

OK-2-SAY: STUDENT SAFETY HOTLINE

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Senate Bill 374 (Substitute H-4)
Sponsor: Sen. Judy K. Emmons
House Committee: Appropriations
Senate Committee: Education

Complete to 12-6-13

A SUMMARY OF SENATE BILL 374(H-4) AS REPORTED HOUSE COMMITTEE:

The bill would create the Student Safety Act, which would establish a new "hotline" through which individuals could use voice, text, photographic information, and online applications to anonymously report concerns regarding potential harm, self-harm, or criminal acts against K-12 students, school employees, or school property. Once the system under the bill was operational, calls made to any existing state-run school violence hotline would have to be re-routed to the new system, and the old hotline disconnected within six months.

The hotline would be operated under contract with a vendor selected by the Department of Technology, Management, and Budget (DTMB) following issuance of a request for proposals (RFP); DTMB would have sole authority over the RFP process and selection of the vendor. The bill explicitly would allow the Department of State Police to submit a proposal.

The program would be overseen by the Department of Attorney General (DAG) in consultation with the Departments of State Police, Community Health, and Education.

Reporting Program and Hotline

The bill would require the establishment of a 24/7/365 hotline through which tips could be sent and received. This system would include a statewide toll-free telephone number and would have to accommodate various means of communication, including voice, text, photographic information, and information provided through a website.

The program would have to provide for a means to review all submitted information and to transmit that information, together with any threat analysis conducted by the DAG or the vendor, to local law enforcement and school officials.

Contracting for Operation of the Hotline

Prior to operation of the hotline, the Department of Technology, Management, and Budget (DTMB) would have to issue an RFP for operation of the hotline; DTMB would have sole authority over the RFP process and selection of the vendor. The Department of State Police would be explicitly allowed to submit a proposal. The contract for hotline operation would have to require that the vendor be bound by the bill's requirements, including its confidentiality provisions.

Mental Health Referrals and Information

The Department of Attorney General would have to ensure that if hotline information suggested that a psychiatric emergency was occurring, that information would be immediately referred to the appropriate county community mental health (CMH) services crisis hotline.

The DAG would develop a source of information on available community mental health resources and contacts, including community mental health services, and notify schools and law enforcement of this information source. The notice would in addition recommend that schools and law enforcement, if determining that mental illness or emotional disturbance may be involved, utilize this information in aiding subjects and their parents or guardians.

Staff Training

Program personnel would have to receive appropriate training on crisis management (including recognizing mental illnesses and emotional disturbances), available community resources for mental health treatment and other human services, and other matters determined by the Department of Attorney General to be relevant to the administration and operation of the program.

Maintenance and Disclosure of Information

Information submitted through the hotline would be considered to be a report to law enforcement. The hotline vendor would have to maintain hotline information for at least a year, subject to the confidentiality requirements of the bill.

Generally, information submitted to the hotline would be confidential and exempt from disclosure under the Freedom of Information Act. This would include information received through the hotline and forwarded to local law enforcement agencies or school officials.

However, to the extent necessary to address hotline reports in the course of duty, information (including identifying information) could be disclosed by the DAG, hotline operator, law enforcement, schools, and community mental health. Tip information also could be disclosed with the permission of the individual who submitted the tip or, if that individual was a minor, his or her parent or guardian. Information could also be disclosed under court order.

Disclosure of information in violation of the bill would be a misdemeanor punishable up to 90 days in jail, a fine of up to \$500, or both.

Expunction of Records

If a hotline report did not result in a referral or action, the report subject's name would have to be expunged from the records of all entities involved in the hotline program except as otherwise provided by law.

Disclosure of Information Pertaining to Criminal Charges

A person charged with a crime as a result of a hotline tip could petition the court for disclosure of tip information, including any identifying information.

The local prosecutor and the attorney general 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 be held outside the presence of the petitioner. The court could order tip information, including identifying information, to be disclosed if it was 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 local prosecutor who believed a tip to be falsely provided could petition the court to disclose tip information, including identifying information. The attorney general 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 the 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 administrative costs incurred by the DAG, contractual costs of the operating the hotline, and costs of promoting public awareness of the program. The bill would forbid spending money on a promotion that referred to or included the image or voice of an elected official, a candidate for elective office, an appointed state employee, or a state employee in a limited term Senior Executive Service appointment. The fund would receive money and other assets from any source deposited into the fund, and would retain any investment earnings. The DAG would be the administrator of the fund for audit purposes.

Annual Report

The DAG, in consultation with the Departments of Community Health and Education and the contract vendor, 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.
- The number of reports resulting in referrals to mental health services.
- A statement of revenue and itemized listing of the costs incurred by the DAG and Department of State Police in implementing the bill.
- A statement on the contributions of, and costs incurred by, the contracted vendor.

- An analysis of the overall effectiveness of the program in addressing the threat of potential self-harm and potential harm or criminal acts aimed at school students, employees, and property.

Sunset Date

The bill would be repealed effective October 1, 2017.

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. Funding was appropriated to the Department of State Police (\$1.13 million) and the Department of Attorney General (\$2.37 million) for a multi-year work project to operate a multi-media student safety hotline utilizing state employees and contracts. The tentative completion date for the work project was put at September 30, 2017.

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

FY 2013-14	\$903,000
FY 2014-15	\$811,000
FY 2015-16	\$885,000
FY 2016-17	\$901,000
TOTAL	\$3,500,000

In addition, the bill would impose misdemeanor penalties for violation of its confidentiality provisions. Misdemeanors fall under local government jurisdiction, and to the extent that the bill increased the number of misdemeanor convictions, local governments could incur increased costs of misdemeanor probation supervision or county jail incarceration, both of which vary by jurisdiction. To the extent that the bill increased the amount of penal fine revenue collected, it would benefit local libraries, which are the constitutionally-designated recipients of those revenues. Any local impact is likely to be minimal, however.

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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.