

Act No. 401
Public Acts of 2020
Approved by the Governor
January 4, 2021
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January 4, 2021
EFFECTIVE DATE: January 4, 2021

**STATE OF MICHIGAN
100TH LEGISLATURE
REGULAR SESSION OF 2020**

Introduced by Senator Barrett

ENROLLED SENATE BILL No. 1200

AN ACT to amend 2013 PA 183, entitled “An act 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; to prescribe penalties; and to repeal acts and parts of acts,” 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:

Sec. 2. As used in this act:

- (a) “Department” means the department of state police.
- (b) “Fund” means the student safety fund created in section 7.
- (c) “Hotline” means a statewide toll-free telephone number or other means of communication, or a combination of a toll-free telephone number and another means of communication, that transmits voice, text, photographic, and other messages and information to the department through the departmental website described in section 3(2).
- (d) “School” means a public, private, denominational, or parochial school offering developmental kindergarten, kindergarten, or any grade from 1 through 12, regardless of whether school is in session. School includes all school property.
- (e) “School employee” means a full-time or part-time employee of a school, school district, or intermediate school district, including a school administrator, a volunteer with a school, school district, or intermediate school district, or any other individual who provides services to a school, school district, or intermediate school district while he or she is on school property. An individual described in this subdivision is considered a school employee regardless of whether school is in session.
- (f) “School property” means a building, playing field, or property used for school purposes to impart instruction to school students or used for school purposes, functions, and events, regardless of whether school is in session. School property includes a school bus as that term is defined in section 57 of the Michigan vehicle code, 1949 PA 300, MCL 257.57.
- (g) “School student” means an individual who is enrolled as a student in a school regardless of whether school is in session.

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

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

(3) Beginning on the date that the hotline established under this act is operational, all calls received by any existing state-run school violence hotline in operation before the establishment of this act must be directed to the hotline established under this act. Any existing state-run school violence hotline in operation before December 13, 2013 must be disconnected within 6 months after the hotline established under this act is operational.

(4) The department is responsible for the continued operational and administrative oversight of the program. The program must provide for a means to review all information submitted through the hotline and to direct those reports and that information, including any analysis of the potential threat as determined appropriate by the department to local law enforcement officials and school officials. The program must include a means by which responses at the local level are determined and evaluated for effectiveness. The department shall ensure that appropriate training is provided to program personnel in all of the following areas:

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

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

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

(5) A report or other information submitted to the hotline is considered to be a report to a law enforcement agency and must be maintained as a record by the department for at least 1 year, subject to the confidentiality requirements of this act.

(6) The department shall ensure that any hotline information that suggests that a psychiatric emergency is taking place within a county is immediately referred to the community mental health services program psychiatric crisis line for that county.

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

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

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

(2) Any report or information submitted to the hotline and forwarded under this act to a law enforcement official or to a school official is confidential, must not be released except as otherwise provided in this act, and is not subject to disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

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

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

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

(a) By the department, law enforcement agencies, schools, and community mental health service programs, and their employees acting in the course of their duties. However, this subdivision does not allow the disclosure

of information that would identify the person who submitted the report or information to the hotline under section 3. The disclosure under this subdivision is necessary for purposes of this act and necessary to address reports and information received under this act.

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

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

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

(2) If the prosecuting attorney for a local unit of government has reason to believe that a report or other information provided under section 3 was falsely provided, that prosecuting attorney may petition the court to disclose the report or information, including any identifying information. The attorney general shall be notified of the petition not less than 7 days before the hearing on the petition, or as otherwise provided by the court, and has the right to appear in the proceedings to oppose the petition. If the court determines that there is reason to believe that the report or information may have been falsely provided, the court may order the disclosure of the report or information, including any identifying information, as determined appropriate by the court. The court may place restrictions on the release and use of the report or information, including any identifying information, obtained under this subsection or may redact material as it considers appropriate. Material reviewed by the court that is not ordered released or that is redacted must be maintained by the court under seal for purposes of appeal only.

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

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

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

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

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

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

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

(b) To pay the costs of operating the hotline under section 3.

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

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

Sec. 8. The department, in consultation with the department of health and human services and the department of education, shall prepare an annual report under this act. The report must be filed not later than July 31 of the year in which the report is due. Copies of the report must be filed with the governor, the secretary of the senate, the clerk of the house of representatives, the clerk of the senate standing committee on appropriations, and the clerk of the house standing committee on appropriations. The report must also be maintained on the department's website. The report must contain all of the following information:

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

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

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

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

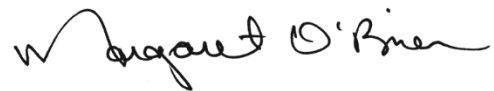
(e) The responses to the reports and information reported to the hotline at the local level in categories established by the department.

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

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

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

This act is ordered to take immediate effect.



Secretary of the Senate



Clerk of the House of Representatives

Approved _____

Governor