

BILL ANALYSIS

Senate Research Center

H.B. 546
By: Bosse (Whitmire)
Jurisprudence
5-9-97
Engrossed

DIGEST

The Charitable Immunity and Liability Act of 1987, Chapter 84 of the Texas Civil Practice and Remedies Code, provides civil liability protection for "charitable organizations." Section 84.003(1) of the Civil Practice and Remedies Code provides a dual definition of "charitable organization." The first definition refers to organizations that are exempt from federal income tax under Section 501 of the Internal Revenue Code of 1986, and the second definition recognizes organizations without regard to tax-exempt status under Section 501 of the Internal Revenue Code. Both definitions require that the organization be organized exclusively for at least one of the recognized charitable purposes. The Woodforest Citizens on Patrol, a citizen group consisting of volunteers who patrol their neighborhood and observe and report criminal activity, questioned whether their organization was covered under the Charitable Immunity and Liability Act of 1987. It has been determined that there may be a question as to coverage under the Act of charitable organizations such as the Woodforest Citizens on Patrol that are organized exclusively for crime prevention or law enforcement purposes. This bill would provide civil liability protection for certain neighborhood crime prevention or patrol organizations.

PURPOSE

As proposed, H.B. 546 provides civil liability protection for charitable organizations whose purpose is neighborhood crime prevention or patrol by expanding the definition of "charitable organization" under the Charitable Immunity and Liability Act of 1987, Chapter 84 of the Texas Civil Practice and Remedies Code.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 84.003(1), Civil Practice and Remedies Code, to redefine "charitable organization" to include certain entities organized and operated for neighborhood crime prevention or patrol purposes. Makes conforming changes.

SECTION 2. Effective date: September 1, 1997.
Makes application of this Act prospective.

SECTION 3. Emergency clause.