

2753--A

2013-2014 Regular Sessions

I N S E N A T E

January 23, 2013

Introduced by Sens. MARCHIONE, MAZIARZ -- read twice and ordered printed, and when printed to be committed 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 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 appropriate
14 local law enforcement agencies providing for the prompt investigation
15 of such crimes and reports AND A REQUIREMENT THAT THE INSTITUTION
16 SHALL NOTIFY THE APPROPRIATE LAW ENFORCEMENT AGENCY AS SOON AS PRACTICABLE
17 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 OPERATED
19 BY SUCH INSTITUTION IS MISSING; PROVIDED THAT SUCH REPORTING
20 REQUIREMENT SHALL TAKE INTO CONSIDERATION APPLICABLE FEDERAL LAW,
21 INCLUDING, BUT NOT LIMITED TO, THE FEDERAL CAMPUS SEXUAL ASSAULT
22 VICTIMS' BILL OF RIGHTS UNDER TITLE 20 U.S. CODE SECTION 1092(F) WHICH

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

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1 GIVES THE VICTIM OF A SEXUAL OFFENSE THE RIGHT ON WHETHER OR NOT TO
2 REPORT SUCH OFFENSE TO LOCAL LAW ENFORCEMENT AGENCIES.

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

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

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

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

46 S 4. This act shall take effect immediately.