

2753--B

2013-2014 Regular Sessions

I N S E N A T E

January 23, 2013

Introduced by Sens. MARCHIONE, BOYLE, HOYLMAN, 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 -- recommitted to the Committee on Higher Education in accordance with Senate Rule 6, sec. 8 -- 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 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
20 REQUIREMENT SHALL TAKE INTO CONSIDERATION APPLICABLE FEDERAL LAW,

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

LBD04255-13-4

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

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

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

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

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

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

51 Investigation of [violent felony offenses] CRIMES AND CRIME REPORTING.
52 1. Each college shall adopt and implement a plan providing for the
53 investigation of any violent felony offense occurring at or on the
54 grounds of each such institution, and providing for the investigation of
55 a report of any missing student. Such plans shall provide for the coor-
56 dination of the investigation of such crimes and reports with local law

1 enforcement agencies. Such plans shall include, but not be limited to,
2 written agreements with appropriate local law enforcement agencies
3 providing for the prompt investigation of such crimes and reports AND A
4 REQUIREMENT THAT THE INSTITUTION SHALL NOTIFY THE APPROPRIATE LAW
5 ENFORCEMENT AGENCY AS SOON AS PRACTICABLE BUT IN NO CASE MORE THAN TWEN-
6 TY-FOUR HOURS AFTER A REPORT OF A VIOLENT FELONY OR THAT A STUDENT WHO
7 RESIDES IN HOUSING OWNED OR OPERATED BY SUCH INSTITUTION IS MISSING;
8 PROVIDED THAT SUCH REPORTING REQUIREMENT SHALL TAKE INTO CONSIDERATION
9 APPLICABLE FEDERAL LAW, INCLUDING, BUT NOT LIMITED TO, THE FEDERAL
10 CAMPUS SEXUAL ASSAULT VICTIMS' BILL OF RIGHTS UNDER TITLE 20 U.S. CODE
11 SECTION 1092(F) WHICH GIVES THE VICTIM OF A SEXUAL OFFENSE THE RIGHT ON
12 WHETHER OR NOT TO REPORT SUCH OFFENSE TO LOCAL LAW ENFORCEMENT AGENCIES.
13 S 5. This act shall take effect immediately.