

**SUBSTITUTE FOR  
SENATE BILL NO. 374**

A bill to create the student safety act; to provide for confidential reports of potential harm or criminal activities directed at school students, school employees, and schools; to establish a hotline for filing those reports; to create the student safety fund and to provide for contributions to and expenditures from that fund; to prescribe the powers and duties of certain state officials and departments; to provide for procedures for the release of certain confidential information; and to prescribe penalties.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

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

3           Sec. 2. As used in this act:

1 (a) "Department" means the department of the attorney general.

2 (b) "Fund" means the student safety fund created in section 6.

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  
7 the department of state police, including information forwarded to  
8 the department of state police through the departmental website  
9 described in section 3(2) and information forwarded to the  
10 department of state police through a vendor described in section 7.

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

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

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

1 Michigan vehicle code, 1949 PA 300, MCL 257.57.

2 (g) "School student" means a person who is enrolled as a  
3 student in a school regardless of whether school is in session.

4 Sec. 3. (1) The department, in consultation with the  
5 department of state police and the department of education, shall,  
6 to the extent that funds are appropriated for the purpose,  
7 establish a program for receiving reports and other information  
8 from the public regarding potential harm or criminal acts directed  
9 at school students, school employees, or schools in this state. The  
10 department shall establish the program through a written memorandum  
11 of understanding with the department of state police. The  
12 memorandum of understanding shall establish the operation of the  
13 program within the guidelines of this act and shall contain  
14 provisions necessary to ensure that the department has access to  
15 the information needed to meet the reporting requirements of  
16 section 8.

17 (2) The program described in subsection (1) shall include a  
18 hotline for receiving reports and information described in  
19 subsection (1). The hotline shall be available for use 24 hours a  
20 day, 365 days a year. The department may provide promotional  
21 information regarding the program on its departmental website.

22 (3) The department shall be responsible for the continued  
23 operational and administrative oversight of the program. The  
24 program shall provide for a means to review all information  
25 submitted through the hotline and to direct those reports and that  
26 information, including any analysis of the potential threat as  
27 determined appropriate by the department or the department of state

1 police, to local law enforcement officials and school officials.  
2 The program shall include a means by which responses at the local  
3 level are determined and evaluated for effectiveness. The  
4 department shall ensure that appropriate training is provided to  
5 program personnel in crisis management and other matters relevant  
6 to the administration and operation of the program.

7 (4) A report or other information submitted to the hotline is  
8 considered to be a report to the department of state police and  
9 shall be maintained as an official record of the department of  
10 state police, subject to the confidentiality requirements of this  
11 act.

12 Sec. 4. (1) Any report or information submitted to the hotline  
13 under section 3 is confidential, shall not be released except as  
14 otherwise provided in this act, and is not subject to disclosure  
15 under the freedom of information act, 1976 PA 442, MCL 15.231 to  
16 15.246.

17 (2) Any report or information submitted to the hotline and  
18 forwarded by the department of state police under this act to a  
19 local law enforcement official or to a school official, or that is  
20 received by a vendor under contract with the department under  
21 section 7, is confidential, shall not be released except as  
22 otherwise provided in this act, and is not subject to disclosure  
23 under the freedom of information act, 1976 PA 442, MCL 15.231 to  
24 15.246.

25 (3) Information regarding a report or information submitted to  
26 the hotline under section 3, including any identifying information,  
27 may be disclosed only as follows:

1 (a) By any of the following as necessary for purposes of this  
2 act and as necessary to address reports and information received  
3 under this act:

4 (i) The department, the department of state police, or a vendor  
5 described in section 7, and their employees acting in the course of  
6 their duties.

7 (ii) By local law enforcement agencies and schools, and their  
8 employees acting in the course of their duties. However, this  
9 subparagraph does not allow the disclosure of information that  
10 would identify the person who submitted the report or information  
11 to the hotline under section 3.

12 (b) With the permission of the person or, if the person is a  
13 minor, with the permission of the minor and his or her parents or  
14 guardians.

15 (c) Pursuant to a court order issued under section 5.

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

20 Sec. 5. (1) A person who is charged with a criminal offense as  
21 a result of a report or information filed under section 3 may  
22 petition the court for disclosure of the report or information,  
23 including any identifying information, as provided in this  
24 subsection. The county prosecuting attorney and the attorney  
25 general shall be notified of the petition not less than 7 days  
26 before the hearing on the petition, or as otherwise provided by the  
27 court, and have the right to appear in the proceedings to oppose

1 the petition. If a petition is filed under this subsection, the  
2 court may conduct a hearing on the petition. If a hearing is  
3 conducted, it shall be conducted in chambers outside of the  
4 presence of the petitioner. If the court determines that the report  
5 or information, including any identifying information, is relevant  
6 to the criminal proceedings and is essential to the fair trial of  
7 the person, the court may order the disclosure of that report or  
8 information, including any identifying information, as determined  
9 appropriate by the court. The court may place restrictions on the  
10 release and use of the report or information, including any  
11 identifying information, obtained under this subsection or may  
12 redact material as it considers appropriate. Material reviewed by  
13 the court that is not ordered released or that is redacted shall be  
14 maintained by the court under seal for purposes of appeal only.

15 (2) If a county prosecuting attorney has reason to believe  
16 that a report or other information provided under section 3 was  
17 falsely provided to the department of state police through the  
18 hotline operated by the department of state police under section 3,  
19 the county prosecuting attorney may petition the court to disclose  
20 the report or information, including any identifying information.  
21 The attorney general shall be notified of the petition not less  
22 than 7 days before the hearing on the petition, or as otherwise  
23 provided by the court, and has the right to appear in the  
24 proceedings to oppose the petition. If the court determines that  
25 there is reason to believe that the report or information may have  
26 been falsely provided, the court may order the disclosure of the  
27 report or information, including any identifying information, as

1 determined appropriate by the court. The court may place  
2 restrictions on the release and use of the report or information,  
3 including any identifying information, obtained under this  
4 subsection or may redact material as it considers appropriate.  
5 Material reviewed by the court that is not ordered released or that  
6 is redacted shall be maintained by the court under seal for  
7 purposes of appeal only.

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

11 Sec. 6. (1) The student safety fund is created within the  
12 state treasury.

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

16 (3) Money in the fund at the close of the fiscal year shall  
17 remain in the fund and shall not lapse to the general fund.

18 (4) The department shall be the administrator of the fund for  
19 auditing purposes.

20 (5) The department may expend money from the fund, upon  
21 appropriation, only for 1 or more of the following purposes:

22 (a) To pay the costs of the department for administering this  
23 act.

24 (b) To pay the costs of the department of state police for  
25 operating the hotline under section 3.

26 (c) To pay the costs of a vendor described in section 7.

27 (d) To promote public awareness of the program, including the

1 availability of the hotline and the website operated by the  
2 department.

3       Sec. 7. The department may enter into contracts to secure  
4 services that contribute to the effectiveness of the program  
5 established under this act. Any contract shall require the vendor  
6 to be bound by the requirements of this act, including its  
7 confidentiality provisions.

8       Sec. 8. The department, in consultation with the department of  
9 state police and the department of education, shall prepare an  
10 annual report under this act. The report shall be filed not later  
11 than July 31 of the year in which the report is due. Copies of the  
12 report shall be filed with the governor, the secretary of the  
13 senate, the clerk of the house of representatives, the clerk of the  
14 senate standing committee on appropriations, and the clerk of the  
15 house standing committee on appropriations. The report shall also  
16 be maintained on the department's website. The report shall contain  
17 all of the following information:

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

20       (b) The number of reports and information reported to the  
21 hotline that are forwarded to local law enforcement officials and  
22 school officials.

23       (c) The nature of the reports and information reported to the  
24 hotline in categories established by the department.

25       (d) The responses to the reports and information reported to  
26 the hotline at the local level in categories established by the  
27 department.

1           (e) The source of all funds deposited in the student safety  
2 fund.

3           (f) The itemized costs and expenditures incurred by the  
4 department in implementing this act.

5           (g) The itemized costs and expenditures incurred by the  
6 department of state police in implementing this act.

7           (h) The contributions of, and the costs and expenditures  
8 incurred by, any vendor with whom the department enters into a  
9 contract under section 7.

10          (i) An analysis of the overall effectiveness of the program in  
11 addressing potential harm or criminal acts directed at schools,  
12 school employees, and school students.