

## Chapter 1172

H.B. No. 3316

### 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(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,

1 Education Code.

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

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

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

10 (1) criminal activity;

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

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

16 (b) A crime stoppers organization may forward a tip  
17 submitted under Subsection (a) to the appropriate law enforcement  
18 agency, school district, or open-enrollment charter school, except  
19 that a tip regarding conduct or threatened conduct described only  
20 by Subsection (a)(3) may be forwarded only to the appropriate  
21 school district or open-enrollment charter school.

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

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

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

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

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

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

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

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

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

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

13           (e) In addition to the voting members appointed under  
14 Subsection (b), the council may annually appoint a current student  
15 of a public school in this state who participates in the Texas Crime  
16 Stoppers Ambassador Program as a nonvoting student advisor to the  
17 council.

18           SECTION 4. Section 414.003, Government Code, is amended to  
19 read as follows:

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

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

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

25           SECTION 5. Section 414.005, Government Code, is amended to  
26 read as follows:

27           Sec. 414.005. DUTIES. The council shall:

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

3 (2) foster the detection of crime and encourage  
4 persons to submit tips under Section 414.0015(a) [~~report~~  
5 ~~information about criminal acts~~];

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

9 (4) promote the process of crime stoppers  
10 organizations to forward information from tips submitted under  
11 Section 414.0015(a) [~~about criminal acts~~] to the appropriate law  
12 enforcement agencies, school districts, and open-enrollment  
13 charter schools;

14 (5) help law enforcement agencies detect and combat  
15 crime by increasing the flow of information to and between law  
16 enforcement agencies;

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

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

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

26 (C) financially rewards each individual who  
27 submits a tip [~~makes a report~~] described by Paragraph (A) or (B)

1 that leads or substantially contributes to the arrest or  
2 apprehension:

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

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

8 (7) encourage, advise, and assist crime stoppers  
9 organizations in implementing any programs created under  
10 Subdivision (6), including a program specifically described by  
11 Subdivision (6); and

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

17 SECTION 6. Section 414.007, Government Code, is amended to  
18 read as follows:

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

27 SECTION 7. Sections 414.008(a), (b), and (e), Government

1 Code, are amended to read as follows:

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

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

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

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

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

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

5 (e) The court shall return to the council, [~~or~~] crime  
6 stoppers organization, law enforcement agency, school district, or  
7 open-enrollment charter school the materials that are produced  
8 under this section but not disclosed to the movant. The council,  
9 [~~or~~] crime stoppers organization, law enforcement agency, school  
10 district, or open-enrollment charter school shall store the  
11 materials at least until the first anniversary of the following  
12 appropriate date:

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

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

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

19 (a) A person who is a member or employee of the council, a  
20 crime stoppers organization, a law enforcement agency, a school  
21 district, or an open-enrollment charter school or who accepts a tip  
22 under Section 414.0015(a) [~~report of criminal activity~~] on behalf  
23 of the council or a crime stoppers organization commits an offense  
24 if the person intentionally or knowingly discloses [~~divulges~~] to a  
25 person not a member of or employed by the council, a crime stoppers  
26 organization, a law enforcement agency, a school district, or an  
27 open-enrollment charter school the [~~content of a report of a~~

1 ~~criminal act or the~~ identity of a ~~[the]~~ person who submitted a tip  
2 or the content of that tip ~~[made the report]~~ without the person's  
3 consent, unless:

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

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

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

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



1 the council.

2 (d) A [~~If the amount of funds received by a~~] crime stoppers  
3 organization under this section [~~exceeds three times the amount of~~  
4 ~~funds that the organization uses to pay rewards during a fiscal year~~  
5 ~~based on the average amount of funds used to pay rewards during each~~  
6 ~~of the preceding three fiscal years, the organization~~] may deposit  
7 excess funds, in an amount established by council rule, [~~the excess~~  
8 ~~amount of funds~~] in [~~a~~] separate accounts [~~interest-bearing~~  
9 ~~account~~] to be used by the organization solely for law enforcement  
10 or public safety purposes relating to crime stoppers or juvenile  
11 justice, as established by council rule [~~including intervention,~~  
12 ~~apprehension, and adjudication~~]. An organization that deposits  
13 excess funds in an account as provided by this subsection may use  
14 any interest earned on the funds to pay costs incurred in  
15 administering the organization.

16 SECTION 10. Section 414.012, Government Code, is amended to  
17 read as follows:

18 Sec. 414.012. STATEWIDE CRIME REPORTING SYSTEMS. The  
19 council shall establish a free statewide telephone service and  
20 other appropriate systems to allow tips under Section 414.0015(a)  
21 [~~information about criminal acts~~] to be submitted [~~reported~~] to the  
22 council and shall make the telephone service and other reporting  
23 systems accessible at all times to persons residing in areas of the  
24 state not served by a crime stoppers organization. The council  
25 shall forward any [~~the~~] information it receives [~~received~~] to  
26 appropriate crime stoppers organizations, law enforcement  
27 agencies, school districts, or open-enrollment charter schools

1 ~~[crime stoppers organization]~~.

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

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

11 (1) intentionally, wilfully, or wantonly negligent or  
12 false;

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

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

16 (b) A person who in the course and scope of the person's  
17 duties or functions receives, forwards, or acts on a tip submitted  
18 under Section 414.0015(a) ~~[report of criminal activity~~  
19 ~~communicated to the council or a crime stoppers organization]~~ is  
20 immune from civil liability for damages resulting from an act or  
21 omission in the performance of the person's duties or functions  
22 unless the act or omission was:

23 (1) intentional or ~~[r]~~ wilfully or wantonly negligent;  
24 ~~[r or]~~

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

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

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

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

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

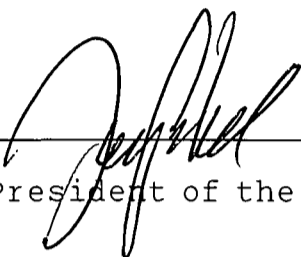
7 (B) accepts ~~[and expends]~~ donations and expends  
8 funds for rewards to persons who submit tips under Section  
9 414.0015(a), Government Code ~~[report to the organization~~  
10 ~~information about criminal activity]~~; and

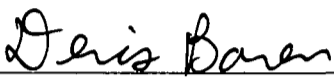
11 (C) forwards the information received from tips  
12 to the appropriate law enforcement agency, school district, or  
13 open-enrollment charter school as provided by Section 414.0015(b),  
14 Government Code.

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

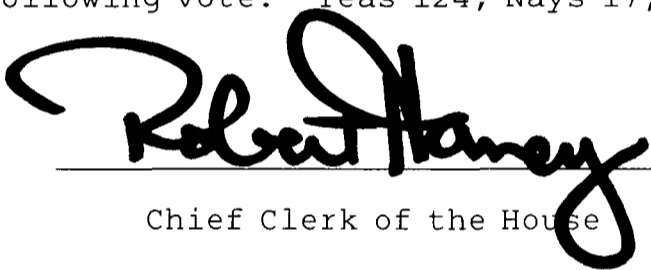
18 (4) "School district" means a public school district  
19 created under the laws of this state.

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

  
\_\_\_\_\_  
President of the Senate

  
\_\_\_\_\_  
Speaker of the House

I certify that H.B. No. 3316 was passed by the House on May 10, 2019, by the following vote: Yeas 131, Nays 10, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 3316 on May 24, 2019, by the following vote: Yeas 124, Nays 17, 2 present, not voting.

  
\_\_\_\_\_  
Chief Clerk of the House

I certify that H.B. No. 3316 was passed by the Senate, with amendments, on May 22, 2019, by the following vote: Yeas 31, Nays 0.

  
\_\_\_\_\_  
Secretary of the Senate

APPROVED: 6-11-2019

Date

  
\_\_\_\_\_  
Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
10:00am O'CLOCK

JUN 14 2019

  
\_\_\_\_\_  
Secretary of State