

CHAPTER 711

S.B. No. 475

AN ACT

relating to the availability to a defendant of certain materials obtained through a crime stoppers advisory program or a local crime stoppers program and to the certification of local crime stoppers programs to receive certain payments from defendants.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 414.008, Government Code, is amended by amending Subsection (b) and adding Subsections (c), (d), and (e) to read as follows:

(b) Records of the council or a local crime stoppers program concerning a report of criminal activity may not be compelled to be produced before a court or other tribunal except on the motion of a criminal defendant to the court in which the offense is being tried that the records or report contains evidence that is exculpatory to the defendant in the trial of that offense [~~order of the supreme court~~].

(c) On motion of a defendant under Subsection (b), the court may subpoena the records or report. The court shall conduct an in camera inspection of materials produced under subpoena to determine whether the materials contain evidence that is exculpatory to the defendant.

(d) If the court determines that the materials produced contain evidence that is exculpatory to the defendant, the court shall present the evidence to the defendant in a form that does not disclose the identity of the person who was the source of the evidence, unless the state or federal constitution requires the disclosure of that person's identity. The court shall execute an affidavit accompanying the disclosed materials swearing that, in the opinion of the court, the materials disclosed represent the exculpatory evidence the defendant is entitled to receive under this section.

(e) The court shall return to the council or to the local crime stoppers program materials that are produced under this section but not disclosed to the defendant. The council or local crime stoppers program shall store the materials until the conclusion of the criminal trial and the expiration of the time for all direct appeals in the case.

SECTION 2. Subsections (a) and (b), Section 414.011, Government Code, are amended to read as follows:

(a) The council shall, on application by a local crime stoppers program [~~at the request of a judge~~], determine whether a local crime stoppers program is qualified to receive repayments of rewards under Articles 37.072 and 42.151, Code of Criminal Procedure, or payments from a probationer under Article 42.12, Code of Criminal Procedure. The council shall certify [~~approve~~] a local crime stoppers program to receive those repayments or payments if, considering the organization, continuity, leadership, community support, and general conduct of the program, the council determines that the repayments or payments will be spent to further the crime prevention purposes of the program.

(b) Each local crime stoppers program certified by the council to receive repayments under Articles 37.072 and 42.151, Code of Criminal Procedure, or payments from a probationer under Article 42.12, Code of Criminal Procedure, is subject to an annual audit by an independent accounting firm and must submit the audit to the council for review.

SECTION 3. This Act takes effect September 1, 1993.

SECTION 4. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed the Senate on March 17, 1993: Yeas 31, Nays 0; passed the House on May 26, 1993, by a non-record vote.

Approved June 16, 1993.

Effective Sept. 1, 1993.