



LEGISLATIVE ALERT

Friday, March 9, 2018 (*revised*)

Regarding: **S.2495 (the “STOP School Violence Act of 2018”)**

Position: **OPPOSED – AMENDMENTS REQUESTED**

S.2495 would provide for the use of millions of taxpayer dollars for nonsensical, dangerous, and unaccountable grant programs. This would create serious new public safety problems.

- S.2495 would mandate grants for the development and operation of dangerous “anonymous reporting systems,” including “mobile telephone applications, hotlines, and internet websites” that do not have any requirements for accountability, transparency, or penalties for filing false reports.
- S.2495 would use taxpayer dollars to fund “anonymous” systems that would allow and encourage abuses, like the “swatting” of law-abiding people and their children.
- S.2495 has NO protections for the privacy of the information reported to these “anonymous” systems—which may be subject to Freedom of Information Act (FOIA) and/or state or local freedom of information analogs (i.e., California Public Records Act, Cal. Gov’t Code § 6250, et seq.; California Constitution Art. I Sec. 3(b)).
- S.2495 has NO definition of a “[true] threat” or intent requirement for the purposes of filing these “anonymous” “threats of school violence,” what these anonymous reports may be used for, and how they are to be responded or reacted to. (*See, e.g., Elonis v. United States*, 135 S.Ct. 2001; *United States v. Bagdasarian*, 652 F.3d 1113 (9th Cir. 2011); *United States v. Heineman*, 767 F.3d 970 (10th Cir. 2014).)
- S.2495 would allow state, local governments, or tribes with a grant to issue subawards that could be used to fund gun control or similar initiatives to undermine or abrogate constitutional rights with taxpayer dollars.
- S.2495 would prohibit use of funds for “firearms or training in the use of firearms.”

For these and other reasons we oppose S.2495 in its current form, request amendments, and urge a “Nay” vote unless amended.

Please do not hesitate to contact us at **(916) 378-5785** or **policy@fpchq.org** to discuss these or other matters in detail. Thank you for your time and consideration.