

2089--B

Cal. No. 496

2013-2014 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 9, 2013

Introduced by M. of A. BRAUNSTEIN, ENGLEBRIGHT, ROSENTHAL, JAFFEE, MOYA, PAULIN, SIMOTAS, CAMARA, HOOPER, THIELE, CLARK, GALEF, SKOUFIS, COLTON, WEPRIN, STIRPE, MAGNARELLI, LUPINACCI, FAHY -- Multi-Sponsored by -- M. of A. AUBRY, BRENNAN, CERETTO, FARRELL, LALOR, McDONALD, McDONOUGH, McKEVITT, McLAUGHLIN, MONTESANO, RA, SKARTADOS, TEDISCO, TENNEY, TITONE -- read once and referred to the Committee on Higher Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Higher Education in accordance with Assembly Rule 3, sec. 2 -- reported from committee, advanced to a third reading, amended and ordered reprinted, retaining its place on the order of third reading

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 ASSEMBLY, 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

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

LBD04255-12-4

1 SHALL NOTIFY THE APPROPRIATE LAW ENFORCEMENT AGENCY AS SOON AS PRACTICA-
2 BLE BUT IN NO CASE MORE THAN TWENTY-FOUR HOURS AFTER A REPORT OF A
3 VIOLENT FELONY OR THAT A STUDENT WHO RESIDES IN HOUSING OWNED OR OPER-
4 ATED BY SUCH INSTITUTION IS MISSING; PROVIDED THAT SUCH REPORTING
5 REQUIREMENT SHALL TAKE INTO CONSIDERATION APPLICABLE FEDERAL LAW,
6 INCLUDING, BUT NOT LIMITED TO, THE FEDERAL CAMPUS SEXUAL ASSAULT
7 VICTIMS' BILL OF RIGHTS UNDER TITLE 20 U.S. CODE SECTION 1092(F) WHICH
8 GIVES THE VICTIM OF A SEXUAL OFFENSE THE RIGHT ON WHETHER OR NOT TO
9 REPORT SUCH OFFENSE TO LOCAL LAW ENFORCEMENT AGENCIES.

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

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

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

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

53 S 4. The section heading and subdivision 1 of section 6434 of the
54 education law, as added by chapter 597 of the laws of 2003, are amended
55 to read as follows:

1 Investigation of [violent felony offenses] CRIMES AND CRIME REPORTING.
2 1. Each college shall adopt and implement a plan providing for the
3 investigation of any violent felony offense occurring at or on the
4 grounds of each such institution, and providing for the investigation of
5 a report of any missing student. Such plans shall provide for the coor-
6 dination of the investigation of such crimes and reports with local law
7 enforcement agencies. Such plans shall include, but not be limited to,
8 written agreements with appropriate local law enforcement agencies
9 providing for the prompt investigation of such crimes and reports AND A
10 REQUIREMENT THAT THE INSTITUTION SHALL NOTIFY THE APPROPRIATE LAW
11 ENFORCEMENT AGENCY AS SOON AS PRACTICABLE BUT IN NO CASE MORE THAN TWEN-
12 TY-FOUR HOURS AFTER A REPORT OF A VIOLENT FELONY OR THAT A STUDENT WHO
13 RESIDES IN HOUSING OWNED OR OPERATED BY SUCH INSTITUTION IS MISSING;
14 PROVIDED THAT SUCH REPORTING REQUIREMENT SHALL TAKE INTO CONSIDERATION
15 APPLICABLE FEDERAL LAW, INCLUDING, BUT NOT LIMITED TO, THE FEDERAL
16 CAMPUS SEXUAL ASSAULT VICTIMS' BILL OF RIGHTS UNDER TITLE 20 U.S. CODE
17 SECTION 1092(F) WHICH GIVES THE VICTIM OF A SEXUAL OFFENSE THE RIGHT ON
18 WHETHER OR NOT TO REPORT SUCH OFFENSE TO LOCAL LAW ENFORCEMENT AGENCIES.
19 S 5. This act shall take effect immediately.