

Enrolled House Bill 4075

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Judiciary)

CHAPTER

AN ACT

Relating to student safety; creating new provisions; amending ORS 165.570 and sections 1 and 2, chapter 93, Oregon Laws 2014; repealing ORS 180.650 and 180.660; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. (1) As used in this section:

(a) “Cyberbullying” and “harassment, intimidation or bullying” have the meanings given those terms in ORS 339.351.

(b) “Local law enforcement contact” means a local law enforcement officer designated by the Department of State Police to be notified when the tip line receives a report of a threat to student safety or potential threat to student safety.

(c) “Service provider” means a person designated by the department to be notified when the tip line receives a report of a threat to student safety or potential threat to student safety. “Service provider” includes:

- (A) A provider of behavioral health care or mental health care;
- (B) A provider of school-based health care;
- (C) A certificated school counselor;
- (D) A clinical social worker licensed under ORS 675.530; or
- (E) A professional counselor or a marriage and family therapist licensed under ORS 675.615.

(d) “Student” means a student of:

- (A) A school district, as defined in ORS 332.002;
- (B) A community college, as defined in ORS 341.005;
- (C) A private school that provides educational services to kindergarten through grade 12 students;
- (D) A career school, as defined in ORS 345.010; or
- (E) A public university listed under ORS 352.002.

(e) “Threat to student safety” includes, but is not limited to, a threat or instance of:

- (A) Harassment, intimidation or bullying or cyberbullying;
- (B) Suicide or self-harm; and
- (C) Violence against others.

(f) “Tip line” means a statewide resource designed to accept information concerning threats to student safety or potential threats to student safety through methods of transmission including:

- (A) Telephone calls;

- (B) Text messages; and
- (C) Electronically through the Internet.

(2) The Department of State Police shall establish a statewide tip line for students and other members of the public to use to confidentially report information concerning threats to student safety or potential threats to student safety.

(3) In consultation with state and local government behavioral health care providers, the department shall adopt rules necessary to establish and operate the tip line. The rules must include, but are not limited to:

(a) Provisions that protect the identity of a person reporting information without compromising opportunities for follow-up contact from local law enforcement contacts or service providers to provide further information to or obtain further information from the person; and

(b) Written policies and procedures for:

(A) Logging reports received on the tip line;

(B) Verifying the authenticity and validity of a reported threat to student safety or potential threat to student safety;

(C) Relaying information concerning a threat to student safety or potential threat to student safety to local law enforcement contacts, service providers and appropriate education provider contacts;

(D) Connecting the tip line with other hotlines that are available for reports of violence or for crisis prevention; and

(E) Reporting for the purposes of tracking referrals to local law enforcement contacts and service providers resulting from information received on the tip line and tracking the outcome of any action taken in response to the referral.

(4) The department may seek and accept gifts, grants and donations from any source for the purpose of carrying out its duties under this section.

SECTION 2. Prior to establishing the statewide tip line described in section 1 of this 2016 Act, the Department of State Police shall ensure that the department has adopted rules for provisions, policies and procedures related to the tip line, as described in section 1 (3) of this 2016 Act.

SECTION 3. ORS 165.570 is amended to read:

165.570. (1) A person commits the crime of improper use of the emergency communications system if the person knowingly:

(a) Makes an emergency call or calls the [*School Safety Hotline*] **tip line** for a purpose other than to report a situation that the person reasonably believes requires prompt service in order to preserve human life or property; or

(b) Allows another person to use communications equipment owned, rented or leased by or under the control of the person to make an emergency call or call the [*School Safety Hotline*] **tip line** for a purpose other than to report a situation that the other person reasonably believes requires prompt service in order to preserve human life or property.

(2) As used in this section:

(a) "Emergency call" has the meaning given that term in ORS 403.105.

(b) "Emergency communications system" has the meaning given that term in ORS 403.105.

[(c) "*School Safety Hotline*" means the toll-free telephone line established under ORS 180.650.]

(c) "**Tip line**" means the statewide tip line established under section 1 of this 2016 Act.

(3) Improper use of the emergency communications system is a Class A misdemeanor.

SECTION 4. In addition to and not in lieu of any other appropriation, there is appropriated to the Department of State Police for the biennium beginning July 1, 2015, out of the General Fund, the amount of \$1 million, which may be expended to establish and operate the tip line established under section 1 of this 2016 Act.

SECTION 5. ORS 180.650 and 180.660 are repealed.

SECTION 6. Section 1, chapter 93, Oregon Laws 2014, is amended to read:

Sec. 1. (1) The Task Force on School Safety is established, consisting of [14] **16** members as follows:

(a) The Superintendent of State Police or the superintendent's designee.
(b) The Director of the Department of Public Safety Standards and Training or the director's designee.

(c) The Governor's Public Safety Policy Advisor.

(d) The Governor's Education Policy Advisor.

(e) The President of the Senate shall appoint one member from among members of the Senate.

(f) The Speaker of the House of Representatives shall appoint one member from among members of the House of Representatives.

(g) The Governor shall appoint [eight] **10** members as follows:

(A) A member of the Oregon State Sheriffs' Association;

(B) A member of the Oregon Association Chiefs of Police;

(C) A member of the Oregon Fire Chiefs Association;

(D) A member of the Oregon Education Association;

(E) A member of the Oregon School Employees Association;

(F) A member of the Oregon School Boards Association;

(G) A member of the Oregon Association of Education Service Districts; [and]

(H) A member of the Confederation of Oregon School Administrators[.];

(I) A member representing the Department of Education; and

(J) A member of the Association of Oregon Community Mental Health Programs.

(2) Members of the Legislative Assembly appointed to the task force are nonvoting members of the task force and may act in an advisory capacity only.

(3) The task force shall:

(a)(A) Develop a request for proposals to be published by the Department of State Police for hiring a vendor to create a database of floor plans for all schools within the state, accessible to authorized users via the Internet; and

(B) Make recommendations to the Department of State Police for the development of administrative rules governing the database, including but not limited to:

(i) Specifying the persons and agencies that may have access to the database;

(ii) Identifying the persons or agencies that will maintain the database; and

(iii) Regulating the manner in which database records are added or modified;

(b) Examine models of existing education and training programs for law enforcement officials, other first responders and school employees in the area of school safety and incident response; and

(c) Examine models for existing protocols for school safety and incident response and consider whether standardized statewide school safety and incident response protocols would be appropriate.

(4) A majority of the voting members of the task force constitutes a quorum for the transaction of business.

(5) Official action by the task force requires the approval of a majority of the voting members of the task force.

(6) The task force shall elect one of its members to serve as chairperson and one of its members to serve as vice chairperson.

(7) If there is a vacancy for any cause, the appointing authority shall make an appointment to become immediately effective.

(8) The task force shall meet at times and places specified by the call of the chairperson or of a majority of the voting members of the task force.

(9) The task force may adopt rules necessary for the operation of the task force.

(10) The task force shall submit a report concerning the floor plan database in the manner provided by ORS 192.245, and may include recommendations for legislation, to an interim committee of the Legislative Assembly related to the judiciary as appropriate no later than September 1, [2014.] **2017. A second report shall be submitted in a similar manner no later than September 1, 2019.**

(11) The Department of State Police shall provide staff support to the task force.

(12) Members of the task force who are not members of the Legislative Assembly are not entitled to compensation, but may be reimbursed for actual and necessary travel and other expenses incurred by them in the performance of their official duties in the manner and amounts provided for in ORS 292.495. Claims for expenses incurred in performing functions of the task force shall be paid out of funds appropriated to the Department of State Police for purposes of the task force.

(13) All agencies of state government, as defined in ORS 174.111, are directed to assist the task force in the performance of its duties and, to the extent permitted by laws relating to confidentiality, to furnish such information and advice as the members of the task force consider necessary to perform their duties.

SECTION 7. Section 2, chapter 93, Oregon Laws 2014, is amended to read:

Sec. 2. Section 1, **chapter 93, Oregon Laws 2014**, [of this 2014 Act] is repealed on [the date of the convening of the 2017 regular session of the Legislative Assembly as specified in ORS 171.010] **December 31, 2019.**

SECTION 8. This 2016 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2016 Act takes effect on its passage.

Passed by House February 25, 2016

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Timothy G. Sekerak, Chief Clerk of House

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Tina Kotek, Speaker of House

Passed by Senate February 29, 2016

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Peter Courtney, President of Senate

Received by Governor:

.....M.,....., 2016

Approved:

.....M.,....., 2016

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M.,....., 2016

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Jeanne P. Atkins, Secretary of State