

2089--A

2013-2014 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 9, 2013

Introduced by M. of A. BRAUNSTEIN, MAISEL, ENGLEBRIGHT, GIBSON, ROSEN-
THAL, JAFFEE, MOYA, PAULIN, SIMOTAS, CAMARA, HOOPER, THIELE, CLARK,
GALEF -- Multi-Sponsored by -- M. of A. AUBRY, BRENNAN, CERETTO,
FARRELL, GABRYSZAK, McDONOUGH, McKEVITT, MONTESANO, RA, TEDISCO,
TENNEY -- read once and referred to the Committee on Higher Education
-- committee discharged, bill amended, ordered reprinted as amended
and recommitted to said committee

AN ACT to amend the education law, in relation to accurate reporting of
crimes on college and university campuses

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

1 Section 1. The subdivision heading and paragraph a of subdivision 17
2 of section 355 of the education law, as added by chapter 22 of the laws
3 of 1999, are amended to read as follows:
4 [Plans for investigation of violent felony offenses] INVESTIGATION OF
5 CRIMES AND CRIME REPORTING. a. The board of trustees of the state
6 university of New York shall adopt rules requiring that each institution
7 of the state university, on or before January first, two thousand, adopt
8 and implement a plan providing for the investigation of any violent
9 felony offense occurring at or on the grounds of each such institution,
10 and providing for the investigation of a report of any missing student.
11 Such plans shall provide for the coordination of the investigation of
12 such crimes and reports with local law enforcement agencies. Such plans
13 shall include, but not be limited to, written agreements with appropri-
14 ate local law enforcement agencies providing for the prompt investi-
15 gation of such crimes and reports AND A REQUIREMENT THAT THE INSTITUTION
16 SHALL NOTIFY THE APPROPRIATE LAW ENFORCEMENT AGENCY AS SOON AS PRACTICA-
17 BLE BUT IN NO CASE MORE THAN TWENTY-FOUR HOURS AFTER A REPORT OF A
18 VIOLENT FELONY OR THAT A STUDENT WHO RESIDES IN HOUSING OWNED OR OPER-
19 ATED BY SUCH INSTITUTION IS MISSING; PROVIDED THAT SUCH REPORTING

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

LBD04255-08-3

1 REQUIREMENT SHALL TAKE INTO CONSIDERATION APPLICABLE FEDERAL LAW,
2 INCLUDING, BUT NOT LIMITED TO, THE FEDERAL CAMPUS SEXUAL ASSAULT
3 VICTIMS' BILL OF RIGHTS UNDER TITLE 20 U.S. CODE SECTION 1092(F) WHICH
4 GIVES THE VICTIM OF A SEXUAL OFFENSE THE RIGHT ON WHETHER OR NOT TO
5 REPORT SUCH OFFENSE TO LOCAL LAW ENFORCEMENT AGENCIES.

6 S 2. Paragraph a of subdivision 15 of section 6206 of the education
7 law, as added by chapter 22 of the laws of 1999, is amended to read as
8 follows:

9 a. The board of trustees shall adopt rules requiring that each insti-
10 tution of the city university, on or before January first, two thousand,
11 adopt and implement a plan providing for the investigation of any
12 violent felony offense occurring at or on the grounds of each such
13 institution, and providing for the investigation of a report of any
14 missing student. Such plans shall provide for the coordination of the
15 investigation of such crimes and reports with local law enforcement
16 agencies. Such plans shall include, but not be limited to, written
17 agreements with appropriate local law enforcement agencies providing for
18 the prompt investigation of such crimes and reports AND A REQUIREMENT
19 THAT THE INSTITUTION SHALL NOTIFY THE APPROPRIATE LAW ENFORCEMENT AGENCY
20 AS SOON AS PRACTICABLE BUT IN NO CASE MORE THAN TWENTY-FOUR HOURS AFTER
21 A REPORT OF A VIOLENT FELONY OR THAT A STUDENT WHO RESIDES IN HOUSING
22 OWNED OR OPERATED BY SUCH INSTITUTION IS MISSING; PROVIDED THAT SUCH
23 REPORTING REQUIREMENT SHALL TAKE INTO CONSIDERATION APPLICABLE FEDERAL
24 LAW, INCLUDING, BUT NOT LIMITED TO, THE FEDERAL CAMPUS SEXUAL ASSAULT
25 VICTIMS' BILL OF RIGHTS UNDER TITLE 20 U.S. CODE SECTION 1092(F) WHICH
26 GIVES THE VICTIM OF A SEXUAL OFFENSE THE RIGHT ON WHETHER OR NOT TO
27 REPORT SUCH OFFENSE TO LOCAL LAW ENFORCEMENT AGENCIES.

28 S 3. Paragraph a of subdivision 8-a of section 6306 of the education
29 law, as added by chapter 22 of the laws of 1999, is amended to read as
30 follows:

31 a. The board of trustees shall, on or before January first, two thou-
32 sand, adopt and implement a plan providing for the investigation of any
33 violent felony offense occurring at or on the grounds of each such
34 institution, and providing for the investigation of a report of any
35 missing student. Such plans shall provide for the coordination of the
36 investigation of such crimes and reports with local law enforcement
37 agencies. Such plans shall include, but not be limited to, written
38 agreements with appropriate local law enforcement agencies providing for
39 the prompt investigation of such crimes and reports AND A REQUIREMENT
40 THAT THE INSTITUTION SHALL NOTIFY THE APPROPRIATE LAW ENFORCEMENT AGENCY
41 AS SOON AS PRACTICABLE BUT IN NO CASE MORE THAN TWENTY-FOUR HOURS AFTER
42 A REPORT OF A VIOLENT FELONY OR THAT A STUDENT WHO RESIDES IN HOUSING
43 OWNED OR OPERATED BY SUCH INSTITUTION IS MISSING; PROVIDED THAT SUCH
44 REPORTING REQUIREMENT SHALL TAKE INTO CONSIDERATION APPLICABLE FEDERAL
45 LAW, INCLUDING, BUT NOT LIMITED TO, THE FEDERAL CAMPUS SEXUAL ASSAULT
46 VICTIMS' BILL OF RIGHTS UNDER TITLE 20 U.S. CODE SECTION 1092(F) WHICH
47 GIVES THE VICTIM OF A SEXUAL OFFENSE THE RIGHT ON WHETHER OR NOT TO
48 REPORT SUCH OFFENSE TO LOCAL LAW ENFORCEMENT AGENCIES.

49 S 4. This act shall take effect immediately.