

By: Schwertner

S.B. No. 2213

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the operations of the Texas Crime Stoppers Council and
3 crime stoppers organizations.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section [414.001](#), Government Code, is amended by
6 amending Subdivision (2) and adding Subdivisions (3), (4), and (5)
7 to read as follows:

8 (2) "Crime stoppers organization" means:

9 (A) a private, nonprofit organization that is
10 operated on a local or statewide level, that accepts ~~and expends~~
11 donations and expends funds for rewards to persons who report to the
12 organization public safety tips ~~[information about criminal~~
13 ~~activity]~~ and that forwards the information to the appropriate law
14 enforcement agency, school district, or open-enrollment charter
15 school; or

16 (B) a public organization that is operated on a
17 local or statewide level, that pays rewards to persons who report to
18 the organization public safety tips ~~[information about criminal~~
19 ~~activity]~~, and that forwards the information to the appropriate law
20 enforcement agency, school district, or open-enrollment charter
21 school.

22 (3) "Open-enrollment charter school" means a school
23 that has been granted a charter under Subchapter D, Chapter [12](#),
24 Education Code.

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

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

13 SECTION 2. Section 414.005, Government Code, is amended to
14 read as follows:

15 Sec. 414.005. DUTIES. The council shall:

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

18 (2) foster the detection of crime and encourage
19 persons to report public safety tips [~~information about criminal~~
20 ~~acts~~];

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

24 (4) promote the process of crime stoppers
25 organizations to forward public safety tips [~~information about~~
26 ~~criminal acts~~] to the appropriate law enforcement agencies, school
27 districts, and open-enrollment charter schools;

1 (5) help law enforcement agencies detect and combat
2 crime by increasing the flow of information to and between law
3 enforcement agencies;

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

7 (A) encourages individuals to report sex
8 offenders who have failed to register under Chapter 62, Code of
9 Criminal Procedure;

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

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

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

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

21 (7) encourage, advise, and assist crime stoppers
22 organizations in implementing any programs created under
23 Subdivision (6), including a program specifically described by
24 Subdivision (6); and

25 (8) encourage, advise, and assist in the creation of
26 campus-based crime stoppers organizations to address criminal
27 activity, conduct or threatened conduct that constitutes a danger

1 to public safety or an individual, conduct or threatened conduct
2 that would disrupt the efficient and effective operations of a
3 school district or open-enrollment charter school, or other
4 activity of interest to law enforcement agencies, school districts,
5 or open-enrollment charter schools, including truancy and school
6 rule violations.

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

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

16 SECTION 4. Sections 414.008(a), (b), and (e), Government
17 Code, are amended to read as follows:

18 (a) Except as otherwise provided by this section, evidence
19 of a public safety tip [~~a communication between a person submitting~~
20 ~~a report of a criminal act to the council or a crime stoppers~~
21 ~~organization and the person who accepted the report on behalf of the~~
22 ~~council or organization~~] is not admissible in a court or an
23 administrative proceeding.

24 (b) A record [~~Records~~] of the council, [~~or~~] a crime stoppers
25 organization, a law enforcement agency, a school district, or an
26 open-enrollment charter school concerning a public safety tip [~~a~~
27 ~~report of criminal activity~~] may not be compelled to be produced

1 before a court or other tribunal except on a motion:

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

5 (2) filed in a civil case by a plaintiff who alleges
6 that denial of access to the record [~~the records~~] concerning the
7 public safety tip [~~report of criminal activity~~] abrogates any part
8 of a cognizable common law cause of action, if the plaintiff
9 alleging abrogation:

10 (A) was charged with or convicted of a criminal
11 offense based at least partially on the report and the charges were
12 dismissed, the plaintiff was acquitted, or the conviction was
13 overturned, as applicable; and

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

18 (e) The court shall return to the council, ~~or~~ crime
19 stoppers organization, law enforcement agency, school district, or
20 open-enrollment charter school the materials that are produced
21 under this section but not disclosed to the movant. The council,
22 ~~or~~ crime stoppers organization, law enforcement agency, school
23 district, or open-enrollment charter school shall store the
24 materials at least until the first anniversary of the following
25 appropriate date:

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

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

3 SECTION 5. Section 414.009(a), Government Code, is amended
4 to read as follows:

5 (a) A person who is a member or employee of the council, a
6 crime stoppers organization, a law enforcement agency, a school
7 district, or an open-enrollment charter school, or who receives a
8 public safety tip from or ~~[who accepts a report of criminal~~
9 ~~activity]~~ on behalf of the council or a crime stoppers
10 organization, commits an offense if the person intentionally or
11 knowingly discloses ~~[divulges]~~ to a person not a member of or
12 employed by the council, a crime stoppers organization, a law
13 enforcement agency, a school district, or an open-enrollment
14 charter school the ~~[content of a report of a criminal act or the]~~
15 identity of a ~~[the]~~ person who made a public safety tip or the
16 content of a public safety tip ~~[the report]~~ without the consent of
17 the person who made the report, unless:

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

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

25 SECTION 6. Sections 414.010(a) and (d), Government Code,
26 are amended to read as follows:

27 (a) Except as provided by Subsection (d), a crime stoppers

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

14 (d) If the amount of funds accumulated ~~[received]~~ by a crime
15 stoppers organization under this section exceeds ~~[three times]~~ the
16 total amount of ~~[funds that the organization uses to pay]~~ rewards
17 paid by the organization during ~~[a fiscal year based on the average~~
18 ~~amount of funds used to pay rewards during each of]~~ the preceding
19 three fiscal years, the organization may deposit the excess amount
20 of funds in a separate ~~[interest-bearing]~~ account to be used by the
21 organization for crime solving and crime prevention ~~[law~~
22 ~~enforcement]~~ purposes of the organization ~~[relating to crime~~
23 ~~stoppers or juvenile justice]~~, including intervention,
24 apprehension, and adjudication. An organization that deposits
25 excess funds in an account as provided by this subsection may use
26 any interest earned on the funds to pay costs incurred in
27 administering the organization.

1 SECTION 7. Section 414.012, Government Code, is amended to
2 read as follows:

3 Sec. 414.012. STATEWIDE CRIME REPORTING SYSTEMS. The
4 council shall establish a free statewide telephone service and
5 other appropriate systems to allow public safety tips [~~information~~
6 ~~about criminal acts~~] to be reported to the council and shall make
7 the telephone service and other reporting systems accessible at all
8 times to persons residing in areas of the state not served by a
9 crime stoppers organization. The council shall forward any [~~the~~]
10 information it receives [~~received~~] to appropriate law enforcement
11 agencies or crime stoppers organization.

12 SECTION 8. Section 414.013, Government Code, is amended to
13 read as follows:

14 Sec. 414.013. IMMUNITY FROM CIVIL LIABILITY. (a) A person
15 who communicates to the council or a crime stoppers organization a
16 public safety tip [~~a report of criminal activity that leads to the~~
17 ~~arrest of, the filing of charges against, or the conviction of a~~
18 ~~person for a criminal offense~~] is immune from civil liability for
19 damages resulting from the communication unless the communication
20 was intentionally, wilfully, or wantonly negligent or done with
21 conscious indifference or reckless disregard for the safety of
22 others.

23 (b) A person who in the course and scope of the person's
24 duties or functions receives, forwards, or acts on a public safety
25 tip [~~a report of criminal activity~~] communicated to the council or a
26 crime stoppers organization is immune from civil liability for
27 damages resulting from an act or omission in the performance of the

1 person's duties or functions unless the act or omission was
2 intentionally, wilfully, or wantonly negligent or done with
3 conscious indifference or reckless disregard for the safety of
4 others.

5 SECTION 9. Section 351.901(a), Local Government Code, is
6 amended by amending Subdivision (1) and adding Subdivisions (3) and
7 (4) to read as follows:

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

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

11 (B) accepts ~~and expends~~ donations and expends
12 funds for rewards to persons who report to the organization
13 information about criminal activity, conduct or threatened conduct
14 that constitutes a danger to public safety or an individual,
15 conduct or threatened conduct that would disrupt the efficient and
16 effective operations of a school district or open-enrollment
17 charter school, or other activity of interest to law enforcement
18 agencies, school districts, or open-enrollment charter schools,
19 including truancy and school rule violations; and

20 (C) forwards the information to the appropriate
21 law enforcement agency, school district, or open-enrollment
22 charter school.

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

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

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