promote the process of crime stoppers
2-45 organizations to forward information from tips submitted under
2-46 Section 414.0015(a) [~~about criminal acts~~] to the appropriate law
2-47 enforcement agencies, school districts, and open-enrollment
2-48 charter schools;

2-49 (5) help law enforcement agencies detect and combat
2-50 crime by increasing the flow of information to and between law
2-51 enforcement agencies;

2-52 (6) create specialized programs targeted at detecting
2-53 specific crimes or types of crimes identified as priorities by the
2-54 council, including at least one program that:

2-55 (A) encourages individuals to submit tips
2-56 regarding [~~report~~] sex offenders who have failed to register under
2-57 Chapter 62, Code of Criminal Procedure;

2-58 (B) encourages individuals to submit tips
2-59 regarding [~~report~~] criminal activity relating to the trafficking of
2-60 persons, as described under Chapter 20A, Penal Code; and

2-61 (C) financially rewards each individual who
2-62 submits a tip [~~makes a report~~] described by Paragraph (A) or (B)
2-63 that leads or substantially contributes to the arrest or
2-64 apprehension:

2-65 (i) of a sex offender who has failed to
2-66 register under Chapter 62, Code of Criminal Procedure; or

2-67 (ii) of a person suspected of engaging in
2-68 conduct that constitutes an offense under Chapter 20A, Penal Code;
2-69 [~~and~~]

3-1 (7) encourage, advise, and assist crime stoppers
 3-2 organizations in implementing any programs created under
 3-3 Subdivision (6), including a program specifically described by
 3-4 Subdivision (6); and

3-5 (8) encourage, advise, and assist in the creation of
 3-6 campus-based crime stoppers organizations to increase the
 3-7 detection of criminal activity and other conduct or threatened
 3-8 conduct that may be submitted to a crime stoppers organization
 3-9 under Section 414.0015(a).

3-10 SECTION 6. Section 414.007, Government Code, is amended to
 3-11 read as follows:

3-12 Sec. 414.007. CONFIDENTIALITY OF CRIME STOPPERS [COUNCIL]
 3-13 RECORDS. A record relating to a tip received under Section
 3-14 414.0015(a) maintained by the council, a crime stoppers
 3-15 organization, a law enforcement agency, a school district, or an
 3-16 open-enrollment charter school, including the identity of the
 3-17 person who submitted the tip, is [Council records relating to
 3-18 reports of criminal acts are] confidential and is not subject to
 3-19 disclosure under Chapter 552.

3-20 SECTION 7. Sections 414.008(a), (b), and (e), Government
 3-21 Code, are amended to read as follows:

3-22 (a) Except as otherwise provided by this section, evidence
 3-23 relating to ~~[of]~~ a communication between a person submitting a tip
 3-24 under Section 414.0015(a) ~~[report of a criminal act to the council~~
 3-25 ~~or a crime stoppers organization]~~ and a ~~[the]~~ person who accepted
 3-26 the tip under that subsection ~~[report on behalf of the council or~~
 3-27 ~~organization]~~ is not admissible in a court or an administrative
 3-28 proceeding and may not be considered in a hearing regarding the
 3-29 expulsion of a student under Subchapter A, Chapter 37, Education
 3-30 Code, or any other student disciplinary proceeding.

3-31 (b) A record ~~[Records]~~ of the council, ~~[or]~~ a crime stoppers
 3-32 organization, a law enforcement agency, a school district, or an
 3-33 open-enrollment charter school concerning a tip submitted under
 3-34 Section 414.0015(a) ~~[report of criminal activity]~~ may not be
 3-35 compelled to be produced before a court or other tribunal except on
 3-36 a motion:

3-37 (1) filed in a criminal trial court by a defendant who
 3-38 alleges that the record ~~[records or report]~~ contains evidence that
 3-39 is exculpatory to the defendant in the trial of that offense; or

3-40 (2) filed in a civil case by a plaintiff who alleges
 3-41 that denial of access to the record ~~[the records]~~ concerning the tip
 3-42 ~~[report of criminal activity]~~ abrogates any part of a cognizable
 3-43 common law cause of action, if the plaintiff alleging abrogation:

3-44 (A) was charged with or convicted of a criminal
 3-45 offense based at least partially on the tip ~~[report]~~ and the charges
 3-46 were dismissed, the plaintiff was acquitted, or the conviction was
 3-47 overturned, as applicable; and

3-48 (B) in the motion establishes a prima facie case
 3-49 that the plaintiff's abrogated claim is based on injuries from the
 3-50 criminal charge or conviction caused by the wrongful acts of
 3-51 another performed in connection with the tip ~~[report]~~.

3-52 (e) The court shall return to the council, ~~[or]~~ crime
 3-53 stoppers organization, law enforcement agency, school district, or
 3-54 open-enrollment charter school the materials that are produced
 3-55 under this section but not disclosed to the movant. The council,
 3-56 ~~[or]~~ crime stoppers organization, law enforcement agency, school
 3-57 district, or open-enrollment charter school shall store the
 3-58 materials at least until the first anniversary of the following
 3-59 appropriate date:

3-60 (1) the date of expiration of the time for all direct
 3-61 appeals in a criminal case; or

3-62 (2) the date a plaintiff's right to appeal in a civil
 3-63 case is exhausted.

3-64 SECTION 8. Section 414.009(a), Government Code, is amended
 3-65 to read as follows:

3-66 (a) A person who is a member or employee of the council, a
 3-67 crime stoppers organization, a law enforcement agency, a school
 3-68 district, or an open-enrollment charter school or who accepts a tip
 3-69 under Section 414.0015(a) [report of criminal activity] on behalf

4-1 of the council or a crime stoppers organization commits an offense
 4-2 if the person intentionally or knowingly discloses [~~divulges~~] to a
 4-3 person not a member of or employed by the council, a crime stoppers
 4-4 organization, a law enforcement agency, a school district, or an
 4-5 open-enrollment charter school the [~~content of a report of a~~
 4-6 ~~criminal act or the~~] identity of a [~~the~~] person who submitted a tip
 4-7 or the content of that tip [~~made the report~~] without the person's
 4-8 consent, unless:

4-9 (1) the person disclosing the information has received
 4-10 authorization to disclose the information from the chief executive
 4-11 of the crime stoppers organization that originally received the
 4-12 tip, and the chief executive has reasonably determined that failing
 4-13 to disclose the identity of a person who submitted the tip creates a
 4-14 probability of imminent physical injury to another; or

4-15 (2) the disclosure is otherwise required by law or
 4-16 court order [~~of the person who made the report~~].

4-17 SECTION 9. Sections 414.010(a) and (d), Government Code,
 4-18 are amended to read as follows:

4-19 (a) Except as provided by Subsection (d), a crime stoppers
 4-20 organization certified by the council to receive money in the form
 4-21 of payments from defendants placed on community supervision under
 4-22 Chapter 42A, Code of Criminal Procedure, or money in the form of
 4-23 repayments of rewards under Articles 37.073 and 42.152, Code of
 4-24 Criminal Procedure, may transfer [~~use~~] not more than 20 percent of
 4-25 the money [~~annually~~] received during each calendar year to accounts
 4-26 used solely to pay costs incurred in administering the organization
 4-27 and shall use the remainder of the money, including any interest
 4-28 earned on the money, only for the payment of rewards to [~~reward~~
 4-29 ~~persons who submit tips under Section 414.0015(a)~~] [~~report~~
 4-30 ~~information concerning criminal activity~~]. Not later than January
 4-31 31 of each year, a crime stoppers organization that receives or
 4-32 expends money under this section shall file a detailed report with
 4-33 the council.

4-34 (d) A [~~If the amount of funds received by a~~] crime stoppers
 4-35 organization under this section [~~exceeds three times the amount of~~
 4-36 ~~funds that the organization uses to pay rewards during a fiscal year~~
 4-37 ~~based on the average amount of funds used to pay rewards during each~~
 4-38 ~~of the preceding three fiscal years, the organization~~] may deposit
 4-39 excess funds, in an amount established by council rule, [the excess
 4-40 amount of funds] in [~~a~~] separate accounts [~~interest-bearing~~
 4-41 ~~account~~] to be used by the organization solely for law enforcement
 4-42 or public safety purposes relating to crime stoppers or juvenile
 4-43 justice, as established by council rule [~~including intervention,~~
 4-44 ~~apprehension, and adjudication~~]. An organization that deposits
 4-45 excess funds in an account as provided by this subsection may use
 4-46 any interest earned on the funds to pay costs incurred in
 4-47 administering the organization.

4-48 SECTION 10. Section 414.012, Government Code, is amended to
 4-49 read as follows:

4-50 Sec. 414.012. STATEWIDE CRIME REPORTING SYSTEMS. The
 4-51 council shall establish a free statewide telephone service and
 4-52 other appropriate systems to allow tips under Section 414.0015(a)
 4-53 [~~information about criminal acts~~] to be submitted [~~reported~~] to the
 4-54 council and shall make the telephone service and other reporting
 4-55 systems accessible at all times to persons residing in areas of the
 4-56 state not served by a crime stoppers organization. The council
 4-57 shall forward any [~~the~~] information it receives [~~received~~] to
 4-58 appropriate crime stoppers organizations, law enforcement
 4-59 agencies, school districts, or open-enrollment charter schools
 4-60 [~~crime stoppers organization~~].

4-61 SECTION 11. Section 414.013, Government Code, is amended to
 4-62 read as follows:

4-63 Sec. 414.013. IMMUNITY FROM CIVIL LIABILITY. (a) A person
 4-64 who submits [~~communicates~~] to the council or a crime stoppers
 4-65 organization a tip under Section 414.0015(a) [~~report of criminal~~
 4-66 ~~activity that leads to the arrest of, the filing of charges against,~~
 4-67 ~~or the conviction of a person for a criminal offense~~] is immune from
 4-68 civil liability for damages resulting from the submission
 4-69 [~~communication~~] unless the submission [~~communication~~] was:

5-1 (1) intentionally, wilfully, or wantonly negligent or
5-2 false;

5-3 (2) made [~~or done~~] with conscious indifference or
5-4 reckless disregard for the safety of others; or

5-5 (3) made to further the commission of a criminal act.

5-6 (b) A person who in the course and scope of the person's
5-7 duties or functions receives, forwards, or acts on a tip submitted
5-8 under Section 414.0015(a) [~~report of criminal activity~~
5-9 ~~communicated to the council or a crime stoppers organization~~ is
5-10 immune from civil liability for damages resulting from an act or
5-11 omission in the performance of the person's duties or functions
5-12 unless the act or omission was:

5-13 (1) intentional or [~~r~~] wilfully or wantonly negligent;
5-14 [~~r or~~]

5-15 (2) done with conscious indifference or reckless
5-16 disregard for the safety of others; or

5-17 (3) done to further the commission of a criminal act.

5-18 SECTION 12. Section 351.901(a), Local Government Code, is
5-19 amended by amending Subdivision (1) and adding Subdivisions (3) and
5-20 (4) to read as follows:

5-21 (1) "Crime stoppers organization" means a private,
5-22 nonprofit organization or a public organization that:

5-23 (A) is operated on a local or statewide level;

5-24 (B) accepts [~~and expends~~] donations and expends
5-25 funds for rewards to persons who submit tips under Section
5-26 414.0015(a), Government Code [~~report to the organization~~
5-27 ~~information about criminal activity~~]; and

5-28 (C) forwards the information received from tips
5-29 to the appropriate law enforcement agency, school district, or
5-30 open-enrollment charter school as provided by Section 414.0015(b),
5-31 Government Code.

5-32 (3) "Open-enrollment charter school" means a school
5-33 that has been granted a charter under Subchapter D, Chapter 12,
5-34 Education Code.

5-35 (4) "School district" means a public school district
5-36 created under the laws of this state.

5-37 SECTION 13. This Act takes effect September 1, 2019.

5-38 * * * * *