

HB 1091 -- PRIVILEGED COMMUNICATIONS

SPONSOR: Hovis

COMMITTEE ACTION: Voted "Do Pass" by the Standing Committee on Public Safety by a vote of 6 to 0.

This bill specifies that no person will be required to disclose, by testimony or otherwise, a privileged communication between a person who submits a report of alleged criminal activity to a crime stoppers organization and the person who accepts the report on behalf of the organization or to produce, under subpoena, any records, documentary evidence, opinions, or decisions related to the privileged communication, as specified in the bill.

Any person arrested or charged with a criminal offense may petition the court for private inspection of the records of a privileged communication concerning the person made to a crime stoppers organization. The petition must allege facts showing that the records would provide evidence favorable to the defendant and relevant to the issue of guilt or punishment. If the court determines that the person is entitled to any or all of the records, the court may order production and disclosure as it deems appropriate.

PROPOSERS: Supporters say that this gives us the ability to protect privileged communication. Crimestoppers has been the most successful crime solving and crime stopping organization in the history of the state. Many people do not care about a reward; they just want to be able to report anonymously without a danger to themselves by being seen as "snitches." There is a safety mechanism in the bill for people who are convicted of crimes: they can petition for the Crimestoppers records if they believe there is exculpatory evidence in the records that would be favorable to them. Other states have these Crimestoppers protections.

Testifying for the bill was Representative Hovis.

OPPOSERS: Those who oppose the bill submitted written testimony, which can be found online.

Testifying against the bill was Arnie C. Dienoff.

Written testimony has been submitted for this bill. The full written testimony can be found under Testimony on the bill page on the House website.