

Senate Study Bill 1070 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
PUBLIC SAFETY BILL)

A BILL FOR

1 An Act relating to the establishment and implementation of
2 the safe and sound program within the department of public
3 safety, to participation in or use of the program by schools
4 and students, to immunity from civil or criminal liability
5 arising from a report made pursuant to the program, and to a
6 safe and sound revolving fund, and providing penalties.
7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 22.7, Code 2021, is amended by adding the
2 following new subsection:

3 NEW SUBSECTION. 74. Information and reports obtained and
4 prepared by any individual receiving anonymous reports pursuant
5 to section 80.48.

6 Sec. 2. NEW SECTION. **80.48 Safe and sound program.**

7 1. For purposes of this section, "*school entities*"
8 means school districts or accredited nonpublic schools in
9 Iowa offering instruction at any or all levels from the
10 prekindergarten level through grade twelve, and includes the
11 board of directors of a school district, the authorities in
12 charge of accredited nonpublic schools, and school personnel
13 employed by a school district or accredited nonpublic school.

14 2. A safe and sound program is established within the
15 department for purposes of developing and implementing a system
16 for receiving anonymous reports and other information from the
17 public in regard to potential self-harm and potential harm or
18 criminal acts including threats of violence, sexual abuse,
19 assault, or bullying directed at school students or school
20 entities.

21 3. The program shall include all of the following:

22 a. Establishing a statewide, twenty-four-hours-a-day,
23 seven-days-a-week, toll-free hotline, internet site, and mobile
24 application for the purpose of receiving reports in accordance
25 with this section.

26 b. Establishing methods and procedures to ensure that
27 the identity of any reporting party remains unknown to all
28 persons, including but not limited to law enforcement officers
29 and employees operating the hotline, internet site, or mobile
30 application.

31 c. Ensuring that the identity of an individual making a
32 report, who voluntarily discloses the individual's identity and
33 verifies the individual's willingness to be identified, may be
34 shared with law enforcement officers and school entities.

35 d. Ensuring that if the identity of an individual making

1 a report becomes known through a means other than voluntary
2 disclosure, the identity is not further disclosed.

3 e. (1) Establishing procedures to review all information
4 submitted through the hotline, internet site, and mobile
5 application and report that information, including any analysis
6 of the potential threat, to the appropriate law enforcement
7 agency and school entities, as determined by the department by
8 rule. The program shall work with school entities and local
9 law enforcement agencies to identify each person to whom a
10 report from the program shall be sent.

11 (2) The department shall not be held liable for the
12 investigation of information reported to the program following
13 confirmation of receipt of the report by the appropriate law
14 enforcement agency or school entity.

15 f. In consultation with the department of education,
16 providing training and instruction to individuals, including
17 but not limited to individuals at law enforcement agencies and
18 school entities, on appropriate awareness and response to the
19 program. The program shall provide guidance for the violence
20 prevention curricula developed in accordance with section
21 280.9B.

22 g. Developing and implementing program awareness initiatives
23 and providing related educational materials to school entities.

24 h. In consultation with the department of education,
25 establishing guidelines that school entities may utilize to
26 respond to a report sent by the program.

27 i. In consultation with the departments of education,
28 human services, and public health and the office of the
29 attorney general, create a threat assessment team to assist
30 law enforcement agencies and school entities to respond
31 appropriately to information reported in accordance with this
32 section. Each such department or office shall designate one
33 employee to serve on the threat assessment team. The team
34 may assist any school entity at the request of local law
35 enforcement and school officials or administrators.

1 4. A person participating in good faith in the making of
2 a report in accordance with this section shall have immunity
3 from any liability, civil or criminal, which might otherwise
4 be incurred or imposed as a result of information shared
5 in accordance with this section or learned as a result of
6 information shared in accordance with this section. The person
7 shall have the same immunity with respect to participating in
8 good faith in any judicial proceeding resulting from the report
9 or relating to the subject matter of the report.

10 5. A safe and sound revolving fund is created in the
11 state treasury under the control of the department. Any
12 moneys annually appropriated, granted, or credited to the
13 fund, including any federal moneys, are appropriated to the
14 department for the safe and sound program. Notwithstanding
15 section 8.33, moneys remaining in the revolving fund at the
16 end of the fiscal year shall not revert to the general fund
17 but shall remain available for the purposes of this section.
18 Notwithstanding section 12C.7, subsection 2, interest and
19 earnings on moneys deposited in the revolving fund shall be
20 credited to the revolving fund.

21 Sec. 3. Section 280.9B, Code 2021, is amended to read as
22 follows:

23 **280.9B Violence prevention curriculum.**

24 The department of education shall develop a statewide
25 violence prevention program based on law-related education.
26 The department shall contract with a law-related education
27 agency that serves the state and provides a comprehensive
28 plan to develop violence prevention curricula for grades
29 kindergarten through twelve, provide training to teachers and
30 school administrators on violence prevention, and develop
31 school-community partnerships for violence prevention. The
32 department of education shall include in the curricula
33 instruction on the safe and sound program established under
34 section 80.48 and how students can use the safe and sound
35 program.

1 Sec. 4. NEW SECTION. **280.18 Safe and sound program —**
2 **participation requirements.**

3 The board of directors of a school district and authorities
4 in charge of each accredited nonpublic school shall display
5 materials related to the safe and sound program, established
6 pursuant to section 80.48, in at least three locations within
7 every school building, and shall designate least two members of
8 the licensed instructional staff to receive information that is
9 reported to the safe and sound program.

10 Sec. 5. Section 280.30, subsection 1, Code 2021, is amended
11 to read as follows:

12 1. The board of directors of a school district and the
13 authorities in charge of each accredited nonpublic school shall
14 ~~develop~~ do all of the following:

15 a. Develop a high-quality emergency operations plan for
16 the district and individual school buildings in which students
17 are educated ~~no later than June 30, 2019~~. The plan shall
18 include but not be limited to responses to active shooter
19 scenarios and natural disasters. The plan shall provide that
20 any alert regarding an emergency situation that is transmitted
21 to school personnel or students by electronic means shall
22 also be transmitted to the employer of any individual who is
23 not a school employee but who is required as a part of the
24 individual's employment to regularly be present in a school
25 building during the school year. The plan shall include
26 publication of procedures for school personnel, parents, and
27 guardians to report possible threats to the safety of students
28 or school personnel on school grounds or at school activities.
29 The board and authorities shall consider any recommendations
30 of the department of education relating to the development of
31 a high-quality emergency operations plan and shall consult
32 with local emergency management coordinators and local law
33 enforcement agencies in the development of the plan. The board
34 and authorities shall review and update the plan on an annual
35 basis. The plan shall be confidential and shall not be a

1 public record subject to disclosure under [chapter 22](#).

2 b. Submit the emergency operations plan developed pursuant
3 to paragraph "a", and any updates to the plan, to the department
4 of education. The department may share such plans with law
5 enforcement agencies. The confidentiality provisions of
6 paragraph "a" shall apply to any agency receiving an emergency
7 operations plan pursuant to this paragraph.

8 Sec. 6. Section 719.1A, Code 2021, is amended to read as
9 follows:

10 **719.1A Providing false identification information.**

11 1. A person who knowingly provides false identification
12 information to anyone known by the person to be a peace
13 officer, emergency medical care provider under [chapter 147A](#),
14 or fire fighter, whether paid or volunteer, in the performance
15 of any act which is within the scope of the lawful duty or
16 authority of that officer, emergency medical care provider, or
17 fire fighter, commits a simple misdemeanor.

18 2. A person who knowingly provides false identification
19 information through the safe and sound toll-free hotline,
20 internet site, or mobile application established pursuant to
21 section 80.48, commits a simple misdemeanor.

22 EXPLANATION

23 The inclusion of this explanation does not constitute agreement with
24 the explanation's substance by the members of the general assembly.

25 This bill provides for the establishment of the safe
26 and sound program within the department of public safety,
27 for participation in or use of the program by schools and
28 students, and for penalties for providing false identification
29 information through the program.

30 The safe and sound program is established for purposes of
31 developing and implementing a system for receiving anonymous
32 reports and other information from the public in regard
33 to potential self-harm and potential harm or criminal acts
34 including threats of violence, sexual abuse, assault, or
35 bullying directed at school students and school entities.

1 The bill defines "school entities" as school districts or
2 accredited nonpublic schools offering instruction at any or all
3 levels from the prekindergarten level through grade 12, and
4 includes school boards, the authorities in charge of accredited
5 nonpublic schools, and school personnel employed by a school
6 district or accredited nonpublic school.

7 The program must establish a statewide toll-free hotline,
8 internet site, and mobile application for receiving the
9 anonymous reports.

10 The program must also establish methods and procedures
11 to ensure that the identity of any reporting party remains
12 anonymous to all unless the individual making the report
13 voluntarily discloses the individual's identity and indicates a
14 willingness to be identified, at which point that individual's
15 identity may be shared with law enforcement officers and school
16 entities.

17 The program must establish procedures for reviewing the
18 information received and for reporting that information,
19 including any analysis of the potential threat, to the
20 appropriate law enforcement agency, or school entity, as
21 determined by the department by rule. The program must work
22 with local law enforcement agencies and school entities to
23 identify each person to whom a report from the program shall
24 be sent.

25 Once the program reports information to the appropriate
26 law enforcement agency or school official, or entity, and the
27 receiving entity confirms receipt of the report, the department
28 shall not be held liable for investigation of the information
29 reported. A person participating in good faith in the making
30 of a report or participating in any judicial proceeding
31 resulting from the report shall have immunity from any civil or
32 criminal liability which would otherwise be imposed as a result
33 of information shared under the program or learned as a result
34 of information shared under the program.

35 The program must provide, in consultation with the

1 department of education, training and instruction to
2 individuals, including but not limited to school entities and
3 law enforcement agencies, on appropriate awareness and response
4 to the program; must develop and implement program awareness
5 initiatives and provide related educational materials to school
6 entities; and must establish guidelines that school entities
7 may utilize to respond to a report sent by the program.

8 In consultation with the departments of education, human
9 services, and public health and the office of the attorney
10 general, the program must create a threat assessment team to
11 assist law enforcement agencies and school entities to respond
12 appropriately to information reported. Each such department or
13 office must designate one employee to serve on the team. The
14 team may assist any school entity at the request of local law
15 enforcement and school officials or administrators.

16 Information and reports provided through the program are
17 confidential under Code section 22.7.

18 The bill creates a safe and sound revolving fund in the
19 state treasury under the control of the department. Any moneys
20 annually appropriated, granted, or credited to the fund,
21 are appropriated to the department for the program. Moneys
22 remaining in the revolving fund at the end of the fiscal year
23 do not revert to the general fund but shall remain available
24 for the safe and sound program. Interest and earnings on
25 moneys in the revolving fund are credited to the revolving
26 fund.

27 Currently, the department of education is responsible
28 for developing a statewide violence prevention program and
29 curricula. The bill requires that the department include in
30 the curricula instruction on the safe and sound program and how
31 students can use the program.

32 School boards and accredited nonpublic school authorities
33 must display materials related to the safe and sound program
34 in at least three locations within every school building;
35 designate at least two members of the licensed instructional

1 staff to receive information that is reported to the safe and
2 sound program; and submit the school's emergency operations
3 plans and any updates to the plans to the department of
4 education. The department may share such plans with law
5 enforcement agencies.

6 Under the bill, a person who knowingly provides false
7 identification information through the safe and sound toll-free
8 hotline, internet site, or mobile application commits a simple
9 misdemeanor. A simple misdemeanor is punishable by confinement
10 for no more than 30 days and a fine of at least \$105 but not
11 more than \$855.