

## **BILL ANALYSIS**

Senate Research Center

C.S.S.B. 1546  
By: Ogden  
Criminal Justice  
4-16-97  
Committee Report (Substituted)

### **DIGEST**

Currently, the Crime Stoppers Advisory Council (council) certifies, advises, and assists in the creation of crime stoppers organizations. Certified crime stoppers organizations may receive payments from defendants on community supervision and reward repayments. Local crime stopper programs may use up to 10 percent of this money for program administration, and must use the remainder as rewards for persons who provide information leading to the arrests of criminals. Problems have arisen because some crime stoppers organizations have accumulated a significant balance of unused reward money. At least 12 jurisdictions have leftover accounts in excess of \$30,000, and at least one has an account in excess of \$800,000. Current law does not address several potential concerns relating to these accounts. This legislation would require crime stoppers organizations to maintain separate reward accounts for funds received from defendants and those received from private donations, and would require that interest earned on funds received from defendants be used only to pay rewards. C.S.S.B. 1546 would also clarify how funds held by a dissolved or decertified organization are to be handled.

### **PURPOSE**

As proposed, C.S.S.B. 1546 establishes the operation of a crime stoppers organization.

### **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 351.901(a), Local Government Code, to define "crime stoppers organization."

SECTION 2. Amends Section 414.001(2), Government Code, to delete the definition of "local crime stoppers program" and add a definition for "crime stoppers organization."

SECTION 3. Amends Section 414.002(b), Government Code, to require at least three members of the Crime Stoppers Advisory Council (council) to be persons who have participated in a crime stoppers organization, rather than in a local crime stoppers program.

SECTION 4. Amends Section 414.005, Government Code, to make conforming changes.

SECTION 5. Amends Sections 414.008(a), (b), and (e), Government Code, to make conforming changes.

SECTION 6. Amends Section 414.009(a), Government Code, to make a conforming change.

SECTION 7. Amends Section 414.010, Government Code, as amended by Chapters 321 and 756, Acts of the 74th Legislature, Regular Session, 1995, as follows:

Sec. 414.010. New heading: PAYMENTS FROM DEFENDANTS ON COMMUNITY SUPERVISION; REWARD REPAYMENTS. Prohibits a crime stoppers organization certified by the council to receive money in the form of payments from certain defendants or

repayments of rewards under Articles 37.073 and 42.152, Code of Criminal Procedure, from using more than a certain amount to pay costs incurred in administering the organization, and shall use the remainder of the money, including any interest earned on the money, only for certain purposes. Requires a crime stoppers organization that receives or expends money to file a report by a certain date. Requires a crime stoppers organization to establish a separate reward account for money received under this section. Sets forth requirements for dissolved or decertified crime stoppers organizations.

SECTION 8. Amends Section 414.011, Government Code, as follows:

Sec. 414.011. New heading: CERTIFICATION OF ORGANIZATIONS TO RECEIVE PAYMENTS AND REWARD REPAYMENTS. Requires the council, on application by an organization, to determine whether the organization is qualified to receive repayments of rewards or payments from a defendant, rather than probationer. Deletes the previous provisions regarding repayments to organizations. Makes conforming changes.

SECTION 9. Amends Section 414.012, Government Code, to make conforming changes.

SECTION 10. Amends Article 37.073, Code of Criminal Procedure, to make conforming changes.

SECTION 11. Amends Section 11(a), Article 42.12, Code of Criminal Procedure, as amended by Chapters 76, 258, 318, and 595, Acts of the 74th Legislature, Regular Session, 1995, to make conforming changes.

SECTION 12. Amends Article 42.152, Code of Criminal Procedure, to make conforming changes.

SECTION 13. Amends Articles 102.013(g) and (i), Code of Criminal Procedure, to make conforming changes.

SECTION 14. Effective date: September 1, 1997.

SECTION 15. Emergency clause.

### **SUMMARY OF COMMITTEE CHANGES**

Amends the relating clause to establish the operation of a crime stoppers organization, and delete the reference to reward funds.

Makes technical corrections.

SECTION 3.

Adds Section 414.002(b), Government Code, to make a conforming change.

SECTION 7.

Amends Section 414.010, Government Code, to change the section heading. Amends the terms by which an organization is prohibited from using more than a certain amount of money received annually from payments and repayments of rewards to pay administrative costs, and shall use the remainder, including interest earned, to reward certain persons. Deletes the provisions regarding limitation of the size of the crime stoppers organizations' reward accounts. Changes the provisions regarding dissolved or decertified organizations' remaining funds.

SECTION 8.

Amends Section 414.011, Government Code, to replace all references to "program" with

"organization," and all references to "probationer" with "defendant."

SECTION 14.

Changes the effective date from "upon passage" to "September 1, 1997."