

2089--B

Cal. No. 496

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I N   A S S E M B L Y

(PREFILED)

January 9, 2013

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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.