

## **BILL ANALYSIS**

C.S.H.B. 3316  
By: White  
Public Education  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Based on recommendations in Governor Abbott's *School and Firearm Safety Action Plan*, there have been calls to expand campus crime stoppers programs by such means as expanding the types of tips that can be reported to crime stoppers organizations and involving public school districts and open-enrollment charter schools in the reporting process. C.S.H.B. 3316 provides for these changes.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Crime Stoppers Council in SECTION 9 of this bill.

### **ANALYSIS**

C.S.H.B. 3316 amends the Government Code to revise and update provisions relating to the Texas Crime Stoppers Council. The bill authorizes the appointment of a current or former official or employee of a public school district or an open-enrollment charter school granted a charter under the Education Code to be a member of the council as an alternative to appointing a person who has participated in a crime stoppers organization in certain capacities for purposes of the requirement to appoint at least three qualified members of the council. The bill authorizes the council to annually appoint a current student of a public school in Texas who participates in the Texas crime stoppers ambassador program as a nonvoting student advisor to the council.

C.S.H.B. 3316 authorizes the council, a crime stoppers organization, or a person accepting information on behalf of the council or a crime stoppers organization to accept tips submitted by any person regarding the following:

- criminal activity;
- conduct or threatened conduct that constitutes a danger to public safety or an individual or that would disrupt the efficient and effective operations of a district or charter school; or
- any other activity that may be of interest to a law enforcement agency, district, or charter school, including truancy or school rule violations.

C.S.H.B. 3316 makes statutory provisions relating to reports of information about certain criminal activity to the council, a crime stoppers organization, or person acting on behalf of the council or an organization applicable to such a tip.

C.S.H.B. 3316 revises the duties of the council by:

- requiring the council to promote the process of crime stoppers organizations to forward information from submitted tips to appropriate law enforcement agencies, districts, and charter schools;
- requiring the council to 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 that may be submitted as a tip; and
- removing the requirement for the council to encourage news and other media to broadcast reenactments.

C.S.H.B. 3316 revises statutory provisions relating to the confidentiality of council records to make a record relating to a tip received by the council, a crime stoppers organization, or an applicable person that is maintained by the council, a crime stoppers organization, a law enforcement agency, a district, or a charter school confidential and exempt from disclosure under state public information law. The bill, for purposes of statutory provisions relating to information of the council or a crime stoppers organization that is privileged, includes a record of a law enforcement agency, a district, or a charter school concerning a tip among the records that may not be compelled to be produced before a court or other tribunal except on certain motions. The bill makes requirements relating to the return and storage of materials produced under such provisions applicable to material of a law enforcement agency, district, or charter school.

C.S.H.B. 3316 revises the conduct that constitutes the offense of misuse of information by a council member or employee to make it an offense for a person who is a member or employee of the council, a crime stoppers organization, a law enforcement agency, a district, or a charter school who, on behalf of the council or a crime stoppers organization, accepts a tip and intentionally or knowingly discloses to a person who is not a member or employed by such an entity the identity of a person who submitted a tip or the content of that tip that reveals the identity of a person who made the tip without the person's consent and sets out exceptions to the application of the offense.

C.S.H.B. 3316 revises statutory provisions relating to the deposit by a certified crime stoppers organization of money in excess of money used to pay administrative costs and rewards for tips by removing conditions on the deposit of such funds and by authorizing the deposit of excess funds in an amount established by council rule in a separate account 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.

C.S.H.B. 3316 includes appropriate crime stoppers organizations, districts, and charter schools among the entities to which the council is required to forward any information relating to tips that the council receives through the free statewide telephone service and other appropriate systems.

C.S.H.B. 3316, for purposes of granting a person immunity from civil liability for damages resulting from that person's submission of a tip to the council or a crime stoppers organization, removes the condition that the tip must lead to the arrest of, the filing of charges against, or the conviction of a person for a criminal offense. The bill includes as an exception to immunity from civil liability under these provisions that the submission was false or made to further the commission of a criminal act.

C.S.H.B. 3316 extends certain immunity from civil liability to a person who in the course and scope of the person's duties or functions receives, forwards, or acts on a submitted tip for damages resulting from the person's act or omission in the performance of the person's duties or functions. The bill includes as an exception to immunity from civil liability for a person who in the course and scope of the person's duties or functions receives, forwards, or acts on a tip that the act or omission was done to further the commission of a criminal act.

C.S.H.B. 3316 amends the Local Government Code to make conforming changes.

**EFFECTIVE DATE**

September 1, 2019.

**COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 3316 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute includes a provision authorizing the council, a crime stoppers organization, or a person accepting information on behalf of the council or a crime stoppers organization to accept tips submitted by any person regarding specified activities and conduct. The substitute makes certain provisions relating to a report of information about criminal activity applicable to such a tip.

The substitute revises the bill's exception to the application of the offense of misuse of information by a council member or employee.

The substitute includes as an exception to immunity from civil liability for damages resulting from the submission of a tip that the submission was false. The substitute does not include as an exception to immunity from civil liability for damages resulting from the submission of a tip or from a person's act or omission in the performance of the person's duties or functions in connection with a tip that the submission or the act or omission was done to further a purpose other than the protection of public safety or assistance in the prevention or investigation of certain criminal acts or conduct or threatened conduct.

The substitute does not include allowing tips to be submitted to crime stoppers organizations, law enforcement agencies, districts, and charter schools among the purposes for which the council is required to establish a free statewide telephone service and other appropriate systems.

The substitute specifies that a current student that the council may annually appoint to serve on the council is a current student of a public school.