

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—Revises provisions relating to safety 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.

~

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 Director of the Office for a Safe and Respectful Learning Environment within the Department of Education 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; creating and providing for the expenditure of money from the Safe-to-Tell Program Account; creating and providing duties for the Safe-to-Tell Program Advisory Committee; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 **Section 4** of this bill requires the Director of the Office for a Safe and
2 Respectful Learning Environment appointed pursuant to **section 4** of Senate Bill
3 No. 504 of this Session to establish the Safe-to-Tell Program within the Office. The
4 Safe-to-Tell Program must enable any person to anonymously report any
5 dangerous, violent or unlawful activity which is being conducted or threatened to
6 be conducted on the property of a public school, at an activity sponsored by a



* S B 3 3 8 R 1 *

public school or on a school bus of a public school. **Section 4** provides that any information received by the Program is confidential and further provides that the Program must include methods and 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. Additionally, **section 4** authorizes the Director of the Office to enter into agreements with organizations to operate a hotline or call center to receive initial reports made to the Program and forward the information contained in the reports in the required manner. **Section 4** provides that the identity of a person who reports information to the Program must remain unknown to persons employed by, contracting with, volunteering with or otherwise assisting such organizations in operating any such hotline or call center.

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**. **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 the willful disclosure of a record or information of the Safe-to-Tell Program, or the willful neglect or refusal to obey a court order relating to the Program, is punishable as criminal contempt.

Section 6.5 of this bill creates the Safe-to-Tell Program Account in the State General Fund. The Account must be administered by the Director and money in the Account may be used only to implement and operate the Safe-to-Tell Program.

Section 7.5 of this bill establishes the Safe-to-Tell Program Advisory Committee within the Office. The Committee is required to submit a report to the Governor and the Legislature which includes information regarding the number of reports received by the Safe-to-Tell Program and any recommendations for the improvement of the Program. **Section 8** of this bill provides for the dissolution of the Committee on December 31, 2016.

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 1.3 to 6.5, inclusive, of this act.

Sec. 1.3. *As used in sections 1.3 to 6.5, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 1.5 and 1.7 of this act have the meanings ascribed to them in those sections.*

Sec. 1.5. *“Director” means the Director of the Office for a Safe and Respectful Learning Environment appointed pursuant to section 4 of Senate Bill No. 504 of this Session.*

Sec. 1.7. *“Safe-to-Tell Program” or “Program” means the Safe-to-Tell Program established within the Office for a Safe and Respectful Learning Environment pursuant to section 4 of this act.*



1 **Sec. 2.** *The Legislature hereby declares that it is the intent of*
2 *the Legislature in enacting sections 1.3 to 6.5, inclusive, of this act*
3 *to enable the people of this State to easily and anonymously*
4 *provide to appropriate state or local public safety agencies and to*
5 *school administrators information about dangerous, violent or*
6 *unlawful activities, or the threat of such activities, conducted on*
7 *school property, at an activity sponsored by a public school or on a*
8 *school bus of a public school.*

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

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

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

20 **Sec. 4.** *I. The Director shall establish the Safe-to-Tell*
21 *Program within the Office for a Safe and Respectful Learning*
22 *Environment. The Program must enable any person to report*
23 *anonymously to the Program any dangerous, violent or unlawful*
24 *activity which is being conducted, or is threatened to be conducted,*
25 *on school property, at an activity sponsored by a public school or*
26 *on a school bus of a public school. Any information relating to*
27 *any such dangerous, violent or unlawful activity, or threat thereof,*
28 *received by the Program is confidential and, except as otherwise*
29 *authorized pursuant to paragraph (a) of subsection 2 and section 5*
30 *of this act, must not be disclosed to any person.*

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

33 (a) *Information reported to the Program is promptly forwarded*
34 *to the appropriate public safety agencies and school*
35 *administrators; and*

36 (b) *The identity of a person who reports information to the*
37 *Program:*

38 (1) *Is not known by any person designated by the Director*
39 *to operate the Program;*

40 (2) *Is not known by any person employed by, contracting*
41 *with, serving as a volunteer with or otherwise assisting an*
42 *organization with whom the Director enters into an agreement*
43 *pursuant to subsection 3; and*

44 (3) *Is not disclosed to any person.*



3. On behalf of the Program, the Director may enter into agreements with any organization that the Director determines is appropriately qualified and experienced, pursuant to which the organization will operate a hotline or call center that will receive initial reports made to the Program and forward the information contained in the reports in the manner required by subsection 2.

4. The Director shall provide training regarding the Program to employees and volunteers of each public safety agency, public safety answering point, board of trustees of a school district, governing body of a charter school and any other entity whose employees and volunteers the Director determines should receive training regarding the Program.

5. The Director shall:

(a) Post information concerning the Program on an Internet website maintained by the Director; and

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

6. As used in this section:

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

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

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

2. A defendant in a criminal action may file a motion to compel a person to produce or disclose any record or information provided to the Program. A defendant in a criminal action who files such a motion shall serve a copy of the motion upon the prosecuting attorney and upon the Director, either or both of whom may file a response to the motion not later than a date determined by the court.

3. If the court grants a motion filed by a defendant in a criminal action pursuant to subsection 2, the court may conduct an in camera review of the record or information or make any other order which justice requires. Counsel for all parties shall be permitted to be present at every stage at which any counsel is permitted to be present. If the court determines 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, the court shall order the record or information to be



provided to the defendant. The identity of any person who reported information to the Safe-to-Tell Program must be redacted from any record or information provided pursuant to this subsection, and the record or information may be subject to a protective order further redacting the record or information or otherwise limiting the use of the record or information.

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

Sec. 6. Except as otherwise provided in section 5 of this act or as otherwise authorized pursuant to paragraph (a) of subsection 2 of section 4 of this act, the willful disclosure of a record or information of the Safe-to-Tell Program, including, without limitation, the identity of a person who reported information to the Program, or the willful neglect or refusal to obey any court order made pursuant to section 5 of this act, is punishable as criminal contempt.

Sec. 6.5. 1. The Safe-to-Tell Program Account is hereby created in the State General Fund.

2. Except as otherwise provided in subsection 4, the money in the Account may be used only to implement and operate the Safe-to-Tell Program.

3. The Account must be administered by the Director, who may:

(a) Apply for and accept any gift, donation, bequest, grant or other source of money for deposit in the Account; and

(b) Expend any money received pursuant to paragraph (a) in accordance with subsection 2.

4. The interest and income earned on the money in the Account, after deducting any applicable charges, must be credited to the Account.

5. The money in the Account does not revert to the State General Fund at the end of any fiscal year.

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

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1A.110, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057,



1 127.130, 127.140, 127.2817, 130.312, 159.044, 172.075, 172.245,
2 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801,
3 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450,
4 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662,
5 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140,
6 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464,
7 217.475, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350,
8 228.270, 228.450, 228.495, 228.570, 231.069, 233.190, 237.300,
9 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140,
10 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020,
11 241.030, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140,
12 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350,
13 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025,
14 289.080, 289.387, 293.5002, 293.503, 293.558, 293B.135,
15 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070,
16 338.1379, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205,
17 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255,
18 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080,
19 378.290, 378.300, 379.008, 386.655, 387.626, 387.631, 388.5275,
20 388.528, 388.5315, 388.750, 391.035, 392.029, 392.147, 392.264,
21 392.271, 392.652, 392.850, 394.167, 394.1698, 394.447, 394.460,
22 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885,
23 408.3886, 412.153, 416.070, 422.290, 422.305, 422A.320,
24 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175,
25 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534,
26 433A.360, 439.270, 439.840, 439B.420, 440.170, 441A.195,
27 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570,
28 449.209, 449.245, 449.720, 453.1545, 453.720, 453A.610,
29 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555,
30 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403,
31 463.3407, 463.790, 467.1005, 467.137, 481.063, 482.170, 482.5536,
32 483.340, 483.363, 483.800, 484E.070, 485.316, 503.452, 522.040,
33 534A.031, 561.285, 571.160, 584.583, 584.655, 598.0964,
34 598.0979, 598.098, 598A.110, 599B.090, 603.070, 603A.210,
35 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350,
36 618.341, 618.425, 622.310, 623.131, 623A.353, 624.110, 624.265,
37 624.327, 625.425, 625A.185, 628.418, 629.069, 630.133,
38 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125,
39 632.405, 633.283, 633.301, 633.524, 634.212, 634.214, 634A.185,
40 635.158, 636.107, 637.085, 637A.315, 637B.288, 638.087, 638.089,
41 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400,
42 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191,
43 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625,
44 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225,
45 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320,



1 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065,
2 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133,
3 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340,
4 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190,
5 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.280,
6 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110,
7 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117,
8 692C.190, 692C.420, 693A.480, 693A.615, 696B.550, 703.196,
9 704B.320, 704B.325, 706.1725, 710.159, 711.600, *and section 4 of*
10 *this act*, sections 35, 38 and 41 of chapter 478, Statutes of Nevada
11 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and
12 unless otherwise declared by law to be confidential, all public books
13 and public records of a governmental entity must be open at all
14 times during office hours to inspection by any person, and may be
15 fully copied or an abstract or memorandum may be prepared from
16 those public books and public records. Any such copies, abstracts or
17 memoranda may be used to supply the general public with copies,
18 abstracts or memoranda of the records or may be used in any other
19 way to the advantage of the governmental entity or of the general
20 public. This section does not supersede or in any manner affect the
21 federal laws governing copyrights or enlarge, diminish or affect in
22 any other manner the rights of a person in any written book or
23 record which is copyrighted pursuant to federal law.

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

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

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

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

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



Sec. 7.5. 1. The Safe-to-Tell Program Advisory Committee is hereby created in the Office for a Safe and Respectful Learning Environment created by section 4 of Senate Bill No. 504 of this Session within the Department of Education.

2. The Committee consists of the following members, who must be appointed as soon as practicable after the effective date of this section but not later than July 31, 2015:

(a) The following members appointed by the Governor:

(1) One member who is a representative of a law enforcement agency in a county whose population is 700,000 or more;

(2) One member who is a representative of a law enforcement agency in a county whose population is 100,000 or more but less than 700,000;

(3) One member who is a representative of a law enforcement agency in a county whose population is less than 100,000;

(4) One member who is an employee or other representative of the Office of Suicide Prevention of the Division of Public and Behavioral Health of the Department of Health and Human Services;

(5) One member who is an employee or other representative of the Department of Public Safety;

(6) One member who is a licensed teacher or school counselor of a public school, as defined in NRS 385.007;

(7) One member who is a psychologist employed by a school district; and

(8) One member who is a victim's advocate, as defined in NRS 49.2545, or who the Governor determines is otherwise qualified to provide expertise in the field of providing assistance to victims;

(b) One member who is a Senator, appointed by the Majority Leader of the Senate;

(c) One member who is a Senator, appointed by the Minority Leader of the Senate;

(d) One member who is an Assemblyman or Assemblywoman, appointed by the Speaker of the Assembly;

(e) One member who is an Assemblyman or Assemblywoman, appointed by the Minority Leader of the Assembly;

(f) The Superintendent of Public Instruction, or his or her designee;

(g) The Director of the State Public Charter School Authority, appointed pursuant to NRS 386.511, or his or her designee;



(h) Two members appointed by the Nevada Association of School Administrators, or its successor organization, who are school administrators;

(i) One member appointed by the Nevada Association of School Superintendents, or its successor organization, who is the superintendent of a county school district; and

(j) Two members appointed by the Nevada Association of School Boards, or its successor organization.

3. To the extent practicable, the persons appointing members to the Committee shall coordinate the appointments to ensure that the members represent the geographic and ethnic diversity of this State.

4. Any vacancy occurring in the membership of the Committee must be filled in the same manner as the original appointment not later than 30 days after the vacancy occurs.

5. The members of the Committee serve without compensation. If sufficient money is available, members are entitled to the travel allowances provided for state officers and employees generally while attending meetings of the Committee.

6. The Committee shall hold its first meeting as soon as practicable on or after August 1, 2015. At the first meeting of the Committee, the members of the Committee shall elect a Chair.

7. The Chair of the Committee may appoint such subcommittees of the Committee as the Chair determines necessary to carry out the duties of the Committee.

8. The Committee, or any subcommittee of the Committee, may seek the input, advice and assistance of persons and organizations with knowledge, interest or expertise relevant to the duties of the Committee.

9. The Committee shall, not later than June 30, 2016, submit to the Governor and the Director of the Legislative Counsel Bureau for transmittal to the 79th Session of the Nevada Legislature a written report that includes, without limitation:

(a) Subject to the provisions regarding confidentiality set forth in sections 1.3 to 6.5, inclusive, of this act, information regarding the number of reports received by the Safe-to-Tell Program established pursuant to section 4 of this act and the disposition of those reports; and

(b) Recommendations, including, without limitation, any proposed legislation for the improvement of the Safe-to-Tell Program.

Sec. 8. 1. This section becomes effective upon passage and approval.

2. Section 7.5 of this act:

(a) Becomes effective:



1 (1) Upon passage and approval for the purpose of appointing
2 the members of the Safe-to-Tell Program Advisory Committee
3 created pursuant to that section; and

4 (2) On July 1, 2015, for all other purposes.

5 (b) Expires by limitation on December 31, 2016.

6 3. Sections 1 to 7, inclusive, of this act become effective:

7 (a) Upon passage and approval for the purpose of adopting any
8 regulations and performing any other preparatory administrative
9 tasks necessary to carry out the provisions of this act; and

10 (b) On January 1, 2016, for all other purposes.

