

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 14-0738.01 Michael Dohr x4347

SENATE BILL 14-002

SENATE SPONSORSHIP

Carroll and Cadman, King, Guzman

HOUSE SPONSORSHIP

Ferrandino and DelGrosso, Stephens, Szabo, Kagan

Senate Committees
Education

House Committees

A BILL FOR AN ACT

101 CONCERNING TRANSFERRING THE SAFE2TELL PROGRAM TO THE
102 DEPARTMENT OF LAW.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/bills summaries>.)

The bill repeals the current safe2tell program and recreates the program in the department of law.

The safe2tell program must:

- ! Establish and maintain methods of anonymous reporting concerning unsafe, potentially harmful, dangerous, violent,

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

or criminal activities in schools or the threat of those activities;

- ! Establish methods and procedures to ensure that the identity of the reporting parties remains unknown to all persons and entities, including law enforcement officers and employees operating the program;
- ! Establish methods and procedures so that information obtained from a reporting party who voluntarily discloses his or her identity and verifies that he or she is willing to be identified may be shared with law enforcement officers, employees operating the program, and with school officials;
- ! Establish methods and procedures to ensure that a reporting party's identity that becomes known through any means other than voluntary disclosure is not further disclosed;
- ! Promptly forward information received by the program to the appropriate law enforcement or public safety agency or school officials;
- ! Train law enforcement dispatch centers, school districts, individual schools, and other entities determined by the attorney general on appropriate awareness and response to safe2tell tips, and;
- ! Provide safe2tell awareness and education materials to participating schools and school districts.

The program must keep safe-2-tell records confidential and to produce them only upon court order. Prior to issuing an order to produce the records, the court must review the records in-camera.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **repeal** article 15.8
3 of title 16.

4 **SECTION 2.** In Colorado Revised Statutes, **add** part 6 to article
5 31 of title 24 as follows:

6 PART 6

7 SAFE2TELL ACT

8 **24-31-601. Short title.** THIS PART 6 SHALL BE KNOWN AND MAYBE
9 CITED AS THE "SAFE2TELL ACT".

1 **24-31-602. Legislative declaration.** (1) THE GENERAL ASSEMBLY
2 HEREBY FINDS AND DECLARES THAT:

3 (a) THE PURPOSE OF THIS PART 6 IS TO EMPOWER STUDENTS AND
4 THE COMMUNITY BY OFFERING A COMPREHENSIVE PROGRAM OF
5 EDUCATION, AWARENESS, AND TRAINING AND A READILY ACCESSIBLE
6 TOOL THAT ALLOWS STUDENTS AND THE COMMUNITY TO EASILY PROVIDE
7 ANONYMOUS INFORMATION ABOUT UNSAFE, POTENTIALLY HARMFUL,
8 DANGEROUS, VIOLENT, OR CRIMINAL ACTIVITIES IN SCHOOLS, OR THE
9 THREAT OF THESE ACTIVITIES, TO APPROPRIATE LAW ENFORCEMENT AND
10 PUBLIC SAFETY AGENCIES AND SCHOOL OFFICIALS; AND

11 (b) THE ABILITY TO ANONYMOUSLY REPORT INFORMATION ABOUT
12 UNSAFE, POTENTIALLY HARMFUL, DANGEROUS, VIOLENT, OR CRIMINAL
13 ACTIVITIES IN SCHOOLS BEFORE OR AFTER THEY HAVE OCCURRED IS
14 CRITICAL IN REDUCING, RESPONDING TO, AND RECOVERING FROM THESE
15 TYPES OF EVENTS IN SCHOOLS.

16 (2) THE GENERAL ASSEMBLY THEREFORE FINDS THAT IT IS
17 APPROPRIATE AND NECESSARY TO PROVIDE FOR THE ANONYMITY OF A
18 PERSON WHO PROVIDES INFORMATION TO LAW ENFORCEMENT AND PUBLIC
19 SAFETY AGENCIES AND SCHOOL OFFICIALS AND TO PROVIDE FOR THE
20 CONFIDENTIALITY OF ASSOCIATED MATERIALS.

21 **24-31-603. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE
22 CONTEXT OTHERWISE REQUIRES;

23 (1) "DEPARTMENT" MEANS THE DEPARTMENT OF LAW.

24 (2) "IN CAMERA REVIEW" MEANS AN INSPECTION OF MATERIALS BY
25 THE COURT, IN CHAMBERS, TO DETERMINE WHAT, IF ANY MATERIALS ARE
26 DISCOVERABLE.

27 (3) "MATERIALS" MEANS ANY RECORDS, REPORTS, CLAIMS,

1 WRITINGS, DOCUMENTS, OR INFORMATION ANONYMOUSLY REPORTED OR
2 INFORMATION RELATED TO THE SOURCE OF MATERIALS.

3 (4) "PROGRAM" MEANS THE SAFE2TELL PROGRAM.

4 **24-31-604. Administration of article.** THE ATTORNEY GENERAL
5 SHALL ADMINISTER THE PROVISIONS OF THIS PART 6.

6 **24-31-605. Delegation of duties.** THE POWERS AND DUTIES
7 VESTED IN THE ATTORNEY GENERAL BY THIS PART 6 MAY BE DELEGATED
8 TO QUALIFIED EMPLOYEES OF THE DEPARTMENT.

9 **24-31-606. Safe2tell program - creation - duties.** (1) THERE IS
10 CREATED, WITHIN THE DEPARTMENT, THE SAFE2TELL PROGRAM.

11 (2) THE PROGRAM MUST:

12 (a) ESTABLISH AND MAINTAIN METHODS OF ANONYMOUS
13 REPORTING CONCERNING UNSAFE, POTENTIALLY HARMFUL, DANGEROUS,
14 VIOLENT, OR CRIMINAL ACTIVITIES IN SCHOOLS OR THE THREAT OF THOSE
15 ACTIVITIES;

16 (b) ESTABLISH METHODS AND PROCEDURES TO ENSURE THAT THE
17 IDENTITY OF THE REPORTING PARTIES REMAINS UNKNOWN TO ALL PERSONS
18 AND ENTITIES, INCLUDING LAW ENFORCEMENT OFFICERS AND EMPLOYEES
19 OPERATING THE PROGRAM;

20 (c) ESTABLISH METHODS AND PROCEDURES SO THAT INFORMATION
21 OBTAINED FROM A REPORTING PARTY WHO VOLUNTARILY DISCLOSES HIS
22 OR HER IDENTITY AND VERIFIES THAT HE OR SHE IS WILLING TO BE
23 IDENTIFIED MAY BE SHARED WITH LAW ENFORCEMENT OFFICERS,
24 EMPLOYEES OPERATING THE PROGRAM, AND WITH SCHOOL OFFICIALS;

25 (d) ESTABLISH METHODS AND PROCEDURES TO ENSURE THAT A
26 REPORTING PARTY'S IDENTITY THAT BECOMES KNOWN THROUGH ANY
27 MEANS OTHER THAN VOLUNTARY DISCLOSURE IS NOT FURTHER DISCLOSED;

1 (e) PROMPTLY FORWARD INFORMATION RECEIVED BY THE
2 PROGRAM TO THE APPROPRIATE LAW ENFORCEMENT OR PUBLIC SAFETY
3 AGENCY OR SCHOOL OFFICIALS;

4 (f) TRAIN LAW ENFORCEMENT DISPATCH CENTERS, SCHOOL
5 DISTRICTS, INDIVIDUAL SCHOOLS, AND OTHER ENTITIES DETERMINED BY
6 THE ATTORNEY GENERAL ON APPROPRIATE AWARENESS AND RESPONSE TO
7 SAFE2TELL TIPS; AND

8 (g) PROVIDE SAFE2TELL AWARENESS AND EDUCATION MATERIALS
9 TO PARTICIPATING SCHOOLS AND SCHOOL DISTRICTS.

10 **24-31-607. In camera review - confidentiality of materials -**

11 **criminal penalty.** (1) (a) THE SAFE2TELL PROGRAM AND PERSONS
12 IMPLEMENTING AND OPERATING THE PROGRAM SHALL NOT BE COMPELLED
13 TO PRODUCE ANY MATERIALS EXCEPT ON THE MOTION OF A CRIMINAL
14 DEFENDANT TO THE COURT IN WHICH THE OFFENSE IS BEING TRIED,
15 SUPPORTED BY AN AFFIDAVIT ESTABLISHING THAT THE MATERIALS
16 CONTAIN IMPEACHMENT EVIDENCE OR EVIDENCE THAT IS EXCULPATORY
17 TO THE DEFENDANT IN THE TRIAL OF THAT OFFENSE.

18 (b) IF THE DEFENDANT'S MOTION IS GRANTED, THE COURT SHALL
19 CONDUCT AN EX PARTE IN CAMERA REVIEW OF MATERIALS PRODUCED
20 UNDER THE DEFENDANT'S SUBPOENA.

21 (c) IF THE COURT DETERMINES THAT THE PRODUCED MATERIALS
22 CONTAIN IMPEACHMENT EVIDENCE OR EVIDENCE THAT IS EXCULPATORY
23 TO THE DEFENDANT, THE COURT SHALL ORDER THE MATERIALS TO BE
24 PRODUCED TO THE DEFENDANT PURSUANT TO A PROTECTIVE ORDER THAT
25 INCLUDES, AT A MINIMUM, THE REDACTION OF THE REPORTING PARTY'S
26 IDENTITY AND LIMITATIONS ON THE USE OF THE MATERIALS, AS NEEDED,
27 UNLESS CONTRARY TO STATE OR FEDERAL LAW. ANY MATERIALS EXCISED

1 PURSUANT TO A JUDICIAL ORDER FOLLOWING THE IN CAMERA REVIEW
2 SHALL BE SEALED AND PRESERVED IN THE RECORDS OF THE COURT, TO BE
3 MADE AVAILABLE TO THE APPELLATE COURT IN THE EVENT OF AN APPEAL.
4 AFTER THE TIME FOR APPEAL HAS EXPIRED, THE COURT SHALL RETURN THE
5 MATERIALS TO THE PROGRAM.

6 (2) (a) MATERIALS CREATED OR OBTAINED THROUGH THE
7 IMPLEMENTATION OR OPERATION OF THE PROGRAM ARE CONFIDENTIAL,
8 AND A PERSON SHALL NOT DISCLOSE THE MATERIAL. THE PROGRAM AND
9 PERSONS IMPLEMENTING OR OPERATING THE PROGRAM MAY BE
10 COMPELLED TO PRODUCE THE MATERIALS ONLY BEFORE A COURT OR
11 OTHER TRIBUNAL AND ONLY PURSUANT TO COURT ORDER FOR AN IN
12 CAMERA REVIEW. ANY SUCH REVIEW SHALL BE LIMITED TO AN INSPECTION
13 OF MATERIALS THAT ARE MATERIAL TO THE SPECIFIC CASE PENDING
14 BEFORE THE COURT. THE ATTORNEY GENERAL ACTING ON BEHALF OF THE
15 SAFE2TELL PROGRAM SHALL HAVE STANDING IN ANY ACTION TO OPPOSE
16 THE DISCLOSURE OF MATERIALS IN THE CUSTODY OF THE SAFE2TELL
17 PROGRAM.

18 (b) A PERSON WHO KNOWINGLY DISCLOSES MATERIALS IN
19 VIOLATION OF THE PROVISIONS OF THIS SUBSECTION (2) COMMITS A CLASS
20 1 MISDEMEANOR.

21 **24-31-608. Transfer of property.** (1) ON JUNE 30, 2014, ALL
22 ITEMS OF PROPERTY, REAL AND PERSONAL, INCLUDING OFFICE FURNITURE
23 AND FIXTURES, BOOKS, DOCUMENTS, AND RECORDS OF SAFE2TELL, AS IT
24 EXISTED PRIOR TO SAID DATE, MAY BE TRANSFERRED TO THE DEPARTMENT
25 OF LAW AND BECOME THE PROPERTY THEREOF; EXCEPT THAT SAFE2TELL,
26 INC., SHALL MAINTAIN OWNERSHIP OF ALL INTELLECTUAL PROPERTY,
27 INCLUDING TRADEMARKS AND SERVICE MARKS, OWNED BY IT PRIOR TO

1 SUCH DATE SUBJECT TO THE PROVISIONS OF SECTION 24-31-609.

2 (2) ON JUNE 30, 2014, ANY MONEYS HELD BY THE SAFE2TELL
3 NONPROFIT MAY BE TRANSFERRED TO THE SAFE2TELL CASH FUND
4 CREATED PURSUANT TO SECTION 24-31-607.

5 **24-31-609. License of intellectual property.** COMMENCING ON
6 JUNE 30, 2014, ALL INTELLECTUAL PROPERTY OF SAFE2TELL, INC.,
7 INCLUDING TRADEMARKS AND SERVICE MARKS, IS LICENSED TO THE
8 DEPARTMENT OF LAW ON A NONEXCLUSIVE, PERPETUAL, PAID-UP BASIS
9 FOR USE BY THE DEPARTMENT OF LAW IN CONNECTION WITH THE
10 PROGRAM, INCLUDING ALL TRADEMARKS OR SERVICE MARKS DEVELOPED
11 BY SAFE2TELL, INC., AT ANY POINT IN THE FUTURE.

12 **24-31-610. Safe2tell cash fund - creation.** (1) THERE IS
13 CREATED IN THE STATE TREASURY THE SAFE2TELL CASH FUND, REFERRED
14 TO IN THIS SECTION AS THE "FUND". MONEYS IN THE FUND ARE SUBJECT TO
15 ANNUAL APPROPRIATION. THE FUND CONSISTS OF:

16 (a) FEES CHARGED BY THE DEPARTMENT OF LAW TO COVER THE
17 ACTUAL COSTS OF PRODUCING AND DISTRIBUTING MANUALS AND OTHER
18 PUBLIC AWARENESS MATERIALS;

19 (b) ANY REVENUES RECEIVED PURSUANT TO 24-31-108 (1) (b) (I);

20 (c) ANY MONEYS HELD BY THE SAFE2TELL NONPROFIT AS OF JUNE
21 30, 2014, THAT ARE TRANSFERRED TO THE FUND PURSUANT TO SECTION
22 24-31-607 (2); AND

23 (d) ANY MONEYS THAT MAY BE APPROPRIATED BY THE GENERAL
24 ASSEMBLY.

25 (2) ALL INTEREST DERIVED FROM THE DEPOSIT AND INVESTMENT
26 OF MONEYS IN THE FUND ARE CREDITED TO THE FUND. AT THE END OF
27 EACH FISCAL YEAR, ALL UNEXPENDED AND UNENCUMBERED MONEYS IN

1 THE FUND REMAIN IN THE FUND AND SHALL NOT BE CREDITED OR
2 TRANSFERRED TO THE GENERAL FUND OR ANY OTHER FUND.

3 **SECTION 3.** In Colorado Revised Statutes, **amend** 22-1-126 as
4 follows:

5 **22-1-126. Safe2tell program.** As described in ~~section~~
6 ~~16-15.8-103, C.R.S.~~, SECTION 24-31-606, C.R.S., there is established the
7 safe2tell program with the primary purpose of providing students and the
8 community with the means to relay information anonymously concerning
9 unsafe, potentially harmful, dangerous, violent, or criminal activities, or
10 the threat of these activities, to appropriate law enforcement and public
11 safety agencies and school officials.

12 **SECTION 4.** In Colorado Revised Statutes, 22-32-109.1, **amend**
13 (1) (b.5) as follows:

14 **22-32-109.1. Board of education - specific powers and duties**
15 **- safe school plan - conduct and discipline code - safe school reporting**
16 **requirements - school response framework - school resource officers**
17 **- definitions.** (1) **Definitions.** As used in this section, unless the context
18 otherwise requires:

19 (b.5) "Community partners" means, collectively, local fire
20 departments, state and local law enforcement agencies, local 911
21 agencies, interoperable communications providers, the safe2tell program
22 described in ~~section 16-15.8-103, C.R.S.~~, SECTION 24-31-606, C.R.S.,
23 local emergency medical service personnel, local mental health
24 organizations, local public health agencies, local emergency management
25 personnel, local or regional homeland security personnel, and school
26 resource officers.

27 **SECTION 5.** In Colorado Revised Statutes, 24-72-204, **amend**

1 (2) (e) as follows:

2 **24-72-204. Allowance or denial of inspection - grounds -**
3 **procedure - appeal - definitions.** (2) (e) Notwithstanding any provision
4 to the contrary in subparagraph (I) of paragraph (a) of this subsection (2),
5 the custodian shall deny the right of inspection of any materials received,
6 made, or kept by the safe2tell program, as described in ~~section~~
7 ~~16-15.8-103, C.R.S., that are confidential pursuant to section~~
8 ~~16-15.8-104, C.R.S.~~ SECTION 24-31-606.

9 **SECTION 6. Act subject to petition - effective date.** This act
10 takes effect at 12:01 a.m. on the day following the expiration of the
11 ninety-day period after final adjournment of the general assembly (August
12 6, 2014, if adjournment sine die is on May 7, 2014); except that, if a
13 referendum petition is filed pursuant to section 1 (3) of article V of the
14 state constitution against this act or an item, section, or part of this act
15 within such period, then the act, item, section, or part will not take effect
16 unless approved by the people at the general election to be held in
17 November 2014 and, in such case, will take effect on the date of the
18 official declaration of the vote thereon by the governor.