

**First Regular Session
Seventieth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

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;

16 (d) Requiring a court to make probable cause determination that
17 the safe2tell program was used in the commission of a felony establishes
18 a high standard for revealing the identity of the person responsible while
19 hopefully not creating a substantial barrier to determining the identity of
20 the responsible party; and

1 (e) Allowing the safe2tell program to reveal the identity of a
2 person who allegedly made a fraudulent report may deter future
3 fraudulent reporting while not discouraging legitimate reporting.

4 (2) Therefore, the general assembly declares it is in the best
5 interest of public safety and public resources to allow the safe2tell
6 program to reveal the identity of a person making an alleged fraudulent
7 report in limited circumstances after a thorough review.

8 **SECTION 2.** In Colorado Revised Statutes, 24-31-603, **amend**
9 (4) as follows:

10 **24-31-603. Definitions.** As used in this article, unless the context
11 otherwise requires:

12 (4) "Program" means the safe2tell program AND ANY VENDORS
13 THE PROGRAM CONTRACTS WITH.

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

16 **24-31-606.5. Authority to investigate felonies.**

17 (1) NOTWITHSTANDING THE REQUIREMENT THAT REPORTS TO THE
18 PROGRAM REMAIN ANONYMOUS, THE PROGRAM SHALL PROVIDE THE
19 INVESTIGATING LAW ENFORCEMENT AGENCY WITH INFORMATION THAT
20 MAY ASSIST LAW ENFORCEMENT IN IDENTIFYING A PERSON OR JUVENILE
21 WHO COMMITTED A FELONY PURSUANT TO SUBSECTION (2) OF THIS
22 SECTION IF A COURT ORDERS THE PROGRAM TO PRODUCE THOSE RECORDS
23 PURSUANT TO A SEARCH WARRANT REQUEST MADE BY THE LAW
24 ENFORCEMENT AGENCY.

25 (2) A COURT SHALL GRANT THE SEARCH WARRANT REQUEST FOR
26 THE INFORMATION IDENTIFIED IN SUBSECTION (1) OF THIS SECTION IF THE
27 COURT AFTER AN IN CAMERA REVIEW OF ALL THE SAFE2TELL REPORTS,

1 INVESTIGATION REPORTS, AND ALL OTHER RELEVANT EVIDENCE
2 DETERMINES THAT THERE IS PROBABLE CAUSE TO BELIEVE THAT A PERSON
3 OR JUVENILE KNOWINGLY USED SAFE2TELL IN THE COMMISSION OF THE
4 FOLLOWING FELONIES:

5 (a) STALKING, AS DESCRIBED IN SECTION 18-3-602, C.R.S.; OR
6 (b) FALSE REPORT OF EXPLOSIVES, WEAPONS, OR HARMFUL
7 SUBSTANCES, AS DESCRIBED IN SECTION 18-8-110, C.R.S.

8 (3) A WARRANT ISSUED PURSUANT TO THIS SECTION AND THE
9 EVIDENCE USED TO OBTAIN THE WARRANT SHALL BE SEALED.

10 (4) THE PROGRAM SHALL PROVIDE THE INFORMATION IDENTIFIED
11 IN SUBSECTION (1) OF THIS SECTION UNDER SEAL. THE SEAL MAY ONLY BE
12 LIFTED UPON MOTION BY A DISTRICT ATTORNEY UPON A SHOWING OF GOOD
13 CAUSE FOLLOWING IN CAMERA REVIEW OF THE INFORMATION BY THE
14 COURT. THE DISTRICT ATTORNEY SHALL GIVE THE DEPARTMENT NOTICE OF
15 A MOTION TO LIFT THE SEAL FILED PURSUANT TO THIS SECTION AT THE
16 TIME THE MOTION IS FILED.

17 **SECTION 4.** In Colorado Revised Statutes, 24-31-606, **amend**
18 (2) (b) as follows:

19 **24-31-606. Safe2tell program - creation - duties.** (2) The
20 program must:

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

25 **SECTION 5. Accountability.** Two years after this act becomes
26 law and in accordance with section 2-2-1201, Colorado Revised Statutes,
27 the legislative service agencies of the Colorado general assembly shall

1 conduct a post-enactment review of the implementation of this act
2 utilizing the information contained in the legislative declaration set forth
3 in section 1 of this act.

4 **SECTION 6. Act subject to petition - effective date.** This act
5 takes effect at 12:01 a.m. on the day following the expiration of the
6 ninety-day period after final adjournment of the general assembly (August
7 5, 2015, if adjournment sine die is on May 6, 2015); except that, if a
8 referendum petition is filed pursuant to section 1 (3) of article V of the
9 state constitution against this act or an item, section, or part of this act
10 within such period, then the act, item, section, or part will not take effect
11 unless approved by the people at the general election to be held in
12 November 2016 and, in such case, will take effect on the date of the
13 official declaration of the vote thereon by the governor.