

2SHB 2823 - H AMD 802

By Representative Kilduff

1 Strike everything after the enacting clause and insert the  
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature finds that violence in  
4 schools is a serious concern. The legislature intends to limit  
5 violence in schools by providing students and the community with a  
6 mechanism to report anonymously information about potentially  
7 dangerous situations.

8 NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.300  
9 RCW to read as follows:

10 (1) The students protecting students program is established  
11 within the Washington state patrol. The primary purpose of the  
12 program is to operate a statewide communications center that provides  
13 students and the community with the means to relay information  
14 anonymously concerning unsafe, potentially harmful, dangerous,  
15 violent, or criminal activities, or the threat of these activities,  
16 first to law enforcement and public safety agencies, and as  
17 appropriate to school officials.

18 (2) The students protecting students program must:

19 (a) Establish and maintain methods of anonymous reporting  
20 concerning unsafe, potentially harmful, dangerous, violent, or  
21 criminal activities, or the threat of these activities, where  
22 reporting can be accomplished by, at a minimum, phone, text message,  
23 and email, twenty-four hours per day, seven days per week;

24 (b) Establish methods and procedures, consistent with the federal  
25 health insurance portability and accountability act and the federal  
26 educational rights and privacy act, to ensure that the identity of  
27 the reporting party remains unknown to persons and entities,  
28 including employees or persons operating the program, law enforcement  
29 officers, public safety officers, and school officials;

30 (c) Establish methods and procedures so that information obtained  
31 from a reporting party who voluntarily discloses his or her identity

1 and verifies that he or she is willing to be identified may be shared  
2 with employees or persons operating the program, law enforcement  
3 officers, public safety officers, and school officials;

4 (d) Establish methods and procedures to ensure that the identity  
5 of a reporting party who becomes known through any means other than  
6 voluntary disclosure is not further disclosed; and

7 (e) Promptly forward information received by the program to the  
8 appropriate law enforcement or public safety agency or school  
9 officials.

10 (3) The identity of the reporting party or other personally  
11 identifiable information may be released by the students protecting  
12 students program to a school district or law enforcement officer when  
13 that school district superintendent or law enforcement officer  
14 declares in an affidavit that after a threat assessment or other  
15 investigation of the report he or she has probable cause to believe  
16 that the reporting party knowingly filed a fraudulent report. The  
17 chief of the Washington state patrol must approve the release of the  
18 identity or other personally identifiable information by the students  
19 protecting students program under this subsection.

20 (4)(a) The students protecting students program and employees or  
21 persons operating the program must not be compelled to produce any  
22 personally identifiable information except on the motion of a  
23 criminal defendant to the court in which the offense is being tried,  
24 supported by an affidavit establishing that the personally  
25 identifiable information contains impeachment evidence or evidence  
26 that is exculpatory to the defendant in the trial of that offense.

27 (b) If the defendant's motion is granted, the court shall conduct  
28 an ex parte in camera review of personally identifiable information  
29 produced under the defendant's subpoena.

30 (c) If the court determines that the produced personally  
31 identifiable information contains impeachment evidence or evidence  
32 that is exculpatory to the defendant, the court shall order the  
33 personally identifiable information be produced to the defendant  
34 pursuant to a protective order that includes the redaction of the  
35 reporting party's identity and limitations on the use of the  
36 personally identifiable information, as needed, unless contrary to  
37 state or federal law. Personally identifiable information excised  
38 pursuant to a judicial order following the in camera review must be  
39 sealed and preserved in the records of the court, to be made  
40 available to the appellate court in the event of an appeal. After the

1 time for appeal has expired, the court must return the personally  
2 identifiable information to the students protecting students program.

3 (5)(a) Personally identifiable information created or obtained  
4 through the implementation or operation of the students protecting  
5 students program is confidential and must not be disclosed. The  
6 students protecting students program and employees or persons  
7 operating the program may be compelled to produce personally  
8 identifiable information only before a court or other tribunal and  
9 only pursuant to court order for an in camera review. An in camera  
10 review must be limited to an inspection of personally identifiable  
11 information that is material to the specific case pending before the  
12 court. The attorney general acting on behalf of the students  
13 protecting students program has standing in an action to oppose the  
14 disclosure of personally identifiable information in the custody of  
15 the program.

16 (b) An employee or person operating the program who knowingly  
17 discloses personally identifiable information in violation of the  
18 provisions of this section commits a misdemeanor punishable under  
19 chapter 9A.20 RCW.

20 (6) The definitions in this subsection apply throughout this  
21 section unless the context clearly requires otherwise.

22 (a) "In camera" means a confidential review by the judge alone in  
23 his or her chambers.

24 (b) "Personally identifiable information" means the name of the  
25 reporting party; the address, phone number, or email address of the  
26 reporting party; personal indirect identifiers of the reporting  
27 party, such as social security number, student number, date of birth,  
28 mother's maiden name; or other information that, alone or in  
29 combination, with other information, could be used to determine the  
30 identity of the reporting party.

31 NEW SECTION. **Sec. 3.** A new section is added to chapter 28A.320  
32 RCW to read as follows:

33 (1) Every school year, beginning in the 2016-17 school year,  
34 there must be made available to all students in each common school as  
35 defined in RCW 28A.150.020 at least one age-appropriate educational  
36 program, class, or activity developed in collaboration with the  
37 Washington state patrol and designed to teach students about the  
38 students protecting students program established in section 2 of this  
39 act. Such a program, class, or activity must include information

1 about how to report anonymously concerning unsafe, potentially  
2 harmful, dangerous, violent, or criminal activities, or the threat of  
3 these activities, to appropriate law enforcement agencies, public  
4 safety agencies, and school officials.

5 (2) Beginning in the 2016-17 school year, schools and school  
6 districts must disseminate information about the students protecting  
7 students program established in section 2 of this act, including the  
8 contact information for anonymous reporting, through any normal means  
9 of existing communication to students and families.

10 **Sec. 4.** RCW 42.56.240 and 2015 c 224 s 3 and 2015 c 91 s 1 are  
11 each reenacted and amended to read as follows:

12 The following investigative, law enforcement, and crime victim  
13 information is exempt from public inspection and copying under this  
14 chapter:

15 (1) Specific intelligence information and specific investigative  
16 records compiled by investigative, law enforcement, and penology  
17 agencies, and state agencies vested with the responsibility to  
18 discipline members of any profession, the nondisclosure of which is  
19 essential to effective law enforcement or for the protection of any  
20 person's right to privacy;

21 (2) Information revealing the identity of persons who are  
22 witnesses to or victims of crime or who file complaints with  
23 investigative, law enforcement, or penology agencies, other than the  
24 commission, if disclosure would endanger any person's life, physical  
25 safety, or property. If at the time a complaint is filed the  
26 complainant, victim, or witness indicates a desire for disclosure or  
27 nondisclosure, such desire shall govern. However, all complaints  
28 filed with the commission about any elected official or candidate for  
29 public office must be made in writing and signed by the complainant  
30 under oath;

31 (3) Any records of investigative reports prepared by any state,  
32 county, municipal, or other law enforcement agency pertaining to sex  
33 offenses contained in chapter 9A.44 RCW or sexually violent offenses  
34 as defined in RCW 71.09.020, which have been transferred to the  
35 Washington association of sheriffs and police chiefs for permanent  
36 electronic retention and retrieval pursuant to RCW 40.14.070(2)(b);

37 (4) License applications under RCW 9.41.070; copies of license  
38 applications or information on the applications may be released to  
39 law enforcement or corrections agencies;

1 (5) Information revealing the identity of child victims of sexual  
2 assault who are under age eighteen. Identifying information means the  
3 child victim's name, address, location, photograph, and in cases in  
4 which the child victim is a relative or stepchild of the alleged  
5 perpetrator, identification of the relationship between the child and  
6 the alleged perpetrator;

7 (6) Information contained in a local or regionally maintained  
8 gang database as well as the statewide gang database referenced in  
9 RCW 43.43.762;

10 (7) Data from the electronic sales tracking system established in  
11 RCW 69.43.165;

12 (8) Information submitted to the statewide unified sex offender  
13 notification and registration program under RCW 36.28A.040(6) by a  
14 person for the purpose of receiving notification regarding a  
15 registered sex offender, including the person's name, residential  
16 address, and email address;

17 (9) Personally identifying information collected by law  
18 enforcement agencies pursuant to local security alarm system programs  
19 and vacation crime watch programs. Nothing in this subsection shall  
20 be interpreted so as to prohibit the legal owner of a residence or  
21 business from accessing information regarding his or her residence or  
22 business;

23 (10) The felony firearm offense conviction database of felony  
24 firearm offenders established in RCW 43.43.822;

25 (11) The identity of a state employee or officer who has in good  
26 faith filed a complaint with an ethics board, as provided in RCW  
27 42.52.410, or who has in good faith reported improper governmental  
28 action, as defined in RCW 42.40.020, to the auditor or other public  
29 official, as defined in RCW 42.40.020;

30 (12) The following security threat group information collected  
31 and maintained by the department of corrections pursuant to RCW  
32 72.09.745: (a) Information that could lead to the identification of a  
33 person's security threat group status, affiliation, or activities;  
34 (b) information that reveals specific security threats associated  
35 with the operation and activities of security threat groups; and (c)  
36 information that identifies the number of security threat group  
37 members, affiliates, or associates; (~~and~~)

38 (13) The global positioning system data that would indicate the  
39 location of the residence of an employee or worker of a criminal  
40 justice agency as defined in RCW 10.97.030; and

1       (14) Personally identifiable information, as defined in section 2  
2 of this act, received, made, or kept by, or received from, the  
3 students protecting students program established in section 2 of this  
4 act, that is confidential under section 2(5) of this act."

5       Correct the title.

EFFECT: Moves the Students Protecting Students Program (Program) from the Office of the Superintendent of Public Instruction to the Washington State Patrol (WSP).

Specifies that the Program must operate a statewide communications center.

Removes language requiring the Program to be contracted out to an organization or call center.

Requires that the chief of the WSP, rather than the Superintendent of Public Instruction approve the release of personally identifiable information by the Program.

Requires that the educational program designed to teach students about the Program be developed in collaboration with the WSP.

--- END ---