
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2515 Session of
2018

INTRODUCED BY FARRY, JUNE 19, 2018

REFERRED TO COMMITTEE ON EDUCATION, JUNE 19, 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
17 anonymous reporting mechanism is a proven important tool in
18 creating safe and welcoming school communities.

1 (3) It is the intent of the General Assembly that the
2 Safe2Say Program be a one-stop shop for students, teachers
3 and community members to report behavior perceived to be
4 threatening to an individual or a school entity. Reports made
5 through the anonymous reporting system will be referred to
6 local schools, law enforcement and/or organizations.

7 (4) The intent of the General Assembly is for the
8 Safe2Say Program to supplement, not replace, 911 services.
9 The Safe2Say Program is intended to facilitate increased
10 communication between law enforcement, school districts and
11 organizations.

12 (5) It is not the intent of the General Assembly that
13 the Safe2Say Program be used as a disciplinary tool for
14 school employees. However, there may be instances where
15 information obtained through the program may be shared with
16 and used by school officials.

17 (6) The Safe2Say Program is not meant to be a tool for
18 law enforcement. However, there may be instances where
19 information obtained through the program may be shared with
20 and used by law enforcement.

21 Section 3. Definitions.

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

25 "Attorney General." The Attorney General of the
26 Commonwealth.

27 "In camera review." An inspection of materials by the court,
28 in chambers, to determine what materials may be produced or
29 otherwise provided to another party.

30 "Law enforcement agency." A police department of a city,

1 borough, incorporated town or township, the Pennsylvania State
2 Police, district attorneys' offices and the office.

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

5 "Program." The Safe2Say Program established under section
6 4(a).

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

9 "School entity." A school district, charter school, cyber
10 charter school, private school, nonpublic school, intermediate
11 unit or area vocational-technical school operating within this
12 Commonwealth.

13 Section 4. Safe2Say Program.

14 (a) Establishment.--The Safe2Say Program is established
15 within the office.

16 (b) Administration.--The Attorney General shall:

17 (1) administer the program pursuant to the requirements
18 under subsection (c); and

19 (2) promulgate regulations and adopt all guidelines
20 necessary for the establishment of the program and
21 administration of this act, in consultation with Statewide
22 organizations.

23 (c) Program requirements.--Beginning January 14, 2019, the
24 program shall be responsible for the following:

25 (1) To ensure anonymous reporting concerning unsafe,
26 potentially harmful, dangerous, violent or criminal
27 activities in a school entity or the threat of the activities
28 in a school entity.

29 (2) To establish protocols and procedures to promptly
30 notify the appropriate law enforcement agency via 911 centers

1 and the Pennsylvania State Police when the program receives
2 an anonymous report of violent or criminal activities in a
3 school entity that poses an immediate threat of violence or
4 criminal activity.

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

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

23 (7) To train or provide instruction to individuals,
24 including, but not limited to, emergency dispatch centers and
25 school entities, on appropriate awareness and response to the
26 program.

27 (8) To provide program awareness and education materials
28 to school entities.

29 (9) To, in consultation with the Department of
30 Education, establish guidelines school entities may utilize

1 to respond to a report received from the program.

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

5 (d) School entity.--Each school entity shall develop
6 procedures for assessing and responding to reports received from
7 the program.

8 Section 5. Confidentiality.

9 (a) Disclosure.--A record created or obtained through the
10 implementation or operation of the program shall be
11 confidential. A person may not disclose a record of the program
12 except:

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

16 (2) Upon order of the court as provided in section 7.

17 (b) Right-to-Know.--A record of the program:

18 (1) shall not be subject to the act of February 14, 2008
19 (P.L.6, No.3), known as the Right-to-Know Law; and

20 (2) does not create a record under 18 Pa.C.S. Ch. 91
21 (relating to criminal history record information).

22 (c) Penalty.--An individual who discloses a record in
23 violation of this section commits a misdemeanor of the third
24 degree.

25 Section 6. False reports.

26 (a) Penalty.--A person commits a misdemeanor of the third
27 degree if the person knowingly or intentionally makes a false
28 report to the program.

29 (b) Student records.--If a report filed with the program is
30 determined to be a false report, information about the subject

1 of the false report shall not be made part of the subject
2 student's record.

3 Section 7. Judicial proceeding.

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

9 (b) In camera review.--Upon the Commonwealth's or criminal
10 defendant's motion under subsection (a), the court shall conduct
11 an ex parte in camera review of the record requested to be
12 produced under the motion of the Commonwealth or a criminal
13 defendant.

14 (c) Decision by court.--After a review of the record under
15 subsection (b), if the court determines that the record should
16 be released, the court may order the record to be produced to
17 the Commonwealth and criminal defendant pursuant to a protective
18 order that includes:

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

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

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

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

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

1 Section 8. Annual report.

2 (a) General rule.--No later than August 1 of each year, the
3 office shall prepare and submit a report to the chairperson and
4 minority chairperson of the Appropriations Committee of the
5 Senate, the chairperson and minority chairperson of the
6 Appropriations Committee of the House of Representatives, the
7 chairperson and minority chairperson of the Education Committee
8 of the Senate and the chairperson and minority chairperson of
9 the Education Committee of the House of Representatives.

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

12 (1) The number of reports received for the previous
13 school year.

14 (2) The total number of reports received since the
15 program began.

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

17 (4) A breakdown of the method by which the report was
18 received.

19 (5) A breakdown of the report by school entity.

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

22 (7) The total number of false reports received.

23 (8) Any other information the Attorney General deems
24 appropriate.

25 Section 9. Effective date.

26 This act shall take effect immediately.