
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 AND MENSCH, APRIL 20, 2018

REFERRED TO EDUCATION, APRIL 20, 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. Definitions.

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

11 "Attorney General." The Attorney General of the
12 Commonwealth.

13 "In camera review." An inspection of materials by the court,
14 in chambers, to determine what materials are discoverable.

15 "Law enforcement agency." The Office of Attorney General, a
16 district attorney's office or an agency that employs a law

1 enforcement officer.

2 "Office." The Office of Attorney General of the
3 Commonwealth.

4 "Program." The Safe2Say Program established under section
5 3(a).

6 Section 3. Safe2Say Program.

7 (a) Establishment.--The Safe2Say Program is established
8 within the office.

9 (b) Administration.--The Attorney General shall administer
10 the program established under this act pursuant to the
11 requirements under subsection (c).

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

14 (1) For anonymous reporting concerning unsafe,
15 potentially harmful, dangerous, violent or criminal
16 activities in schools or the threat of the activities in
17 schools.

18 (2) To ensure that the identity of the individual making
19 a report remains unknown to any person, including law
20 enforcement officers and employees of the office.

21 (3) To ensure that information obtained from an
22 individual making a report who voluntarily discloses his or
23 her identity and verifies that he or she is willing to be
24 identified may be shared with law enforcement officers,
25 employees of the office and school officials.

26 (4) To ensure that if the identity of an individual
27 making a report becomes known through a means other than
28 voluntary disclosure, the identity is not further disclosed.

29 (5) To promptly establish procedures to forward
30 information received by the program to the appropriate law

1 enforcement agency, school official or organization, as
2 determined by the office. The office may not be held liable
3 for investigation of a report made to the program following
4 confirmation of receipt of the report by the appropriate law
5 enforcement agency, school official or organization.

6 (6) To train or provide instruction to individuals,
7 including, but not limited to, emergency dispatch centers,
8 schools and school districts, on appropriate awareness and
9 response to the program.

10 (7) To provide program awareness and education materials
11 to participating schools and school districts.

12 Section 4. Confidentiality.

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

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

20 (c) Penalty.--An individual who discloses a record in
21 violation of this section commits a misdemeanor of the first
22 degree.

23 (d) Administration.--The office shall promulgate regulations
24 and adopt all guidelines necessary for the establishment of the
25 program and administration of this act.

26 Section 5. Judicial proceeding.

27 (a) General rule.--A person implementing, operating or
28 working for the program may not be compelled to produce a record
29 except pursuant to a court order. The motion of the Commonwealth
30 or a criminal defendant to the court shall be supported by an

1 affidavit establishing that the material contains evidence.

2 (b) In camera review.--If the Commonwealth's or criminal
3 defendant's motion is granted under subsection (a), the court
4 shall conduct an ex parte in camera review of the record
5 produced under the motion of the Commonwealth or a criminal
6 defendant.

7 (c) Decision by court.--After a review of the record under
8 subsection (b), if the court determines that the record should
9 be released, the court may order the record to be produced to
10 the Commonwealth and criminal defendant pursuant to a protective
11 order that includes:

12 (1) the redaction of the identity of the individual who
13 made the report; and

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

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

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

21 (f) Standing.--The Attorney General shall have standing in
22 any action to oppose the disclosure of a record in the custody
23 of the program.

24 Section 6. Annual report.

25 (a) General rule.--No later than August 1 of each year, the
26 office shall prepare and submit a report to the chairperson and
27 minority chairperson of the Appropriations Committee of the
28 Senate, the chairperson and minority chairperson of the
29 Appropriations Committee of the House of Representatives, the
30 chairperson and minority chairperson of the Education Committee

1 of the Senate and the chairperson and minority chairperson of
2 the Education Committee of the House of Representatives.

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

5 (1) The number of reports received for the previous
6 school year.

7 (2) The total number of reports received since the
8 program began.

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

10 (4) A breakdown of the method by which the report was
11 received.

12 (5) A breakdown of the report by school district.

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

15 (7) Any other information the Attorney General deems
16 appropriate.

17 Section 7. Effective date.

18 This act shall take effect immediately.