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

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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:

Section 1. The subdivision heading and paragraph a of subdivision 17 of section 355 of the education law, as added by chapter 22 of the laws of 1999, are amended to read as follows:

[Plans for investigation of violent felony offenses] INVESTIGATION OF CRIMES AND CRIME REPORTING. a. The board of trustees of the state university of New York shall adopt rules requiring that each institution of the state university, on or before January first, two thousand, adopt and implement a plan providing for the investigation of any violent felony offense occurring at or on the grounds of each such institution, and providing for the investigation of a report of any missing student. Such plans shall provide for the coordination of the investigation of such crimes and reports with local law enforcement agencies. Such plans shall include, but not be limited to, written agreements with appropriate local law enforcement agencies providing for the prompt investigation 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.

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

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

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

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

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

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

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

S 5. This act shall take effect immediately.