

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1142 Session of 2018

INTRODUCED BY BROWNE, HUGHES, MARTIN, COSTA, EICHELBERGER, TOMLINSON, LANGERHOLC, VULAKOVICH, VOGEL, GORDNER, FONTANA, ARGALL, SABATINA, BREWSTER, SCHWANK, RESCHENTHALER, BOSCOLA, BLAKE, LEACH, YUDICHAK, FARNESE, HAYWOOD, TARTAGLIONE, WILLIAMS, KILLION, RAFFERTY, MENSCH, REGAN, STEFANO AND BARTOLOTTA, APRIL 20, 2018

AS AMENDED ON THIRD CONSIDERATION, MAY 21, 2018

AN ACT

1 Establishing the Safe2Say Program; and providing methods of
2 anonymous reporting concerning unsafe activities in schools.

3 The General Assembly of the Commonwealth of Pennsylvania
4 hereby enacts as follows:

5 Section 1. Short title.

6 This act shall be known and may be cited as the Safe2Say Act.

7 SECTION 2. INTENT.

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8 THE GENERAL ASSEMBLY FINDS AND DECLARES AS FOLLOWS:

9 (1) OVER THE PAST SEVERAL YEARS, SCHOOL SHOOTINGS HAVE
10 BECOME MORE FREQUENT. THE RECENT SCHOOL SHOOTINGS HAVE SHOWN
11 THE NEED FOR ROBUST INFORMATION SHARING AND COMMUNICATION
12 BETWEEN SCHOOLS AND LAW ENFORCEMENT. THE COMMUNICATION IS
13 NECESSARY TO PREVENT SCHOOL VIOLENCE.

14 (2) IT IS VITAL THAT THE COMMONWEALTH TAKE AVAILABLE
15 MEASURES TO CREATE SAFE AND WELCOMING SCHOOL COMMUNITIES.
16 PROVIDING STUDENTS, TEACHERS AND COMMUNITIES WITH AN

1 ANONYMOUS REPORTING MECHANISM IS A PROVEN IMPORTANT TOOL IN
2 CREATING SAFE AND WELCOMING SCHOOL COMMUNITIES.

3 (3) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE
4 SAFE2SAY PROGRAM BE A ONE-STOP SHOP FOR STUDENTS, TEACHERS
5 AND COMMUNITY MEMBERS TO REPORT BEHAVIOR PERCEIVED TO BE
6 THREATENING TO AN INDIVIDUAL OR A SCHOOL ENTITY. REPORTS MADE
7 THROUGH THE ANONYMOUS REPORTING SYSTEM WILL BE REFERRED TO
8 LOCAL SCHOOLS, LAW ENFORCEMENT AND/OR ORGANIZATIONS.

9 (4) THE INTENT OF THE GENERAL ASSEMBLY IS FOR THE
10 SAFE2SAY PROGRAM TO SUPPLEMENT, NOT REPLACE, 911 SERVICES.
11 THE SAFE2SAY PROGRAM IS INTENDED TO FACILITATE INCREASED
12 COMMUNICATION BETWEEN LAW ENFORCEMENT, SCHOOL DISTRICTS AND
13 ORGANIZATIONS.

14 (5) IT IS NOT THE INTENT OF THE GENERAL ASSEMBLY THAT
15 THE SAFE2SAY PROGRAM BE USED AS A DISCIPLINARY TOOL FOR
16 SCHOOL EMPLOYEES. HOWEVER, THERE MAY BE INSTANCES WHERE
17 INFORMATION OBTAINED THROUGH THE PROGRAM MAY BE SHARED WITH
18 AND USED BY SCHOOL OFFICIALS.

19 (6) THE SAFE2SAY PROGRAM IS NOT MEANT TO BE A TOOL FOR
20 LAW ENFORCEMENT. HOWEVER, THERE MAY BE INSTANCES WHERE
21 INFORMATION OBTAINED THROUGH THE PROGRAM MAY BE SHARED WITH
22 AND USED BY LAW ENFORCEMENT.

23 Section 2 3. Definitions. <--

24 The following words and phrases when used in this act shall
25 have the meanings given to them in this section unless the
26 context clearly indicates otherwise:

27 "Attorney General." The Attorney General of the
28 Commonwealth.

29 "In camera review." An inspection of materials by the court,
30 in chambers, to determine what materials ~~are discoverable.~~ <--

1 ~~"Law enforcement agency." The Office of Attorney General, a~~
2 ~~district attorney's office or an agency that employs a law~~
3 ~~enforcement officer.~~ MAY BE PRODUCED OR OTHERWISE PROVIDED TO <--
4 ANOTHER PARTY.

5 "LAW ENFORCEMENT AGENCY." A POLICE DEPARTMENT OF A CITY,
6 BOROUGH, INCORPORATED TOWN OR TOWNSHIP, THE PENNSYLVANIA STATE
7 POLICE, DISTRICT ATTORNEYS' OFFICES AND THE OFFICE.

8 "Office." The Office of Attorney General of the
9 Commonwealth.

10 "Program." The Safe2Say Program established under section
11 ~~3(a)~~ 4(A). <--

12 "RECORD OF THE PROGRAM." A RECORD CREATED BY THE OFFICE ON A <--
13 TIP RECEIVED FROM THE PROGRAM.

14 "SCHOOL ENTITY." ANY SCHOOL DISTRICT, INCLUDING A CHARTER
15 SCHOOL OR CYBER CHARTER SCHOOL, PRIVATE SCHOOL, NONPUBLIC
16 SCHOOL, INTERMEDIATE UNIT OR AREA VOCATIONAL-TECHNICAL SCHOOL
17 OPERATING WITHIN THIS COMMONWEALTH.

18 Section ~~3~~ 4. Safe2Say Program. <--

19 (a) Establishment.--The Safe2Say Program is established
20 within the office.

21 (b) Administration.--The Attorney General shall administer
22 the program established under this act pursuant to the
23 requirements under subsection (c).

24 (c) Program requirements.--Beginning January 1, 2019, the
25 program shall contain all of the following procedures:

26 (1) ~~For~~ TO ENSURE anonymous reporting concerning unsafe, <--
27 potentially harmful, dangerous, violent or criminal
28 activities in ~~schools~~ A SCHOOL ENTITY or the threat of the <--
29 activities in ~~schools~~ A SCHOOL ENTITY. <--

30 (2) TO ESTABLISH PROTOCOLS AND PROCEDURES TO PROMPTLY <--

1 NOTIFY THE APPROPRIATE LAW ENFORCEMENT AGENCY VIA 911 CENTERS
2 WHEN THE PROGRAM RECEIVES AN ANONYMOUS REPORT OF VIOLENT OR
3 CRIMINAL ACTIVITIES IN A SCHOOL ENTITY THAT POSES AN
4 IMMEDIATE THREAT OF VIOLENCE OR CRIMINAL ACTIVITY.

5 ~~(2)~~ (3) To ensure that the identity of the individual <--
6 making a report remains unknown to any person, including law
7 enforcement officers and employees of the office.

8 ~~(3)~~ (4) To ensure that information obtained from an <--
9 individual making a report who voluntarily discloses his or
10 her identity and verifies that he or she is willing to be
11 identified may be shared with law enforcement officers,
12 employees of the office and school officials.

13 ~~(4)~~ (5) To ensure that if the identity of an individual <--
14 making a report becomes known through a means other than
15 voluntary disclosure, the identity is not further disclosed.

16 ~~(5)~~ (6) To promptly establish procedures to PROMPTLY <--
17 forward information received by the program to the
18 appropriate law enforcement agency, school official or
19 organization, as determined by the office. The office may not
20 be held liable for investigation of a report made to the
21 program following confirmation of receipt of the report by
22 the appropriate law enforcement agency, school official or
23 organization.

24 ~~(6)~~ (7) To train or provide instruction to individuals, <--
25 including, but not limited to, emergency dispatch centers, <--
26 ~~schools and school districts~~ AND SCHOOL ENTITIES, on <--
27 appropriate awareness and response to the program.

28 ~~(7)~~ (8) To provide program awareness and education <--
29 materials to ~~participating schools and school districts~~ <--
30 SCHOOL ENTITIES. <--

1 (9) TO, IN CONSULTATION WITH THE DEPARTMENT OF <--
2 EDUCATION, ESTABLISH GUIDELINES SCHOOL ENTITIES MAY UTILIZE
3 TO RESPOND TO A REPORT RECEIVED FROM THE PROGRAM.

4 (10) TO WORK WITH SCHOOL ENTITIES, LOCAL LAW ENFORCEMENT
5 AGENCIES AND ORGANIZATIONS TO IDENTIFY EACH PERSON TO WHOM A
6 REPORT FROM THE PROGRAM WILL BE SENT.

7 (D) SCHOOL ENTITY.--EACH SCHOOL ENTITY SHALL DEVELOP
8 PROCEDURES FOR ASSESSING AND RESPONDING TO REPORTS RECEIVED FROM
9 THE PROGRAM.

10 ~~Section 4. Confidentiality.~~ <--

11 ~~(a) Disclosure. A record created or obtained through the~~
12 ~~implementation or operation of the program shall be~~
13 ~~confidential. A person may not disclose a record of the program.~~
14 ~~A record may only be released as authorized under this act.~~

15 SECTION 5. CONFIDENTIALITY. <--

16 (A) DISCLOSURE.--A RECORD CREATED OR OBTAINED THROUGH THE
17 IMPLEMENTATION OR OPERATION OF THE PROGRAM SHALL BE
18 CONFIDENTIAL. A PERSON MAY NOT DISCLOSE A RECORD OF THE PROGRAM
19 EXCEPT:

20 (1) TO PROVIDE NOTICE TO THE APPROPRIATE LAW ENFORCEMENT
21 AGENCY, SCHOOL ENTITY AND ORGANIZATION IN ACCORDANCE WITH THE
22 PROCEDURES ESTABLISHED UNDER SECTION 4.

23 (2) UPON ORDER OF THE COURT AS PROVIDED IN SECTION 6.

24 (b) Right-to-Know.--A record of the program shall not be
25 subject to the act of February 14, 2008 (P.L.6, No.3), known as
26 the Right-to-Know Law.

27 (c) Penalty.--An individual who discloses a record in
28 violation of this section commits a misdemeanor of the ~~first~~ <--
29 THIRD degree. <--

30 (d) Administration.--The office shall promulgate regulations

1 and adopt all guidelines necessary for the establishment of the
2 program and administration of this act, IN CONSULTATION WITH <--
3 STATEWIDE ORGANIZATIONS.

4 (E) FALSE REPORTS.-- <--

5 (1) A PERSON COMMITS A MISDEMEANOR OF THE THIRD DEGREE
6 IF THE PERSON KNOWINGLY OR INTENTIONALLY MAKES A FALSE REPORT
7 TO THE PROGRAM.

8 (2) IF A REPORT FILED WITH THE PROGRAM IS DETERMINED TO
9 BE A FALSE REPORT, INFORMATION ABOUT THE SUBJECT OF THE FALSE
10 REPORT SHALL NOT BE MADE PART OF THE SUBJECT STUDENT'S
11 RECORD.

12 Section 5 6. Judicial proceeding. <--

13 (a) General rule.--A person implementing, operating or
14 working for the program may not be compelled to produce a record
15 except pursuant to a court order. The motion of the Commonwealth
16 or a criminal defendant to the court shall be supported by an
17 affidavit establishing that the material contains evidence.

18 (b) In camera review.--~~If~~ UPON the Commonwealth's or <--
19 criminal defendant's motion ~~is granted~~ under subsection (a), the <--
20 court shall conduct an ex parte in camera review of the record
21 REQUESTED TO BE produced under the motion of the Commonwealth or <--
22 a criminal defendant.

23 (c) Decision by court.--After a review of the record under
24 subsection (b), if the court determines that the record should
25 be released, the court may order the record to be produced to
26 the Commonwealth and criminal defendant pursuant to a protective
27 order that includes:

28 (1) the redaction of the identity of the individual who
29 made the report; and

30 (2) limitations, if any, on the use of the materials.

1 (d) Sealed record.--After a decision by the court under
2 subsection (c), a record not produced to the Commonwealth or a
3 criminal defendant shall be sealed and preserved in the judicial
4 record of the court and may be made available on appeal.

5 (e) Return of record.--After the expiration of any appeal
6 period, the court shall return each record to the program.

7 (f) Standing.--The Attorney General shall have standing in
8 any action to SUPPORT OR oppose the disclosure of a record in <--
9 the custody of the program.

10 Section 6 7. Annual report. <--

11 (a) General rule.--No later than August 1 of each year, the
12 office shall prepare and submit a report to the chairperson and
13 minority chairperson of the Appropriations Committee of the
14 Senate, the chairperson and minority chairperson of the
15 Appropriations Committee of the House of Representatives, the
16 chairperson and minority chairperson of the Education Committee
17 of the Senate and the chairperson and minority chairperson of
18 the Education Committee of the House of Representatives.

19 (b) Contents of report.--The report shall, at a minimum,
20 include:

21 (1) The number of reports received for the previous
22 school year.

23 (2) The total number of reports received since the
24 program began.

25 (3) A breakdown of the reports by type.

26 (4) A breakdown of the method by which the report was
27 received.

28 (5) A breakdown of the report by school ~~district~~ ENTITY. <--

29 (6) The total cost to operate the program, including
30 staffing costs, administrative costs and support costs.

