

SENATE BILL NO. 1200

October 21, 2020, Introduced by Senator BARRETT and referred to the Committee on Appropriations.

A bill to amend 2013 PA 183, entitled "Student safety act," by amending sections 2, 3, 4, 5, 6, 7, and 8 (MCL 752.912, 752.913, 752.914, 752.915, 752.916, 752.917, and 752.918), section 3 as amended by 2018 PA 670.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1** Sec. 2. As used in this act:
- 2** (a) "Department" means the department of ~~the attorney~~

1 ~~general~~. **state police.**

2 (b) "Fund" means the student safety fund created in section 7.

3 (c) "Hotline" means a statewide toll-free telephone number or
4 other means of communication, or a combination of a toll-free
5 telephone number and another means of communication, that transmits
6 voice, text, photographic, and other messages and information to a
7 ~~vendor described in section 3(3), including information forwarded~~
8 ~~to that vendor~~ **the department** through the departmental website
9 described in section 3(2).

10 (d) "School" means a public, private, denominational, or
11 parochial school offering developmental kindergarten, kindergarten,
12 or any grade from 1 through 12, regardless of whether school is in
13 session. School includes all school property.

14 (e) "School employee" means a full-time or part-time employee
15 of a school, school district, or intermediate school district,
16 including a school administrator, a volunteer with a school, school
17 district, or intermediate school district, or any other ~~person~~
18 **individual** who provides services to a school, school district, or
19 intermediate school district while he or she is on school property.
20 ~~A person~~ **An individual** described in this subdivision is considered
21 a school employee regardless of whether school is in session.

22 (f) "School property" means a building, playing field, or
23 property used for school purposes to impart instruction to school
24 students or used for school purposes, functions, and events,
25 regardless of whether school is in session. School property
26 includes a school bus as that term is defined in section 57 of the
27 Michigan vehicle code, 1949 PA 300, MCL 257.57.

28 (g) "School student" means ~~a person~~ **an individual** who is
29 enrolled as a student in a school regardless of whether school is

1 in session.

2 Sec. 3. (1) The department, in consultation with ~~the~~
3 ~~department of state police,~~ the department of health and human
4 services ~~,~~ and the department of education, shall, to the extent
5 that funds are appropriated for the purpose, establish a program
6 for receiving reports and other information from the public
7 regarding potential self-harm and potential harm or criminal acts,
8 including, but not limited to, sexual abuse, assault, or rape,
9 directed at school students, school employees, or schools in this
10 state. The department shall establish the program within the
11 guidelines of this act. The department shall have access to the
12 information needed to meet the reporting requirements of section 8.

13 (2) The program described in subsection (1) must include a
14 hotline for receiving reports and information described in
15 subsection (1). The hotline must be available for use 24 hours a
16 day, 365 days a year. The department may provide promotional
17 information regarding the program on its departmental website.

18 (3) ~~Prior to operation of the hotline, the department of~~
19 ~~technology, management, and budget shall issue a request for~~
20 ~~proposals to enter into a contract for operation of the hotline.~~
21 ~~The department of technology, management, and budget has sole~~
22 ~~authority over the request for proposals process and the decision~~
23 ~~over which entity is awarded the contract. This subsection does not~~
24 ~~prohibit the department of state police from submitting a proposal.~~
25 ~~Any contract must require the vendor to be bound by the~~
26 ~~requirements of this act, including its confidentiality provisions.~~
27 Beginning on the date that the hotline established under this act
28 is operational, all calls received by any existing state-run school
29 violence hotline in operation before the establishment of this act

1 must be directed to the hotline established under this act. Any
2 existing state-run school violence hotline in operation before
3 December 13, 2013 must be disconnected within 6 months after the
4 hotline established under this act is operational.

5 (4) The department is responsible for the continued
6 operational and administrative oversight of the program. The
7 program must provide for a means to review all information
8 submitted through the hotline and to direct those reports and that
9 information, including any analysis of the potential threat as
10 determined appropriate by the department ~~or a vendor under contract~~
11 ~~with the department~~ to local law enforcement officials and school
12 officials. The program must include a means by which responses at
13 the local level are determined and evaluated for effectiveness. The
14 department shall ensure that appropriate training is provided to
15 program personnel in all of the following areas:

16 (a) Crisis management, including recognizing mental illness
17 and emotional disturbance.

18 (b) The resources that are available in the community for
19 providing mental health treatment and other human services.

20 (c) Other matters determined by the department to be relevant
21 to the administration and operation of the program.

22 (5) A report or other information submitted to the hotline is
23 considered to be a report to a law enforcement agency and must be
24 maintained as a record by the ~~vendor described in subsection (3)~~
25 **department** for at least 1 year, subject to the confidentiality
26 requirements of this act.

27 (6) The department shall ensure that any hotline information
28 that suggests that a psychiatric emergency is taking place within a
29 county is immediately referred to the community mental health

1 services program psychiatric crisis line for that county.

2 (7) The department shall develop a source of information on
 3 available community mental health resources and contacts, including
 4 mental health services. The department shall notify schools and law
 5 enforcement of this information source. The notice must include the
 6 departmental recommendation that ~~school~~**schools** and law
 7 enforcement, ~~upon~~**on** investigating a case and determining that
 8 mental illness or emotional disturbance is or may be involved,
 9 utilize this information in aiding subjects and their parents or
 10 guardians.

11 (8) At least biannually, the governing body of a school shall
 12 provide to the department ~~of state police~~ current emergency contact
 13 information for at least 1 school official to ensure that a school
 14 official is able to receive information under subsection (4) at all
 15 times. If a governing body provides contact information for more
 16 than 1 school official, the governing body shall specify the days
 17 and times that each school official is available to receive
 18 information under subsection (4).

19 Sec. 4. (1) Any report or information submitted to the hotline
 20 under section 3 is confidential, ~~shall~~**must** not be released except
 21 as otherwise provided in this act, and is not subject to disclosure
 22 under the freedom of information act, 1976 PA 442, MCL 15.231 to
 23 15.246.

24 (2) Any report or information submitted to the hotline and
 25 forwarded ~~by the vendor described in section 3(3)~~ under this act to
 26 a law enforcement official or to a school official is confidential,
 27 ~~shall~~**must** not be released except as otherwise provided in this
 28 act, and is not subject to disclosure under the freedom of
 29 information act, 1976 PA 442, MCL 15.231 to 15.246.

1 (3) A person who intentionally discloses information to
2 another person in violation of subsection (1) or (2) is guilty of a
3 misdemeanor punishable by imprisonment for not more than 90 days or
4 a fine of not more than \$500.00, or both.

5 (4) If a report to the hotline does not result in a referral,
6 or the investigation of a subject results in a determination that
7 no action regarding that subject is warranted, the subject's name
8 ~~shall~~**must** be expunged from the records of all entities involved in
9 the hotline program except as otherwise provided by law.

10 Sec. 5. Information regarding a report or information
11 submitted to the hotline under section 3, including any identifying
12 information, may be disclosed as follows:

13 ~~(a) By either of the following as necessary for purposes of~~
14 ~~this act and as necessary to address reports and information~~
15 ~~received under this act:~~

16 ~~(i) A vendor described under section 3(3) and its employees~~
17 ~~acting in the course of their duties.~~

18 **(a) (ii)** By the department, law enforcement agencies, schools,
19 and community mental health service programs, and their employees
20 acting in the course of their duties. However, this ~~subparagraph~~
21 **subdivision** does not allow the disclosure of information that would
22 identify the person who submitted the report or information to the
23 hotline under section 3. **The disclosure under this subdivision is**
24 **necessary for purposes of this act and necessary to address reports**
25 **and information received under this act.**

26 (b) With the permission of the ~~person~~**individual** or, if the
27 ~~person~~**individual** is a minor, with the permission of the minor and
28 his or her parents or guardians.

29 (c) Pursuant to a court order issued under section 6.

1 Sec. 6. (1) A person who is charged with a criminal offense as
2 a result of a report or information filed under section 3 may
3 petition the court for disclosure of the report or information,
4 including any identifying information, as provided in this
5 subsection. The prosecuting attorney for the local unit of
6 government having jurisdiction and the attorney general shall be
7 notified of the petition not less than 7 days before the hearing on
8 the petition, or as otherwise provided by the court, and have the
9 right to appear in the proceedings to oppose the petition. If a
10 petition is filed under this subsection, the court may conduct a
11 hearing on the petition. If a hearing is conducted, it ~~shall~~**must**
12 be conducted in chambers outside of the presence of the petitioner.
13 If the court determines that the report or information, including
14 any identifying information, is relevant to the criminal
15 proceedings and is essential to the fair trial of the person, the
16 court may order the disclosure of that report or information,
17 including any identifying information, as determined appropriate by
18 the court. The court may place restrictions on the release and use
19 of the report or information, including any identifying
20 information, obtained under this subsection or may redact material
21 as it considers appropriate. Material reviewed by the court that is
22 not ordered released or that is redacted ~~shall~~**must** be maintained
23 by the court under seal for purposes of appeal only.

24 (2) If the prosecuting attorney for a local unit of government
25 has reason to believe that a report or other information provided
26 under section 3 was falsely provided, ~~to the vendor described in~~
27 ~~section 3(3) through the hotline operated by that vendor under~~
28 ~~section 3,~~ that prosecuting attorney may petition the court to
29 disclose the report or information, including any identifying

1 information. The attorney general shall be notified of the petition
2 not less than 7 days before the hearing on the petition, or as
3 otherwise provided by the court, and has the right to appear in the
4 proceedings to oppose the petition. If the court determines that
5 there is reason to believe that the report or information may have
6 been falsely provided, the court may order the disclosure of the
7 report or information, including any identifying information, as
8 determined appropriate by the court. The court may place
9 restrictions on the release and use of the report or information,
10 including any identifying information, obtained under this
11 subsection or may redact material as it considers appropriate.
12 Material reviewed by the court that is not ordered released or that
13 is redacted ~~shall~~**must** be maintained by the court under seal for
14 purposes of appeal only.

15 (3) The attorney general may also appear in any other action
16 to oppose the release of any report or information obtained under
17 section 3, including any identifying information.

18 Sec. 7. (1) The student safety fund is created within the
19 state treasury.

20 (2) The state treasurer may receive money or other assets from
21 any source for deposit into the fund. The state treasurer shall
22 credit to the fund interest and earnings from fund investments.

23 (3) Money in the fund at the close of the fiscal year ~~shall~~
24 **must** remain in the fund and ~~shall~~**must** not lapse to the general
25 fund.

26 (4) The department shall be the administrator of the fund for
27 auditing purposes.

28 (5) The department may expend money from the fund, ~~upon~~**on**
29 appropriation, only for 1 or more of the following purposes:

1 (a) To pay the costs of the department for administering this
2 act.

3 (b) To pay the costs of ~~the vendor described in section 3(3)~~
4 ~~for~~ operating the hotline under ~~that~~ section 3.

5 (c) To promote public awareness of the program, including the
6 availability of the hotline and the website operated by the
7 department.

8 (6) Money ~~shall~~**must** not be expended for any promotion program
9 that includes a reference to, or the image or voice of, an elected
10 official, appointed state employee, state employee governed by a
11 senior executive service limited term employment agreement, or a
12 candidate for elective office, that is targeted to a media market
13 in this state.

14 Sec. 8. The department, in consultation with the department of
15 ~~community health~~, **and human services and** the department of
16 education, ~~and the vendor described in section 3(3)~~, shall prepare
17 an annual report under this act. The report ~~shall~~**must** be filed not
18 later than July 31 of the year in which the report is due. Copies
19 of the report ~~shall~~**must** be filed with the governor, the secretary
20 of the senate, the clerk of the house of representatives, the clerk
21 of the senate standing committee on appropriations, and the clerk
22 of the house standing committee on appropriations. The report ~~shall~~
23 **must** also be maintained on the department's website. The report
24 ~~shall~~**must** contain all of the following information:

25 (a) The number of reports and other information reported to
26 the hotline under this act.

27 (b) The number of reports and information reported to the
28 hotline that are forwarded to local law enforcement officials and
29 school officials.

1 (c) The number of hotline reports resulting in referral to
2 mental health services.

3 (d) The nature of the reports and information reported to the
4 hotline in categories established by the department.

5 (e) The responses to the reports and information reported to
6 the hotline at the local level in categories established by the
7 department.

8 (f) The source of all funds deposited in the student safety
9 fund.

10 (g) The itemized costs and expenditures incurred by the
11 department in implementing this act.

12 ~~(h) The itemized costs and expenditures incurred by the~~
13 ~~department of state police in implementing this act.~~

14 ~~(i) The contributions of, and the costs and expenditures~~
15 ~~incurred by, the vendor with whom the department enters into a~~
16 ~~contract under section 3(3).~~

17 **(h)** ~~(j)~~ An analysis of the overall effectiveness of the
18 program in addressing potential self-harm and potential harm or
19 criminal acts directed at schools, school employees, and school
20 students.