S T A T E O F N E W Y O R K

1877

2009-2010 Regular Sessions

I N A S S E M B L Y

January 14, 2009

Introduced by M. of A. CALHOUN, TEDISCO, CROUCH, ALFANO -- Multi-Sponsored by -- M. of A. BARRA, FINCH, KOLB -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to reporting of sexual offenses

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The education law is amended by adding a new section 3036 to read as follows:

S 3036. REPORTING OF SEXUAL OFFENSES. 1. ANY PERSON HOLDING A POSITION AS A PRINCIPAL, SUPERINTENDENT, OR ANY OTHER ADMINISTRATIVE POSITION IN A COMMON, UNION FREE, CENTRAL, OR CITY SCHOOL DISTRICT OR IN A BOARD OF COOPERATIVE EDUCATIONAL SERVICES IN THE STATE SHALL ORALLY REPORT OR CAUSE A REPORT TO BE MADE TO THE COUNTY DISTRICT ATTORNEY WITHIN TWENTY-FOUR HOURS AND SHALL BE FOLLOWED BY A REPORT IN WRITING WITHIN FORTY-EIGHT HOURS AFTER SUCH ORAL REPORT WHEN THEY HAVE REASONABLE CAUSE TO SUSPECT THAT A STUDENT COMING BEFORE THEM IN THEIR PROFESSIONAL OR OFFICIAL CAPACITY HAS BEEN A VICTIM OF ANY SEXUAL OFFENSE UNDER ARTICLE ONE HUNDRED THIRTY OR TWO HUNDRED SIXTY-THREE, OR UNDER SECTION 255.25 OF THE PENAL LAW.

2. ANY PERSON HOLDING A POSITION AS A PRINCIPAL, SUPERINTENDENT, OR ANY OTHER ADMINISTRATIVE POSITION IN A COMMON, UNION FREE, CENTRAL, OR CITY SCHOOL DISTRICT OR IN A BOARD OF COOPERATIVE EDUCATIONAL SERVICES IN THE STATE SHALL ORALLY REPORT OR CAUSE A REPORT TO BE MADE TO THE COUNTY DISTRICT ATTORNEY WITHIN TWENTY-FOUR HOURS AND SHALL BE FOLLOWED BY A REPORT IN WRITING WITHIN FORTY-EIGHT HOURS AFTER SUCH ORAL REPORT WHEN THEY HAVE REASONABLE CAUSE TO SUSPECT IN THEIR PROFESSIONAL OR OFFICIAL CAPACITY THAT ANY EMPLOYEE OF SUCH SCHOOL DISTRICT HAS ENGAGED IN ANY SEXUAL OFFENSE WITH A STUDENT UNDER ARTICLE ONE HUNDRED THIRTY OR TWO HUNDRED SIXTY-THREE, OR UNDER SECTION 255.25 OF THE PENAL LAW.

S 2. This act shall take effect on the thirtieth day after it shall have become a law.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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