

First Regular Session
Seventieth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 15-0665.01 Michael Dohr x4347

SENATE BILL 15-139

SENATE SPONSORSHIP

Hill, Todd

HOUSE SPONSORSHIP

Lee,

Senate Committees
Judiciary

House Committees

A BILL FOR AN ACT

101 CONCERNING ALLOWING THE SAFE2TELL PROGRAM TO REVEAL THE
102 IDENTITY OF A PERSON WHO MAKES A FRAUDULENT REPORT,
103 AND, IN CONNECTION THEREWITH, REQUIRING A
104 POST-ENACTMENT REVIEW OF THE IMPLEMENTATION OF THIS
105 ACT.

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>.)

Under current law, reports to the safe2tell program are anonymous. The bill allows the safe2tell program to reveal the identity of a person

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.

who makes a fraudulent report if a court orders the program to provide that information pursuant to subpoena records request from the law enforcement agency. A court shall grant the subpoena records request if it determines after an in camera review that:

- ! The fraudulent report is confirmed by the law enforcement agency;
- ! The fraudulent report was related to alleged felony conduct.

The bill requires a post-enactment review 2 years after enactment.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 hereby finds and declares that:

4 (a) The safe2tell program has been successful in providing a safe,
5 anonymous way to report information about unsafe, potentially harmful,
6 dangerous, violent, or criminal activities in schools before or after they
7 have occurred;

8 (b) However, the anonymous reporting allows a person to make
9 a fraudulent report, and that fraudulent report can lead to a significant
10 amount of lost time by law enforcement authorities investigating the
11 reported information or preparing for a reported threat;

12 (c) An appropriate response by a school district to a fraudulent
13 report can be timely, costly, and disruptive to the educational process, and
14 can have adverse impacts to the affected student body, administration,
15 and surrounding community at large; and

16 (d) Allowing the safe2tell program to reveal the identity of a
17 person who allegedly made a fraudulent report may deter future
18 fraudulent reporting while not discouraging legitimate reporting.

19 (2) Therefore, the general assembly declares it is in the best
20 interest of public safety and public resources to allow the safe2tell

1 program to reveal the identity of a person making an alleged fraudulent
2 report in limited circumstances after a thorough review.

3 **SECTION 2.** In Colorado Revised Statutes, **add** 24-31-606.5 as
4 follows:

5 **24-31-606.5. Authority to investigate fraudulent reports.**

6 (1) NOTWITHSTANDING THE REQUIREMENT THAT REPORTS TO THE
7 PROGRAM REMAIN ANONYMOUS, THE PROGRAM SHALL PROVIDE THE
8 INVESTIGATING LAW ENFORCEMENT AGENCY WITH THE IDENTITY OF A
9 PERSON, OR ANY INFORMATION THE PROGRAM HAS THAT MAY HELP
10 IDENTIFY THE PERSON IF HIS OR HER IDENTITY IS UNKNOWN, WHO MAKES
11 A FRAUDULENT REPORT IF A COURT ORDERS THE PROGRAM TO PRODUCE
12 THOSE RECORDS PURSUANT TO A SUBPOENA TO REQUEST RECORDS MADE
13 BY THE LAW ENFORCEMENT AGENCY.

14 (2) A COURT SHALL GRANT THE SUBPOENA REQUEST FOR THE
15 INFORMATION IDENTIFIED IN SUBSECTION (1) OF THIS SECTION IF THE
16 COURT AFTER AN IN CAMERA REVIEW DETERMINES THAT:

17 (a) A FRAUDULENT REPORT HAS BEEN CONFIRMED BY THE LAW
18 ENFORCEMENT AGENCY BASED ON A REVIEW OF THE DISPOSITION REPORT
19 AND INVESTIGATION BY THE SCHOOL DISTRICT THAT THERE WAS NO
20 PROBABLE CAUSE TO BELIEVE THE ALLEGATIONS IN THE FRAUDULENT
21 REPORT; AND

22 (b) THE FRAUDULENT REPORT WAS RELATED TO ALLEGED FELONY
23 CONDUCT.

24 **SECTION 3.** In Colorado Revised Statutes, 24-31-606, **amend**
25 (2) (b) as follows:

26 **24-31-606. Safe2tell program - creation - duties.** (2) The
27 program must:

1 (b) EXCEPT AS PROVIDED BY SECTION 24-31-606.5, establish
2 methods and procedures to ensure that the identity of the reporting parties
3 remains unknown to all persons and entities, including law enforcement
4 officers and employees operating the program;

5 **SECTION 4. Accountability.** Two years after this act becomes
6 law and in accordance with section 2-2-1201, Colorado Revised Statutes,
7 the legislative service agencies of the Colorado general assembly shall
8 conduct a post-enactment review of the implementation of this act
9 utilizing the information contained in the legislative declaration set forth
10 in section 1 of this act.

11 **SECTION 5. Act subject to petition - effective date.** This act
12 takes effect at 12:01 a.m. on the day following the expiration of the
13 ninety-day period after final adjournment of the general assembly (August
14 5, 2015, if adjournment sine die is on May 6, 2015); except that, if a
15 referendum petition is filed pursuant to section 1 (3) of article V of the
16 state constitution against this act or an item, section, or part of this act
17 within such period, then the act, item, section, or part will not take effect
18 unless approved by the people at the general election to be held in
19 November 2016 and, in such case, will take effect on the date of the
20 official declaration of the vote thereon by the governor.