

HOUSE BILL NO. HB0015

Education-school safety and security.

Sponsored by: Joint Education Interim Committee

A BILL

for

1 AN ACT relating to education; creating a comprehensive
 2 statewide school safety program; establishing a statewide
 3 tip line for school safety and security; granting
 4 rulemaking authority; establishing a process for the
 5 release of confidential information; transferring funds;
 6 transferring and authorizing personnel; requiring
 7 reporting; and providing for an effective date.

8

9 *Be It Enacted by the Legislature of the State of Wyoming:*

10

11 **Section 1.** W.S 9-1-641 through 9-1-644 are created to
 12 read:

13

14 **9-1-641. Unit of school safety and security; created;**
 15 **appointment of deputy.**

16

1 (a) The unit of school safety and security is created
2 within the division of criminal investigation of the office
3 of the attorney general.

4

5 (b) With the approval of the attorney general, the
6 director of the division of criminal investigation shall
7 designate a deputy to supervise and direct all activities
8 of the unit of school safety and security. The deputy
9 shall be responsible to the director for the operation of
10 the unit.

11

12 **9-1-642. Unit of school safety and security; duties**
13 **of deputy.**

14

15 (a) The deputy of the unit of school safety and
16 security shall:

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18 (i) Supervise and direct all activities of the
19 unit of school safety and security;

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21 (ii) Serve as the state's representative on
22 local, state and national organizations involved in school
23 safety and security and related functions;

1

2 (iii) Act as the state's authority on necessary
3 components of school safety and security plans and serve as
4 the state's liaison with local governmental entities,
5 appropriate law enforcement agencies, public safety
6 agencies and school district officials to facilitate a
7 cooperative and coordinated school safety and security
8 effort. The deputy shall also assist these agencies and
9 officials in formulating local crisis management plans and
10 other coordinated safety and security efforts relating to
11 school safety and security;

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13 (iv) Administer the school safety and security
14 program required under W.S. 9-1-643;

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16 (v) Provide public information and education
17 concerning issues related to school safety and security;

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19 (vi) Subject to the approval of the director and
20 the attorney general, promulgate rules and regulations
21 necessary to implement the school safety and security
22 program required under W.S. 9-1-643.

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1 **9-1-643. Unit of school safety and security; program**
2 **created; duties and responsibilities.**

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4 (a) The deputy of the unit of school safety and
5 security shall establish and administer a comprehensive
6 statewide school safety and security program within the
7 unit which program shall:

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9 (i) Include methods of anonymous reporting
10 concerning unsafe, potentially harmful, dangerous, violent
11 or criminal activities in schools or the threat of those
12 activities. At minimum, methods of reporting shall include
13 telephone landline, website, mobile telephone application
14 and cellular text messaging;

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16 (ii) Except as provided by paragraphs (iii) and
17 (iv) of this subsection, ensure the identity of the
18 reporting parties remains unknown to all persons and
19 entities, including law enforcement officers and employees
20 operating the program;

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22 (iii) Allow for disclosure of a reporting
23 party's identity to law enforcement officers, employees

1 operating the program and school district officials
2 obtained from a reporting party who voluntarily discloses
3 his identity and verifies that he is willing to be
4 identified;

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6 (iv) Ensure that a reporting party's identity
7 which becomes known through any means other than voluntary
8 disclosure is not further disclosed;

9

10 (v) Promptly share necessary information
11 received in operation of the program with the appropriate
12 law enforcement and public safety agency or school district
13 officials;

14

15 (vi) As determined appropriate by the deputy of
16 the unit of school safety and security, establish training
17 protocols on school safety and security awareness and
18 appropriate responses to information provided by the unit
19 to law enforcement dispatch centers, school districts,
20 schools and other necessary entities;

21

1 (vii) Provide educational material to schools,
2 school districts and other necessary entities regarding the
3 program.

4

5 **9-1-644. Unit of school safety and security;**
6 **confidentiality of material; hearing required.**

7

8 (a) All records concerning reports or tips received
9 in operation of the school safety and security program
10 required under W.S. 9-1-643 are deemed not to be a public
11 record and shall remain confidential information in the
12 possession of the unit of school safety and security. The
13 program and any person implementing or operating the
14 program may be compelled to produce the material only
15 before a court and only pursuant to court order as provided
16 by subsection (b) of this section.

17

18 (b) Persons implementing or operating the program
19 shall not be compelled to produce any materials obtained
20 in relation to the operation of the program, except on
21 motion of a criminal defendant to the court in which the
22 offense is being tried. The following procedure shall
23 apply:

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2 (i) A written motion shall be made by the
3 defendant to the court at least ten (10) days prior to the
4 trial identifying the materials the defendant seeks to have
5 produced and stating that the materials sought contain
6 impeachment evidence or evidence that is exculpatory to the
7 defendant in the trial of an offense;

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9 (ii) The written motion shall be accompanied by
10 affidavits in which the offer of proof is stated;

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12 (iii) If the court finds the offer of proof
13 sufficient, the court shall order a hearing in chambers,
14 and at the hearing allow the questioning of the persons
15 implementing or operating the program or review of material
16 obtained in operation of the program regarding the offer of
17 proof made by the defendant and other pertinent evidence;

18

19 (iv) At the conclusion of the hearing, if the
20 court finds that the materials sought by the defendant
21 contain impeachment evidence or evidence that is
22 exculpatory to the defendant, the evidence may be
23 admissible pursuant to this section, subject to other

1 admissibility standards routinely applied by the court. If
2 the materials are ruled admissible, the court shall make an
3 order stating what evidence may be introduced by the
4 defendant and which shall require redaction of the
5 reporting party's identity. The order may include the
6 nature of the questions to be permitted.

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8 (c) Any material provided pursuant to court order
9 under subsection (b) of this section shall be sealed and
10 preserved in the record of the court to be made available
11 to the appellate court in the event of an appeal. After
12 the time for appeal has expired, the court shall return the
13 material to the unit of school safety and security.

14

15 **Section 2.**

16

17 (a) For the period commencing on the effective date
18 of this act and ending June 20, 2018, the office of
19 homeland security shall, as the funds become available,
20 transfer six hundred eighty-six thousand six hundred ten
21 dollars (\$686,610.00) from federal homeland security funds
22 to the attorney general for the operation of the unit of
23 school safety and security required under W.S. 9-1-641

1 through 9-1-644 as created by section 1 of this act. These
2 funds shall not be included in the attorney general's
3 2019-2020 standard budget request.

4
5 (b) The office of homeland security shall immediately
6 transfer the two (2) full-time at-will positions 0079 and
7 0080 as created by 2014 Wyoming Session Laws, Chapter 26,
8 Section 2, Section 336(d) to the attorney general. These
9 positions shall be for school safety personnel necessary in
10 the execution of this act and shall be funded solely from
11 federal funds transferred by subsection (a) of this
12 section. Notwithstanding 2014 Wyoming Session Laws, Chapter
13 26, Section 2, Section 336(d), the positions are authorized
14 for the period commencing upon the effective date of this
15 act and ending June 30, 2018. The attorney general is
16 authorized to reclassify the positions transferred by this
17 subsection as necessary to meet the requirements of this
18 act. To the extent practicable the personnel occupying the
19 positions shall be transferred with the positions to the
20 attorney general. The two (2) positions transferred and
21 authorized by this subsection shall not be included in the
22 attorney general's 2019-2020 standard budget request. From
23 the funds transferred by subsection (a) of this section, up

1 to three hundred fifty-eight thousand six hundred ten
2 dollars (\$358,610.00) may be expended for the salary and
3 benefits of the two (2) positions transferred and
4 authorized under this subsection. These funds shall not be
5 transferred or expended for any other purpose and shall not
6 be included in the attorney general's 2019-2020 standard
7 budget request.

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9 (c) Of the funds transferred by subsection (a) of
10 this section, up to three hundred twenty-eight thousand
11 dollars (\$328,000.00) may be expended to obtain the
12 necessary support services, software and equipment for the
13 operation of the unit of school safety and security as
14 created by this act. These funds shall not be transferred
15 or expended for any other purpose and shall not be included
16 in the attorney general's 2019-2020 standard budget
17 request.

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19 (d) The funds transferred by subsection (a) of this
20 section from the office of homeland security to the office
21 of the attorney general shall be reduced by any unexpended,
22 unobligated or unencumbered school foundation program
23 account funds and up to fifty thousand dollars (\$50,000.00)

1 in general funds appropriated to the department of
2 education by 2014 Wyoming Session Laws, Chapter 26, Section
3 2, Section 206 to unit 1401 and any remaining funds as of
4 the effective date of this act shall immediately be
5 transferred by the department of education to the attorney
6 general. These funds shall only be expended by the
7 attorney general for the operation of the unit of school
8 safety and security required under W.S. 9-1-641 through
9 9-1-644 as created by section 1 of this act.

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11 (e) All funds transferred or appropriated to the
12 office of the attorney general pursuant to this section may
13 be expended for purposes of this act commencing with the
14 effective date of this act through June 30, 2018.

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16 (f) The attorney general shall report to the joint
17 appropriations interim committee and the joint education
18 interim committee not later than October 15, 2016, and
19 again by October 15, 2017, on the expenditure of amounts
20 and on positions transferred under this section. The report
21 shall include data and information on the operation and
22 effectiveness of the unit of school safety and security.

23

1 **Section 3.** This act is effective immediately upon
2 completion of all acts necessary for a bill to become law
3 as provided by Article 4, Section 8 of the Wyoming
4 Constitution.

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(END)