

---

---

THE GENERAL ASSEMBLY OF PENNSYLVANIA

---

HOUSE BILL

No. 2529 Session of  
2018

---

INTRODUCED BY DAVIDSON, KINSEY, WARREN, SANTORA, LONGIETTI,  
MURT, THOMAS, BARRAR, SCHLOSSBERG, STURLA, TAI, KIRKLAND,  
YOUNGBLOOD AND DRISCOLL, JUNE 25, 2018

---

REFERRED TO COMMITTEE ON EDUCATION, JUNE 25, 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

1 creating safe and welcoming school communities.

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

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

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

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

22 Section 3. Definitions.

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

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

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

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

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

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

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

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

14 Section 4. Safe2Say Program.

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

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

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

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

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

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

30 (2) To establish protocols and procedures to promptly

1 notify the appropriate law enforcement agency via 911 centers  
2 and the Pennsylvania State Police when the program receives  
3 an anonymous report of violent or criminal activities in a  
4 school entity that poses an immediate threat of violence or  
5 criminal activity.

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

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

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

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

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

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

30 (9) To, in consultation with the Department of

1 Education, establish guidelines school entities may utilize  
2 to respond to a report received from the program.

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

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

9 Section 5. Confidentiality.

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

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

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

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

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

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

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

26 Section 6. False reports.

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

30 (b) Student records.--If a report filed with the program is

1 determined to be a false report, information about the subject  
2 of the false report shall not be made part of the subject  
3 student's record.

4 Section 7. Judicial proceeding.

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

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

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

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

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

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

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

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

1 the custody of the program.

2 Section 8. Annual report.

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

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

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

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

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

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

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

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

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

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

26 Section 9. Effective date.

27 This act shall take effect immediately.