

SENATE BILL No. 374

May 21, 2013, Introduced by Senator EMMONS and referred to the Committee on Education.

A bill to create the Michigan student safety act; to provide for confidential reports of dangerous or criminal activities; to establish a reporting hotline; and to prescribe the duties of certain state officials and departments.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "Michigan student safety act".

3 Sec. 2. As used in this act:

4 (a) "Confidential communication" means a communication to the
5 department of state police or the department of the attorney
6 general or an agent of the department of state police or the
7 department of the attorney general under this act that identifies
8 the person who provided that communication.

9 (b) "Hotline" means a statewide, toll-free telephone line,

1 cable, cellular telephone system, or other means of communication
2 that transmits voice, electronic mails, texts, or other multimedia
3 messaging concerning unsafe, potentially harmful, dangerous,
4 violent, or criminal activities, or the threat of these activities,
5 to appropriate law enforcement organizations, public safety
6 agencies, or school officials.

7 (c) "Material" means any record, report, claim, writing,
8 document, multimedia, or information reported to the program or
9 information related to the source of those items.

10 (d) "Multimedia" means any combination of content forms,
11 including, but not limited to, still photographic images,
12 animations, computer graphics, and audio and video transmissions
13 captured by electronic recording devices such as cellular
14 telephones, laptops, tablets, and handheld cameras and recorders.

15 (e) "Program" means the program established under this act
16 that provides students and the community with the means to relay
17 materials confidentially to a hotline.

18 Sec. 3. (1) The department of the attorney general shall
19 develop a program that allows for confidential reports of unsafe,
20 potentially harmful, dangerous, violent, or criminal activities to
21 a toll-free hotline.

22 (2) The department of state police, with the cooperation of
23 the department of the attorney general and the department of
24 education, shall establish, operate, and staff a program that meets
25 the following requirements:

26 (a) The program shall be maintained 24 hours a day, 365 days a
27 year.

1 (b) The program shall provide for confidential reporting,
2 including telephone, electronic mail, text, and multimedia
3 messaging, concerning unsafe, potentially harmful, dangerous,
4 violent, or criminal activities or the threat of those activities.

5 (c) Except for a confidential communication, all information
6 reported to the program may be shared with other law enforcement
7 agencies, school officials, and appropriate parents and guardians.

8 (d) The program may share the identity of a reporting person
9 who voluntarily discloses his or her identity and verifies that he
10 or she is willing to be identified to other persons.

11 (e) The program shall establish methods and procedures to
12 ensure that a reporting person's identity that becomes known
13 through any means other than voluntary disclosure is not further
14 disclosed.

15 (f) The program shall have a mechanism in place to promptly
16 provide the information to the local law enforcement agency and
17 school district.

18 (3) The department of the attorney general may appear in any
19 action to oppose the disclosure of a confidential communication.

20 (4) Except as provided in subsection (5) or (6), the program
21 shall not be required to do either of the following:

22 (a) Disclose, by way of testimony or otherwise, a confidential
23 communication.

24 (b) Produce, under subpoena, any records, documentary
25 evidence, opinions, or decisions relating to a confidential
26 communication.

27 (5) An individual arrested and charged with a criminal offense

1 may petition the court for an inspection conducted in camera of a
2 confidential communication concerning that individual. The petition
3 shall allege facts showing that the materials would provide
4 evidence favorable to the defendant and relevant to the issue of
5 guilt or punishment. If the court determines that the person is
6 entitled to all or any part of those materials, the court may order
7 production and disclosure as it considers appropriate.

8 (6) A prosecuting attorney may petition the court for an
9 inspection conducted in camera of a confidential communication that
10 the prosecuting attorney contends was made for the purpose of
11 providing false or misleading information to the program. The
12 petition shall allege facts showing that the materials would
13 provide evidence supporting the prosecuting attorney's contention
14 and would be relevant to the issue of guilt or punishment. If the
15 court determines that the prosecuting attorney is entitled to all
16 or any part of those materials, the court may order production and
17 disclosure as it considers appropriate.

18 (7) Material provided and maintained by a public body under to
19 this section is confidential, is not a public record, is exempt
20 from disclosure under the freedom of information act, 1976 PA 442,
21 MCL 15.231 to 15.246, and shall not be released.

22 (8) By January 31 of each year, the department of the attorney
23 general, with the cooperation of the department of state police,
24 shall prepare an annual report that categorizes the number of
25 calls, electronic mails, texts, and multimedia messages and the
26 types of incidents that have been reported to the hotline. This
27 information may be used to evaluate future program needs and the

1 need for additional school violence prevention programs.

2 (9) The department of the attorney general, in consultation
3 with school officials, law enforcement agencies, and other
4 interested persons, entities, and agencies, shall develop,
5 maintain, and manage the program webpage and shall develop a plan
6 to promote the use of the hotline.

7 (10) The department of the attorney general, the department of
8 state police, and the department of education may contract with all
9 necessary third parties to secure services that contribute to the
10 program's effective administration.

11 (11) The student safety and consumer protection enforcement
12 fund is created within the treasury. All of the following apply to
13 the fund:

14 (a) The fund shall be administered by the department of the
15 attorney general.

16 (b) The state treasurer may receive money or other assets from
17 any source for deposit into the fund. The state treasurer shall
18 direct the investment of the fund. The state treasurer shall credit
19 to the fund interest and earnings from fund investments.

20 (c) Money in the fund shall only be expended, upon
21 appropriation, in a manner to carry out the purposes of this act.
22 Money in the fund at the close of the fiscal year shall remain in
23 the fund and shall not lapse to the general fund.

24 (12) The department of the attorney general may initiate the
25 incorporation of a charitable purpose nonprofit corporation, which
26 shall be incorporated on a nonstock, directorship basis, under the
27 nonprofit corporation act, 1982 PA 162, MCL 450.2101 to 450.3192,

1 to implement the requirements of this act. The following apply to a
2 nonprofit corporation organized under this subsection:

3 (a) The articles of incorporation shall provide that the
4 nonprofit corporation is organized for the purpose of maintaining,
5 improving, and promoting community safety by supporting the program
6 established in this act.

7 (b) The department of the attorney general may draft the
8 initial bylaws of the nonprofit corporation and may expend funds
9 from the student safety and consumer protection enforcement fund as
10 may be necessary to establish the nonprofit corporation. As soon as
11 practicable, a board of directors shall be appointed and the
12 nonprofit corporation shall apply for and make its best effort to
13 obtain tax-exempt status under section 501(c)(3) of the internal
14 revenue code, 26 USC 501.

15 Sec. 4. This act does not create any liability or diminish any
16 immunity otherwise provided by law.