

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, BARTOLOTTA AND LAUGHLIN, APRIL 20, 2018

AS AMENDED ON THIRD CONSIDERATION, JUNE 5, 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.

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 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 may be produced or

1 otherwise provided to another party.

2 "Law enforcement agency." A police department of a city,  
3 borough, incorporated town or township, the Pennsylvania State  
4 Police, district attorneys' offices and the office.

5 "Office." The Office of Attorney General of the  
6 Commonwealth.

7 "Program." The Safe2Say Program established under section  
8 4(a).

9 "Record of the program." A record created by the office on a  
10 tip received from the program.

11 "School entity." ~~Any~~ A school district, ~~including a charter~~ <--  
12 school ~~or~~, cyber charter school, private school, nonpublic <--  
13 school, intermediate unit or area vocational-technical school  
14 operating within this Commonwealth.

15 Section 4. Safe2Say Program.

16 (a) Establishment.--The Safe2Say Program is established  
17 within the office.

18 ~~(b) Administration.--The Attorney General shall administer~~ <--

19 (B) ADMINISTRATION.--THE ATTORNEY GENERAL SHALL: <--

20 (1) ADMINISTER the program ~~established under this act~~ <--  
21 pursuant to the requirements under subsection (c)~~;~~; AND <--

22 (2) PROMULGATE REGULATIONS AND ADOPT ALL GUIDELINES  
23 NECESSARY FOR THE ESTABLISHMENT OF THE PROGRAM AND  
24 ADMINISTRATION OF THIS ACT, IN CONSULTATION WITH STATEWIDE  
25 ORGANIZATIONS.

26 (c) Program requirements.--Beginning January ~~17~~, 14, 2019, <--  
27 the program shall ~~contain all of the following procedures~~ BE <--  
28 RESPONSIBLE FOR THE FOLLOWING:

29 (1) To ensure anonymous reporting concerning unsafe,  
30 potentially harmful, dangerous, violent or criminal

1 activities in a school entity or the threat of the activities  
2 in a school entity.

3 (2) To establish protocols and procedures to promptly  
4 notify the appropriate law enforcement agency via 911 centers  
5 AND THE PENNSYLVANIA STATE POLICE when the program receives <--  
6 an anonymous report of violent or criminal activities in a  
7 school entity that poses an immediate threat of violence or  
8 criminal activity.

9 (3) To ensure that the identity of the individual making  
10 a report remains unknown to any person, including law  
11 enforcement officers and employees of the office.

12 (4) To ensure that information obtained from an  
13 individual making a report who voluntarily discloses his or  
14 her identity and verifies that he or she is willing to be  
15 identified may be shared with law enforcement officers,  
16 employees of the office and school officials.

17 (5) To ensure that if the identity of an individual  
18 making a report becomes known through a means other than  
19 voluntary disclosure, the identity is not further disclosed.

20 (6) To establish procedures to promptly forward  
21 information received by the program to the appropriate law  
22 enforcement agency, school official or organization, as  
23 determined by the office. The office may not be held liable  
24 for investigation of a report made to the program following  
25 confirmation of receipt of the report by the appropriate law  
26 enforcement agency, school official or organization.

27 (7) To train or provide instruction to individuals,  
28 including, but not limited to, emergency dispatch centers and  
29 school entities, on appropriate awareness and response to the  
30 program.

1 (8) To provide program awareness and education materials  
2 to school entities.

3 (9) To, in consultation with the Department of  
4 Education, establish guidelines school entities may utilize  
5 to respond to a report received from the program.

6 (10) To work with school entities, local law enforcement  
7 agencies and organizations to identify each person to whom a  
8 report from the program will be sent.

9 (d) School entity.--Each school entity shall develop  
10 procedures for assessing and responding to reports received from  
11 the program.

12 Section 5. 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 except:

17 (1) To provide notice to the appropriate law enforcement  
18 agency, school entity and organization in accordance with the  
19 procedures established under section 4.

20 (2) Upon order of the court as provided in section 6 7. <--

21 ~~(b) Right to Know. A record of the program shall not be~~ <--

22 (B) RIGHT-TO-KNOW.--A RECORD OF THE PROGRAM: <--

23 (1) SHALL NOT BE subject to the act of February 14, 2008  
24 (P.L.6, No.3), known as the Right-to-Know Law; AND <--

25 (2) DOES NOT CREATE A RECORD UNDER 18 PA.C.S. CH. 91  
26 (RELATING TO CRIMINAL HISTORY RECORD INFORMATION).

27 (c) Penalty.--An individual who discloses a record in  
28 violation of this section commits a misdemeanor of the third  
29 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 SECTION 6. FALSE REPORTS. <--

7 (A) PENALTY.--A PERSON COMMITS A MISDEMEANOR OF THE THIRD  
8 DEGREE if the person knowingly or intentionally makes a false  
9 report to the program.

10 ~~(2) If a report filed with the program is determined to~~ <--

11 (B) STUDENT RECORDS.--IF A REPORT FILED WITH THE PROGRAM IS <--  
12 DETERMINED TO be a false report, information about the subject  
13 of the false report shall not be made part of the subject  
14 student's record.

15 Section ~~6~~ 7. Judicial proceeding. <--

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

21 (b) In camera review.--Upon the Commonwealth's or criminal  
22 defendant's motion under subsection (a), the court shall conduct  
23 an ex parte in camera review of the record requested to be  
24 produced under the motion of the Commonwealth or a criminal  
25 defendant.

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

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

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

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

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

10 (f) Standing.--The Attorney General shall have standing in  
11 any action to support or oppose the disclosure of a record in  
12 the custody of the program.

13 Section 7 8. Annual report. <--

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

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

24 (1) The number of reports received for the previous  
25 school year.

26 (2) The total number of reports received since the  
27 program began.

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

29 (4) A breakdown of the method by which the report was  
30 received.

- 1           (5) A breakdown of the report by school entity.
- 2           (6) The total cost to operate the program, including
- 3           staffing costs, administrative costs and support costs.
- 4           (7) The total number of false reports received.
- 5           (8) Any other information the Attorney General deems
- 6           appropriate.
- 7 Section 9. Effective date. <--
- 8           This act shall take effect immediately.