

### 115TH CONGRESS 1ST SESSION

# H. R. 843

To provide for a safe harbor for reports to potential employers by current or former employers of violent behavior or threats thereof by employees.

## IN THE HOUSE OF REPRESENTATIVES

February 3, 2017

Mr. GOODLATTE (for himself, Mr. GARRETT, Mr. GRIFFITH, Mr. PETERSON, and Mr. CHABOT) introduced the following bill; which was referred to the Committee on the Judiciary

# A BILL

To provide for a safe harbor for reports to potential employers by current or former employers of violent behavior or threats thereof by employees.

- 1 Be it enacted by the Senate and House of Representa-
- 2 tives of the United States of America in Congress assembled,
- 3 SECTION 1. SHORT TITLE.
- 4 This Act may be cited as the "See Something, Say
- 5 Something About Violent Behavior Act of 2017".

#### SEC. 2. SAFE HARBOR FROM LIABILITY FOR REPORTS OF

)	VIOLENT BEHAVIOR.
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- 3 (a) Safe Harbor for Employer Reports of Vio-
- 4 LENT BEHAVIOR OR THREATENED VIOLENT BEHAV-
- 5 IOR.—
- 6 (1) In General.—Any employer who, in good
- 7 faith and based on objectively reasonable suspicion,
- 8 makes, or causes to be made, a voluntary report
- 9 about violent behavior, or threatened violent behav-
- ior, by an employee or former employee to a poten-
- tial employer of that employee, or to any authorized
- official, shall be immune from civil liability under
- Federal, State, and local law for such report.
- 14 (2) False reports.—Paragraph (1) shall not
- apply to any report if it is shown by clear and con-
- vincing evidence that the employer knew such report
- to be false or that such report was made with reck-
- less disregard for the truth at the time that em-
- 19 ployer made such report.
- 20 (b) SAFE HARBOR FOR RESPONSE.—Any potential
- 21 employer who observes or receives a report from an em-
- 22 ployer acting pursuant to subsection (a) about violent be-
- 23 havior, or threatened violent behavior, of an employee or
- 24 potential employee and takes reasonable action in good
- 25 faith to respond to such activity shall be immune from

- 1 civil liability under Federal, State, and local law for such
- 2 action.
- 3 (c) Immunity for Response.—Any authorized offi-
- 4 cial who observes or receives a report of violent behavior,
- 5 or threatened violent behavior, and takes reasonable action
- 6 in good faith to respond to such activity shall have quali-
- 7 fied immunity from civil liability for such action, con-
- 8 sistent with applicable law in the relevant jurisdiction. An
- 9 authorized official who is not entitled to assert the defense
- 10 of qualified immunity shall nevertheless be immune from
- 11 civil liability under Federal, State, and local law if such
- 12 authorized official takes reasonable action, in good faith,
- 13 to respond to the reported activity.
- 14 (d) SAVINGS CLAUSE.—Nothing in this Act shall af-
- 15 fect the ability of any employer or authorized official to
- 16 assert any defense, privilege, or immunity that would oth-
- 17 erwise be available under Federal, State, or local law or
- 18 regulations, or common law, and this Act shall not be con-
- 19 strued as affecting any such defense, privilege, or immu-
- 20 nity.
- 21 (e) Rule of Construction.—Nothing in this Act
- 22 shall be construed to create any duty of any employer to
- 23 disclose violent behavior, or threatened violent behavior,
- 24 or to preclude an employer from disclosing any such be-
- 25 havior, or other behavior.

1	(f) ATTORNEY FEES AND COSTS.—Any employer or
2	authorized official who is found to be immune from civil
3	liability under this section shall be entitled to recover from
4	the plaintiff all reasonable costs and attorney fees.
5	(g) Definition.—In this section—
6	(1) the term "authorized official" means—
7	(A) any officer, employee, or agent of the
8	Department of Homeland Security, the Depart-
9	ment of Transportation, or the Department of
10	Justice; or
11	(B) any Federal, State, or local law en-
12	forcement officer; and
13	(2) the term "employer" includes any individual
14	agent or representative of that employer; and
15	(3) the term "violent behavior, or threatened
16	violent behavior" means battery, assault, threats of
17	violence, physical fighting, physical intimidation, and
18	other violent conduct, or a threat of such conduct,
19	that a reasonable person would consider to pose a
20	threat of physical injury to any person.

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