



854106

LEGISLATIVE ACTION

Senate

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House

The Committee on Judiciary (Steube) recommended the following:

Senate Amendment (with title amendment)

Delete lines 29 - 71

and insert:

(b) "Privileged communication" means a communication made to a crime stoppers organization for the purpose of reporting alleged criminal activity.

(c) "Protected information" includes the identity of a person who engages in privileged communication with a crime stoppers program and any records, recordings, oral or written statements, papers, documents, or other tangible things provided



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12 to or collected by a crime stoppers organization, a law
13 enforcement crime stoppers coordinator or his or her staff, or a
14 law enforcement agency in connection with such privileged
15 communication.

16 (2) A person who engages in privileged communication under
17 this section, a law enforcement crime stoppers coordinator or
18 his or her staff, or an officer, director, or employee of a
19 crime stoppers organization may not be required:

20 (a) To disclose, by way of testimony or any other means, a
21 privileged communication or protected information unless such
22 failure to disclose would infringe on the constitutional rights
23 of an accused person.

24 (b) To produce, under subpoena, any records, documentary
25 evidence, opinions, or decisions relating to such privileged
26 communication or protected information:

27 1. In connection with a criminal case, criminal proceeding,
28 or any administrative hearing; or

29 2. By way of any discovery procedure.

30 (3) (a) A person charged with a criminal offense may
31 petition the court for inspection in camera of the protected
32 information. The petition must allege that the protected
33 information meets all of the following criteria:

34 1. Provides evidence favorable to the defendant.

35 2. Is specifically related to the determination of the
36 innocence or guilt of the defendant.

37 3. Is such that, if it is not disclosed, will cause a
38 deprivation of a constitutional right of the defendant.

39 (b) If the court determines that all of the criteria
40 specified in paragraph (a) are satisfied, the court may order



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41 the production and disclosure of all or any part of the
42 protected information, while, to the fullest extent possible,
43 protecting the identity of the persons who engaged in privileged
44 communication.

45 (4) A person, other than the person who provides the
46 privileged communication, who discloses any information related
47 to privileged communication or protected information to a person
48 other than a law enforcement officer or an employee of a law
49 enforcement agency commits a

50
51 ===== T I T L E A M E N D M E N T =====

52 And the title is amended as follows:

53 Delete lines 6 - 7

54 and insert:

55 her staff, or an officer, director, or employee a
56 crime stoppers organization from being required