

Legislative Analysis



OK-2-SAY: STUDENT SAFETY HOTLINE

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Senate Bill 374 (Substitute S-5)
Sponsor: Sen. Judy K. Emmons
House Committee: Appropriations
Senate Committee: Education

Complete to 11-12-13

A SUMMARY OF SENATE BILL 374 AS PASSED BY THE SENATE 6-18-13

The bill would create the Student Safety Act, which would establish a new "hotline" through which individuals could anonymously report to the Michigan State Police via text, telephone, or online communication the threat of potential harm or other criminal acts against K-12 students, school employees, and school property.

The program would be overseen by the Department of Attorney General (AG) in consultation with the Michigan State Police (MSP) and the Department of Education (MDE).

Reporting Program and Hotline

The bill would require the AG and MSP to enter into a memorandum of understanding (MOU) establishing the operation of the program by MSP. The overall operational and administrative oversight of the program would be the responsibility of the AG.

The bill would require the establishment of a 24/7/365 "hotline" through which tips could be sent and received. This hotline would include a statewide toll-free telephone number and would have to accommodate other means of communication and information sharing, including information provided via text or photograph. The "hotline" would also allow tips to be provided through a website.

The program would have to provide for a means to review all information submitted through the hotline and to transmit submitted information (and any threat analysis conducted by the AG or MSP) to local law enforcement and school officials.

Disclosure of Information

Generally, information submitted to the hotline would be confidential and allowed to be disclosed only as provided under the bill, and would be exempt from disclosure under the Freedom of Information Act. This includes information directly received through the hotline, as well as information from the hotline that is forwarded by MSP to local law enforcement agencies or school officials, and information that is received by a vendor under contract with the AG.

However, information could be disclosed by the AG, MSP, or a vendor under contract with the AG in the course of its duties under the bill. Information could be disclosed by

local law enforcement agencies or school officials acting in the course of their duties, although they could not disclose the identity of an individual who submitted information through the hotline. Information regarding a tip could be disclosed with the permission of the individual who submitted the tip and, if that individual was a minor, his/her parent or guardian.

A person who intentionally disclosed otherwise confidential information would be guilty of a misdemeanor punishable by imprisonment of not more than 90 days and/or a fine of not more than \$500.

Disclosure of Information Pertaining to Criminal Charges

A person who was charged for a criminal offense as a result of a tip provided to the hotline could petition the court to allow the disclosure of such information provided in the tip, including any identifying information.

The county prosecutor and the AG would have to be notified of the petition at least seven days (or as otherwise provided by the court) prior to a hearing on it, and would have the right to appear in a proceeding opposing the petition. The court would be allowed (but not required) to conduct a hearing on the petition. If a hearing were conducted, it would have to be held outside the presence of the petitioner. The court could order the disclosure of information provided in a tip, including identifying information, if the information was relevant to the criminal proceedings and essential to a fair trial. The court could place restrictions on the release or use of disclosed information, or redact certain portions. Information that is redacted or not released would be maintained by the court under seal for purposes of appeal.

Disclosure of Falsely-Provided Information

A county prosecutor who believed that a tip was falsely provided could petition the court to disclose the information, including identifying information.

Here too, the AG would have to be notified of the petition at least seven days prior to a hearing on the petition (or as otherwise provided by the court), and would have to right to appear in a proceeding opposing the petition. The court could order the information disclosed, place restrictions on its release or use, or redact certain portions. Information that was redacted or not released would be maintained by the court under seal for purposes of appeal.

Student Safety Fund

The bill would create the Student Safety Fund, which could be expended upon appropriation to pay the AG's costs of administering the bill, to pay MSP costs of operating the hotline, to pay any related vendor costs, and to promote public awareness of the program. The fund would receive money and other assets from any source deposited into the fund, and would retain any investment earnings. The AG would be the administrator of the fund for audit purposes.

Contracts with Outside Vendors

The AG could contract with outside vendors "to secure services that contribute to the effectiveness of the program." Any contract with a vendor would subject the vendor to the provisions of the bill, including confidentiality requirements.

Annual Report

The AG in consultation with MDE and MSP would have to provide an annual report by July 31 of each year to the governor and the legislature, and make that report available publicly on its website. The report would have to include:

- The number and nature of reports submitted to the hotline.
- The number of reports forwarded to local law enforcement agencies and school officials, and the nature of the responses.
- A statement of revenue and itemized listing of the costs incurred by the AG and MSP in implementing the bill.
- A statement on the contributions of, and costs incurred by, any contracted vendor.
- An analysis of the overall effectiveness of the program in addressing the threat of potential harm or criminal acts aimed at school students, employees, and property.

FISCAL IMPACT:

Public Act 102 of 2013 (Enrolled HB 4112) directed \$3.5 million of the unencumbered balance remaining in the lawsuits settlement fund as of September 30, 2013 to the Student Safety Fund to be created by SB 374. Of that \$3.5 million, \$1.13 million was appropriated to the Michigan State Police for 2.0 FTE positions and related costs of operating the student safety hotline. The remaining \$2.37 million was appropriated to the Department of Attorney General for 1.0 FTE position and related costs of the student safety hotline. The act provided for each department's unexpended Student Safety Fund appropriations to be carried forward into the following fiscal year as a work project with an estimated completion date of September 30, 2017. Public Act 102's appropriations and associated provisions for the Student Safety Fund could only take effect upon enactment of SB 374.

According to the Department of Attorney General, total work project costs are estimated to be as follows:

	FY 2014	FY 2015	FY 2016	FY 2017	Total Work Project
Michigan State Police	\$238,000	\$249,000	\$317,000	\$325,000	\$1,129,000
Attorney General	\$665,000	\$562,000	\$568,000	\$576,000	\$2,371,000
	\$903,000	\$811,000	\$885,000	\$901,000	\$3,500,000

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.