

## **BILL ANALYSIS**

Senate Research Center

H.B. 1036  
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Criminal Justice  
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Engrossed

### **DIGEST AND PURPOSE**

Currently, evidence of a communication between a person and a crime stoppers organization is not admissible in a criminal court proceeding. The criminal court may review materials related to the tip and provide evidence to the criminal defendant that may be useful to the defendant's case. However, there is no effective access to this same information in a civil proceeding of a person exonerated of the criminal charges. H.B. 1036 allows a person who is charged in a criminal case based on a crime stoppers tip, is exonerated of the charges, and then files a civil suit, to submit crime stoppers records as proof of his or her claims in the civil suit. This bill also establishes immunity from civil liability for certain persons making or receiving those reports.

### **RULEMAKING AUTHORITY**

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

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 414.008, Government Code, as follows:

- (a) Provides that evidence of a communication between a person and a crime stoppers organization is not admissible in a court or an administrative proceeding, except as otherwise provided by this section.
- (b) Prohibits records of the Crime Stoppers Advisory Council (council) or a crime stoppers organization concerning criminal activity reports from compelled production before a court or other tribunal except on certain motions, including a motion filed in a criminal trial court by a defendant who alleges the report contains exculpatory evidence or a motion filed by a plaintiff in a civil case who alleges that denial of access to information and records relating to the exoneration of the criminal activity will deny him effective access to the civil courts.
- (c) Deletes language referring to defendant and replaces with movant. Provides that the court will conduct an in camera inspection of materials produced under subpoena to determine whether the materials contain information necessary to a civil plaintiff in addition to evidence that is exculpatory to the defendant. Makes nonsubstantive changes.
- (d) Makes conforming changes.
- (e) Requires the council or crime stoppers organization to store the materials produced under this section until a certain date. Makes conforming changes.

SECTION 2. Amends Chapter 414, Government Code, by adding Section 414.013, as follows:

Sec. 414.013. IMMUNITY FROM CIVIL LIABILITY. (a) Provides that a person who communicates to the council or a crime stoppers organization a report of criminal activity that leads to the arrest of, the filing of charges against, or the conviction of a person for a criminal offense is immune from civil liability for damages resulting from the communication unless the communication was intentionally, wilfully, or wantonly negligent or done with conscious indifference or reckless disregard for the safety of others.

(b) Provides that a person who in the course and scope of the person's duties or functions receives, forwards, or acts on a report of criminal activity communicated to the council or a crime stoppers organization is immune from civil liability for damages resulting from an act or omission in the performance of the person's duties or functions unless the act or omission was intentional, wilfully or wantonly negligent, or done with conscious indifference or reckless disregard for the safety of others.

SECTION 3. (a) Effective date: September 1, 2003.

(b) Makes application of this Act prospective.