

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

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
Finance
Appropriations

House Committees

Judiciary
Finance
Appropriations

A BILL FOR AN ACT

101 CONCERNING TRANSFERRING THE SAFE2TELL PROGRAM TO THE
102 DEPARTMENT OF LAW, AND, IN CONNECTION THEREWITH,
103 MAKING AND REDUCING APPROPRIATIONS.

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/billsummaries>.)

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

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.

HOUSE
2nd Reading Unamended
May 2, 2014

SENATE
3rd Reading Unamended
April 16, 2014

SENATE
Amended 2nd Reading
April 15, 2014

concerning unsafe, potentially harmful, dangerous, violent, 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

1 CITED AS THE "SAFE2TELL ACT".

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

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

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

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

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

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

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

1 (3) "MATERIALS" MEANS ANY RECORDS, REPORTS, CLAIMS,
2 WRITINGS, DOCUMENTS, OR INFORMATION ANONYMOUSLY REPORTED OR
3 INFORMATION RELATED TO THE SOURCE OF MATERIALS.

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

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

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

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

12 (2) THE PROGRAM MUST:

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

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

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

26 (d) ESTABLISH METHODS AND PROCEDURES TO ENSURE THAT A
27 REPORTING PARTY'S IDENTITY THAT BECOMES KNOWN THROUGH ANY

1 MEANS OTHER THAN VOLUNTARY DISCLOSURE IS NOT FURTHER DISCLOSED;

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

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

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

11 **24-31-607. In camera review - confidentiality of materials -**

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

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

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

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

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

19 (b) A PERSON WHO KNOWINGLY DISCLOSES MATERIALS IN
20 VIOLATION OF THE PROVISIONS OF THIS SUBSECTION (2) COMMITS A CLASS
21 1 MISDEMEANOR.

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

1 INCLUDING TRADEMARKS AND SERVICE MARKS, OWNED BY IT PRIOR TO
2 SUCH DATE SUBJECT TO THE PROVISIONS OF SECTION 24-31-609.

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

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

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

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

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

21 (c) ANY MONEYS HELD BY THE SAFE2TELL NONPROFIT AS OF JUNE
22 30, 2014, THAT ARE TRANSFERRED TO THE FUND PURSUANT TO SECTION
23 24-31-607 (2); AND

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

26 (2) ALL INTEREST DERIVED FROM THE DEPOSIT AND INVESTMENT
27 OF MONEYS IN THE FUND ARE CREDITED TO THE FUND. AT THE END OF

1 EACH FISCAL YEAR, ALL UNEXPENDED AND UNENCUMBERED MONEYS IN
2 THE FUND REMAIN IN THE FUND AND SHALL NOT BE CREDITED OR
3 TRANSFERRED TO THE GENERAL FUND OR ANY OTHER FUND.

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

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

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

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

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

1 **SECTION 5.** In Colorado Revised Statutes, 24-72-204, **amend**
2 (2) (e) as follows:

3 **24-72-204. Allowance or denial of inspection - grounds -**
4 **procedure - appeal - definitions.** (2) (e) Notwithstanding any provision
5 to the contrary in subparagraph (I) of paragraph (a) of this subsection (2),
6 the custodian shall deny the right of inspection of any materials received,
7 made, or kept by the safe2tell program, as described in ~~section~~
8 ~~16-15.8-103, C.R.S., that are confidential pursuant to section~~
9 ~~16-15.8-104, C.R.S.~~ SECTION 24-31-606.

10 **SECTION 6. Appropriation - adjustments to 2014 long bill.**

11 (1) For the implementation of this act, the general fund appropriation
12 made in the annual general appropriation act to the controlled
13 maintenance trust fund created in section 24-75-302.5 (2) (a), Colorado
14 Revised Statutes, for the fiscal year beginning July 1, 2014, is decreased
15 by \$266,952.

16 (2) In addition to any other appropriation, there is hereby
17 appropriated, out of any moneys in the general fund, not otherwise
18 appropriated, to the department of law, for the fiscal year beginning July
19 1, 2014, the sum of \$266,952 and 2.5 FTE, or so much thereof as may be
20 necessary, to be allocated to the safe2tell program for the implementation
21 of this act as follows:

22 (a) \$144,231 and 2.5 FTE for personal services;

23 (b) \$71,427 for operating expenses and other costs;

24 (c) \$2,618 for fleet vehicle management; and

25 (d) \$48,676 for dispatch services and text message tip reporting
26 provided by the department of public safety.

27 (3) In addition to any other appropriation, there is hereby

1 appropriated to the department of personnel, the sum of \$2,618, or so
2 much thereof as may be necessary, for allocation to the fleet management
3 program, for vehicle replacement lease/purchase costs related to the
4 implementation of this act. Said sum is from reappropriated funds
5 received from the department of law out of the appropriation made in
6 paragraph (c) of subsection (1) of this section.

7 (4) In addition to any other appropriation, there is hereby
8 appropriated to the department of public safety, the sum of \$48,676 and
9 0.5 FTE, or so much thereof as may be necessary, for allocation to the
10 Colorado state patrol communications program, for dispatch services and
11 text message tip reporting related to the implementation of this act. Said
12 sum is from reappropriated funds received from the department of law out
13 of the appropriation made in paragraph (d) of subsection (1) of this
14 section.

15 (5) In addition to any other appropriation, there is hereby
16 appropriated, out of any moneys in the safe2tell cash fund created in
17 section 24-31-610 (1), Colorado Revised Statutes, not otherwise
18 appropriated, to the department of law, for the fiscal year beginning July
19 1, 2014, the sum of \$15,000, or so much thereof as may be necessary, for
20 allocation to the safe2tell program for the implementation of this act.

21 **SECTION 7. Act subject to petition - effective date.** This act
22 takes effect at 12:01 a.m. on the day following the expiration of the
23 ninety-day period after final adjournment of the general assembly (August
24 6, 2014, if adjournment sine die is on May 7, 2014); except that, if a
25 referendum petition is filed pursuant to section 1 (3) of article V of the
26 state constitution against this act or an item, section, or part of this act
27 within such period, then the act, item, section, or part will not take effect

1 unless approved by the people at the general election to be held in
2 November 2014 and, in such case, will take effect on the date of the
3 official declaration of the vote thereon by the governor.