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An Act

SENATE BILL 07-197

BY SENATOR(S) Morse, Bacon, Boyd, Fitz-Gerald, Groff, Kopp, Shaffer, Spence, Tupa, Williams, and Windels;
also REPRESENTATIVE(S) Frangas, Carroll T., Casso, Green, Hodge, Jahn, King, Labuda, Romanoff, Solano, Stafford, Stephens, and Todd.

CONCERNING THE SAFE-2-TELL PROGRAM FOR PERSONS IN SCHOOLS.

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

SECTION 1. Title 16, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW ARTICLE to read:

ARTICLE 15.8 **Safe-2-tell Program**

16-15.8-101. Legislative declaration. (1) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT:

(a) ACCORDING TO THE UNITED STATES SECRET SERVICE, IN SEVENTY-FIVE PERCENT OF DANGEROUS OR VIOLENT INCIDENTS IN SCHOOLS, SOMEONE OTHER THAN THE ATTACKER KNEW THE INCIDENT WAS GOING TO HAPPEN BUT DID NOT REPORT OR ACT ON THAT KNOWLEDGE;

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(b) THE ABILITY TO ANONYMOUSLY REPORT INFORMATION ABOUT DANGEROUS, VIOLENT, OR CRIMINAL ACTIVITIES BEFORE OR AFTER THEY HAVE OCCURRED IS CRITICAL IN REDUCING THESE TYPES OF EVENTS IN SCHOOLS;

(c) THE NATIONAL SAFE-2-TELL PROGRAM EMPOWERS STUDENTS, TEACHERS, OTHER SCHOOL EMPLOYEES, AND THE COMMUNITY BY ALLOWING THEM TO EASILY PROVIDE ANONYMOUS INFORMATION ABOUT DANGEROUS, VIOLENT, OR CRIMINAL ACTIVITIES TO APPROPRIATE LAW ENFORCEMENT AND PUBLIC SAFETY AGENCIES THROUGH A SINGLE ELECTRONIC HOTLINE; AND

(d) THE SAFE-2-TELL PROGRAM HAS A PROVEN NATIONAL RECORD OF SUCCESS IN PREVENTION AND INTERVENTION IN CASES OF THREATS TO PEOPLE OR PROPERTY, ASSAULTS, BULLYING, CHILD ABUSE, SUBSTANCE ABUSE, CUTTING, SUICIDE, GANGS, WEAPONS, INTERNET SAFETY, OR OTHER DANGEROUS, VIOLENT, OR CRIMINAL ACTIVITIES.

(2) THE GENERAL ASSEMBLY THEREFORE FINDS THAT IT IS APPROPRIATE AND NECESSARY TO PROVIDE FOR THE ANONYMITY OF A PERSON WHO PROVIDES INFORMATION THROUGH THE SAFE-2-TELL HOTLINE AND TO PROVIDE FOR THE CONFIDENTIALITY OF SAFE-2-TELL PROGRAM RECORDS.

16-15.8-102. Definitions. AS USED IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "SAFE-2-TELL PROGRAM" MEANS A PROGRAM THAT:

(a) HAS AS ITS PRIMARY PURPOSE TO PROVIDE STUDENTS, TEACHERS, OTHER SCHOOL EMPLOYEES, AND THE COMMUNITY WITH THE MEANS TO RELAY INFORMATION ANONYMOUSLY CONCERNING DANGEROUS, VIOLENT, OR CRIMINAL ACTIVITIES TO APPROPRIATE LAW ENFORCEMENT OR PUBLIC SAFETY AGENCIES THROUGH A SINGLE ELECTRONIC HOTLINE; AND

(b) HAS COMPLIED WITH THE REQUIREMENTS OF SECTION 16-15.8-103.

16-15.8-103. Safe-2-tell - duties - function. (1) IN ADDITION TO ANY OTHER REQUIREMENTS FOR ARTICLES OF INCORPORATION IMPOSED BY ARTICLES 121 TO 137 OF TITLE 7, C.R.S., THE ARTICLES OF INCORPORATION

FOR A SAFE-2-TELL PROGRAM THAT ELECTS TO AVAIL ITSELF OF THE CONFIDENTIALITY PROVISIONS OF THIS ARTICLE SHALL REQUIRE THAT THE SAFE-2-TELL PROGRAM:

(a) MAINTAIN, AND EXPAND IF NECESSARY, THE EXISTING HOTLINE;

(b) ESTABLISH A METHOD TO ENSURE THAT THE IDENTITY OF A PERSON WHO PROVIDES INFORMATION CONCERNING DANGEROUS, VIOLENT, OR CRIMINAL ACTIVITIES TO THE HOTLINE REMAINS UNKNOWN TO ALL PERSONS AND ENTITIES, INCLUDING LAW ENFORCEMENT OFFICERS AND EMPLOYEES OPERATING THE HOTLINE;

(c) ESTABLISH A METHOD TO ENSURE THAT, IF THE IDENTITY OF A PERSON WHO PROVIDES INFORMATION TO THE HOTLINE BECOMES KNOWN, WHETHER THROUGH VOLUNTARY DISCLOSURE OR ANY OTHER MEANS, THE IDENTITY IS NOT FURTHER DISCLOSED;

(d) ASSIST LAW ENFORCEMENT AGENCIES AND OTHER PUBLIC SAFETY ORGANIZATIONS IN THE DETECTION OF DANGEROUS, VIOLENT, OR CRIMINAL ACTIVITIES AND THE APPREHENSION OF OFFENDERS OR AT-RISK PERSONS BY PROMPTLY FORWARDING INFORMATION RECEIVED CONCERNING DANGEROUS, VIOLENT, OR CRIMINAL ACTIVITIES TO THE APPROPRIATE LAW ENFORCEMENT OR PUBLIC SAFETY AGENCY;

(e) FOSTER THE DETECTION OF DANGEROUS, VIOLENT, OR CRIMINAL ACTIVITIES AND ENCOURAGE STUDENTS, TEACHERS, AND OTHER SCHOOL EMPLOYEES TO REPORT INFORMATION ABOUT SUCH ACTIVITIES TO THE HOTLINE; AND

(f) ENCOURAGE LOCAL MEDIA PROVIDERS TO PROMOTE THE HOTLINE BY INFORMING THE PUBLIC OF ITS FUNCTIONS AND BENEFITS.

16-15.8-104. In camera review - confidentiality - records and information - criminal penalty. (1) (a) THE SAFE-2-TELL PROGRAM, IN IMPLEMENTING THE SAFE-2-TELL HOTLINE, SHALL NOT BE COMPELLED TO PRODUCE RECORDS CONCERNING A REPORT TO THE HOTLINE OF DANGEROUS, VIOLENT, OR CRIMINAL ACTIVITIES BEFORE A COURT OR OTHER TRIBUNAL, EXCEPT ON THE MOTION OF A CRIMINAL DEFENDANT TO THE COURT IN WHICH THE OFFENSE IS BEING TRIED, SUPPORTED BY AN AFFIDAVIT ESTABLISHING THAT THE RECORDS OR REPORT CONTAIN IMPEACHMENT EVIDENCE OR

EVIDENCE THAT IS EXCULPATORY TO THE DEFENDANT IN THE TRIAL OF THAT OFFENSE.

(b) ON MOTION OF A DEFENDANT PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (1), THE DEFENDANT SHALL BE AUTHORIZED TO SUBPOENA RECORDS AND REPORTS FOR REVIEW BY THE COURT IN ACCORDANCE WITH THIS SECTION. THE COURT SHALL CONDUCT AN EX PARTE IN CAMERA REVIEW OF MATERIALS PRODUCED UNDER THE DEFENDANT'S SUBPOENA TO DETERMINE WHETHER THE MATERIALS CONTAIN IMPEACHMENT EVIDENCE OR EVIDENCE THAT IS EXCULPATORY TO THE DEFENDANT.

(c) IF THE COURT DETERMINES THAT THE PRODUCED MATERIALS CONTAIN IMPEACHMENT EVIDENCE OR EVIDENCE THAT IS EXCULPATORY TO THE DEFENDANT, THE COURT SHALL ORDER THE MATERIALS TO BE PRODUCED TO THE DEFENDANT. IN THE EVENT THE MATERIALS CONTAIN INFORMATION THAT WOULD IDENTIFY THE PERSON WHO WAS THE SOURCE OF THE EVIDENCE, THE COURT SHALL ISSUE APPROPRIATE ORDERS TO ENSURE THAT THE PERSON'S IDENTITY IS NOT DISCLOSED, UNLESS THE STATE OR FEDERAL CONSTITUTION REQUIRES THE DISCLOSURE OF THE PERSON'S IDENTITY.

(d) THE COURT SHALL RETURN TO THE SAFE-2-TELL PROGRAM ALL MATERIALS PRODUCED UNDER THIS SUBSECTION (1) THAT ARE NOT DISCLOSED TO THE DEFENDANT. THE SAFE-2-TELL PROGRAM SHALL RETAIN THE MATERIALS UNTIL THE CONCLUSION OF THE CRIMINAL TRIAL AND THE EXPIRATION OF THE TIME FOR ALL DIRECT APPEALS IN THE CASE.

(2) (a) RECORDS AND INFORMATION CREATED OR OBTAINED THROUGH IMPLEMENTATION OF THE SAFE-2-TELL HOTLINE ARE CONFIDENTIAL, AND NO PERSON SHALL DISCLOSE THE RECORDS OR INFORMATION. THE SAFE-2-TELL PROGRAM, IN IMPLEMENTING A SAFE-2-TELL HOTLINE, MAY BE COMPELLED TO PRODUCE THE RECORDS OR INFORMATION ONLY BEFORE A COURT OR OTHER TRIBUNAL AND ONLY PURSUANT TO COURT ORDER FOR AN IN CAMERA REVIEW. ANY SUCH REVIEW SHALL BE LIMITED TO AN INSPECTION OF RECORDS AND INFORMATION THAT ARE RELEVANT TO THE SPECIFIC CASE PENDING BEFORE THE COURT.

(b) A PERSON WHO KNOWINGLY DISCLOSES CONFIDENTIAL RECORDS OR INFORMATION IN VIOLATION OF THE PROVISIONS OF THIS SUBSECTION (2) COMMITS A CLASS 1 MISDEMEANOR.

SECTION 2. Article 1 of title 22, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

22-1-126. Safe-2-tell telephone hotline and program. AS DESCRIBED IN SECTION 16-15.8-103, C.R.S., THERE IS ESTABLISHED A SAFE-2-TELL ELECTRONIC HOTLINE WITH THE PRIMARY PURPOSE OF PROVIDING STUDENTS, TEACHERS, OTHER SCHOOL EMPLOYEES, AND THE COMMUNITY WITH THE MEANS TO RELAY INFORMATION ANONYMOUSLY CONCERNING DANGEROUS, VIOLENT, OR CRIMINAL ACTIVITIES TO APPROPRIATE LAW ENFORCEMENT OR PUBLIC SAFETY AGENCIES THROUGH A SINGLE ANONYMOUS ELECTRONIC HOTLINE.

SECTION 3. Safety clause. The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Joan Fitz-Gerald
PRESIDENT OF
THE SENATE

Andrew Romanoff
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Karen Goldman
SECRETARY OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____

Bill Ritter, Jr.
GOVERNOR OF THE STATE OF COLORADO