

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.

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## 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

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## 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”.

1 **SEC. 2. SAFE HARBOR FROM LIABILITY FOR REPORTS OF**  
2 **VIOLENT BEHAVIOR.**

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-  
10 ior, by an employee or former employee to a poten-  
11 tial employer of that employee, or to any authorized  
12 official, shall be immune from civil liability under  
13 Federal, State, and local law for such report.

14 (2) FALSE REPORTS.—Paragraph (1) shall not  
15 apply to any report if it is shown by clear and con-  
16 vincing evidence that the employer knew such report  
17 to be false or that such report was made with reck-  
18 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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