

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

DRAFT
10.10.19

BILL 5

LLS NO. 20-0391.01 Michael Dohr x4347

INTERIM COMMITTEE BILL

School Safety Committee

BILL TOPIC: "Misuse Of Safe2tell Sealed Warrant For Identity"

DEADLINES: File by: 10/10/2019

A BILL FOR AN ACT

101 **CONCERNING CREATION OF A PROCESS TO PROVIDE A SEARCH**
102 **WARRANT FOR SAFE2TELL MATERIALS WHEN SAFE2TELL IS**
103 **ALLEGEDLY USED TO COMMIT A SPECIFIED CRIME.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)

School Safety Committee. Under the safe2tell program all reports are anonymous. The bill allows a law enforcement agency, public safety agency, or district attorney to request that a court issue a search warrant, under seal, for safe2tell program materials that identify the reporting party if the court, following an in camera review determines probable cause

*Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

exists that a reporting party knowingly used safe2tell in the commission of:

- Stalking;
- False report of explosives, weapons, or harmful substances;
- Harassment; or
- Interference with staff, faculty, or students of educational institutions.

The bill requires the information provided under the warrant to be kept confidential unless a court order unseals the information.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 24-31-607, **add**
3 (2)(c) and (2)(d) as follows:

4 **24-31-607. In camera review - confidentiality of materials -**
5 **criminal penalty.** (2) (c) NOTWITHSTANDING SUBSECTIONS (2)(a) AND
6 (2)(b) OF THIS SECTION, ON REQUEST BY A LAW ENFORCEMENT AGENCY,
7 PUBLIC SAFETY AGENCY, OR DISTRICT ATTORNEY, A DISTRICT COURT MAY
8 ISSUE A SEARCH WARRANT, UNDER SEAL, FOR PROGRAM MATERIALS
9 IDENTIFYING THE REPORTING PARTY IF THE COURT, FOLLOWING AN IN
10 CAMERA REVIEW OF THE MATERIALS, RELATED MATERIALS, OR ANY OTHER
11 RELEVANT EVIDENCE, INCLUDING A SWORN AFFIDAVIT OF THE REQUESTING
12 PARTY, DETERMINES PROBABLE CAUSE EXISTS THAT A REPORTING PARTY
13 TO THE PROGRAM KNOWINGLY USED SAFE2TELL IN THE COMMISSION OF:

14 (I) STALKING, AS DEFINED IN SECTION 18-3-602;

15 (II) FALSE REPORT OF EXPLOSIVES, WEAPONS, OR HARMFUL
16 SUBSTANCES, AS DEFINED IN SECTION 18-8-110;

17 (III) HARASSMENT, AS DEFINED IN SECTION 18-9-111; OR

18 (IV) INTERFERENCE WITH STAFF, FACULTY, OR STUDENTS OF
19 EDUCATIONAL INSTITUTIONS, AS DEFINED IN SECTION 18-9-109.

20 (d) (I) A COURT SHALL ORDER THAT A WARRANT ISSUED PURSUANT

1 TO SUBSECTION (2)(c) OF THIS SECTION, AND ANY RELATED EVIDENCE
2 USED TO OBTAIN SUCH WARRANT, BE SEALED. THE PROGRAM AND ANY
3 LAW ENFORCEMENT AGENCY, PUBLIC SAFETY AGENCY, OR DISTRICT
4 ATTORNEY THAT RECEIVES INFORMATION PURSUANT TO SUBSECTION (2)(c)
5 OF THIS SECTION SHALL KEEP THE INFORMATION CONFIDENTIAL.

6 (II) A COURT MAY LIFT THE SEALING AND CONFIDENTIALITY OF
7 THE INFORMATION ONLY ON A MOTION OF A DISTRICT ATTORNEY UPON
8 SHOWING OF GOOD CAUSE FOLLOWING AN IN CAMERA REVIEW OF THE
9 INFORMATION. THE DISTRICT ATTORNEY SHALL NOTIFY THE DEPARTMENT
10 OF ANY MOTION TO LIFT THE SEAL FILED PURSUANT TO THIS SECTION.