

SENATE BILL NO. 338—SENATORS SMITH, WOODHOUSE, FORD,
KIHUEN, PARKS; ATKINSON, DENIS, MANENDO AND
SPEARMAN

MARCH 16, 2015

JOINT SPONSORS: ASSEMBLYMEN SPRINKLE; ARAUJO,
CARRILLO, JOINER AND MUNFORD

Referred to Committee on Education

SUMMARY—Requires the Attorney General to establish the Safe-to-Tell Program to enable the anonymous reporting of dangerous, violent or unlawful activity in or at a public school. (BDR 34-870)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to public schools; requiring the Attorney General to establish the Safe-to-Tell Program to enable the anonymous reporting of dangerous, violent or unlawful activity, or threats thereof, in or at a public school; prohibiting the release of records or information of the Program except under certain circumstances; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 **Section 4** of this bill requires the Attorney General to establish the Safe-to-Tell
2 Program within the Office of the Attorney General. The Safe-to-Tell Program must
3 enable any person to anonymously report any dangerous, violent or unlawful
4 activity which is being conducted or threatened to be conducted on the property of
5 a public school, at an activity sponsored by a public school or on a school bus of a
6 public school. **Section 4** provides that any information received by the Program is
7 confidential and further provides that the Program must include methods and
8 procedures to ensure that: (1) information reported to the Program is promptly



forwarded to appropriate public safety agencies and appropriate public school administrators; and (2) the identity of a person who reports information to the Program is not known by persons operating the Program and is not disclosed to any person.

Under **section 5** of this bill, a person must not be compelled to produce or disclose any record or information provided to the Program except upon the motion of a defendant in a criminal action or as authorized pursuant to **section 4**. If a criminal defendant makes a motion to compel production or disclosure of a record or information provided to the Program, the motion must be supported by an affidavit stating that the record or information includes evidence that could be offered by the defendant to exculpate the defendant or to impeach the testimony of a witness. **Section 5** requires that the identity of any person who made a report to the Program be redacted from any record or information subsequently provided to the defendant, and provides that the court may subject the record or information to a protective order further redacting or otherwise limiting the use of the record or information.

Section 6 of this bill provides that any person who unlawfully discloses a record or information of the Safe-to-Tell Program is guilty of a misdemeanor.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 392 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this act.

Sec. 2. *The Legislature hereby declares that it is the intent of the Legislature in enacting sections 2 to 6, inclusive, of this act to enable the people of this State to easily and anonymously provide to appropriate state or local public safety agencies and to school administrators information about dangerous, violent or unlawful activities, or the threat of such activities, conducted on school property, at an activity sponsored by a public school or on a school bus of a public school.*

Sec. 3. *The Legislature hereby finds and declares that:*

1. The ability to anonymously report information about dangerous, violent or unlawful activities, or the threat of such activities, conducted on school property, at an activity sponsored by a public school or on a school bus of a public school is critical in preventing, responding to and recovering from such activities.

2. It is in the best interest of this State to ensure the anonymity of a person who reports such an activity, or the threat of such an activity, and who wishes to remain anonymous and to ensure the confidentiality of any record or information associated with such a report.

Sec. 4. *1. The Attorney General shall establish the Safe-to-Tell Program within the Office of the Attorney General. The Program must enable any person to report anonymously to the*



1 *Program any dangerous, violent or unlawful activity which is*
2 *being conducted, or is threatened to be conducted, on school*
3 *property, at an activity sponsored by a public school or on a school*
4 *bus of a public school. Any information relating to any such*
5 *dangerous, violent or unlawful activity, or threat thereof, received*
6 *by the Program is confidential and, except as otherwise authorized*
7 *pursuant to paragraph (a) of subsection 2 and section 5 of this act,*
8 *must not be disclosed to any person.*

9 2. *The Program must include, without limitation, methods*
10 *and procedures to ensure that:*

11 (a) *Information reported to the Program is promptly forwarded*
12 *to the appropriate public safety agencies and school*
13 *administrators; and*

14 (b) *The identity of a person who reports information to the*
15 *Program is not known by any person designated by the Attorney*
16 *General to operate the Program and is not disclosed to any person.*

17 3. *The Attorney General shall provide training regarding the*
18 *Program to employees and volunteers of each public safety*
19 *agency, public safety answering point, board of trustees of a*
20 *school district, governing body of a charter school and any other*
21 *entity whose employees and volunteers the Attorney General*
22 *determines should receive training regarding the Program.*

23 4. *The Attorney General shall:*

24 (a) *Post information concerning the Program on an Internet*
25 *website maintained by the Attorney General; and*

26 (b) *Provide to each public school educational materials*
27 *regarding the Program, including, without limitation, the*
28 *telephone number and any other methods by which a report may*
29 *be made.*

30 5. *As used in this section:*

31 (a) *"Public safety agency" has the meaning ascribed to it in*
32 *NRS 239B.020.*

33 (b) *"Public safety answering point" has the meaning ascribed*
34 *to it in NRS 707.500.*

35 **Sec. 5. 1.** *Except as otherwise provided in this section or as*
36 *otherwise authorized pursuant to paragraph (a) of subsection 2 of*
37 *section 4 of this act, a person must not be compelled to produce or*
38 *disclose any record or information provided to the Safe-to-Tell*
39 *Program established pursuant to section 4 of this act.*

40 2. *A defendant in a criminal action may file a motion to*
41 *compel a person to produce or disclose any record or information*
42 *provided to the Safe-to-Tell Program. A motion filed pursuant to*
43 *this subsection must be supported by an affidavit stating that the*
44 *record or information includes evidence that could be offered by*



1 *the defendant to exculpate the defendant or to impeach the*
2 *testimony of a witness.*

3 *3. If the court grants a motion filed pursuant to subsection 2,*
4 *the court shall conduct an ex parte, in camera review of the record*
5 *or information. If the court determines that the record or*
6 *information includes evidence that could be offered by the*
7 *defendant to exculpate the defendant or to impeach the testimony*
8 *of a witness, the court shall order the record or information to be*
9 *provided to the defendant. The identity of any person who reported*
10 *information to the Safe-to-Tell Program must be redacted from*
11 *any record or information provided pursuant to this subsection,*
12 *and the record or information may be subject to a protective order*
13 *further redacting the record or information or otherwise limiting*
14 *the use of the record or information.*

15 *4. The record of any information redacted pursuant to*
16 *subsection 3 must be sealed and preserved to be made available to*
17 *the appellate court in the event of an appeal. If the time for appeal*
18 *expires without an appeal, the court shall provide the record to the*
19 *Safe-to-Tell Program.*

20 **Sec. 6.** *Except as otherwise provided in section 5 of this act*
21 *or as otherwise authorized pursuant to paragraph (a) of*
22 *subsection 2 of section 4 of this act, a person who knowingly*
23 *discloses a record or information of the Safe-to-Tell Program*
24 *established pursuant to section 4 of this act, including, without*
25 *limitation, the identity of a person who reported information to the*
26 *Program, is guilty of a misdemeanor.*

27 **Sec. 7.** NRS 239.010 is hereby amended to read as follows:

28 239.010 1. Except as otherwise provided in this section and
29 NRS 1.4683, 1A.110, 49.095, 62D.420, 62D.440, 62E.516,
30 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 76.160,
31 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413,
32 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345,
33 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270,
34 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280,
35 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130,
36 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057,
37 127.130, 127.140, 127.2817, 130.312, 159.044, 172.075, 172.245,
38 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801,
39 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450,
40 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662,
41 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140,
42 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464,
43 217.475, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350,
44 228.270, 228.450, 228.495, 228.570, 231.069, 233.190, 237.300,
45 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140,



1 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020,
2 241.030, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140,
3 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350,
4 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025,
5 289.080, 289.387, 293.5002, 293.503, 293.558, 293B.135,
6 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070,
7 338.1379, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205,
8 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255,
9 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080,
10 378.290, 378.300, 379.008, 386.655, 387.626, 387.631, 388.5275,
11 388.528, 388.5315, 388.750, 391.035, 392.029, 392.147, 392.264,
12 392.271, 392.652, 392.850, 394.167, 394.1698, 394.447, 394.460,
13 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885,
14 408.3886, 412.153, 416.070, 422.290, 422.305, 422A.320,
15 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175,
16 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534,
17 433A.360, 439.270, 439.840, 439B.420, 440.170, 441A.195,
18 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570,
19 449.209, 449.245, 449.720, 453.1545, 453.720, 453A.610,
20 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555,
21 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403,
22 463.3407, 463.790, 467.1005, 467.137, 481.063, 482.170, 482.5536,
23 483.340, 483.363, 483.800, 484E.070, 485.316, 503.452, 522.040,
24 534A.031, 561.285, 571.160, 584.583, 584.655, 598.0964,
25 598.0979, 598.098, 598A.110, 599B.090, 603.070, 603A.210,
26 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350,
27 618.341, 618.425, 622.310, 623.131, 623A.353, 624.110, 624.265,
28 624.327, 625.425, 625A.185, 628.418, 629.069, 630.133,
29 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125,
30 632.405, 633.283, 633.301, 633.524, 634.212, 634.214, 634A.185,
31 635.158, 636.107, 637.085, 637A.315, 637B.288, 638.087, 638.089,
32 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400,
33 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191,
34 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625,
35 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225,
36 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320,
37 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065,
38 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133,
39 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340,
40 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190,
41 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.280,
42 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110,
43 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117,
44 692C.190, 692C.420, 693A.480, 693A.615, 696B.550, 703.196,
45 704B.320, 704B.325, 706.1725, 710.159, 711.600, *and section 4 of*



this act, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate the confidential information from the information included in the public book or record that is not otherwise confidential.

4. A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in a readily available medium because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 8. This act becomes effective:

1. Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks necessary to carry out the provisions of this act; and

2. On January 1, 2016, for all other purposes.

