

1316

2015-2016 Regular Sessions

I N S E N A T E

January 9, 2015

Introduced by Sen. MARCHIONE -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

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. Paragraph a of subdivision 17 of section 355 of the educa-
2 tion law, as amended by chapter 486 of the laws of 2014, is amended to
3 read as follows:
4 a. The board of trustees of the state university of New York shall
5 adopt rules requiring that each institution of the state university, on
6 or before January first, two thousand, adopt and implement a plan
7 providing for the investigation of any violent felony offense occurring
8 at or on the grounds of each such institution, and providing for the
9 investigation of a report of any missing student. Such plans shall
10 provide for the coordination of the investigation of such crimes and
11 reports with local law enforcement agencies. Such plans shall include,
12 but not be limited to, written agreements with appropriate local law
13 enforcement agencies providing for the prompt investigation of such
14 crimes and reports and a requirement that the institution shall notify
15 the appropriate law enforcement agency as soon as practicable but in no
16 case more than twenty-four hours after a report of a violent felony or
17 that a student who resides in housing owned or operated by such institu-
18 tion is missing; [provided that such reporting requirement shall take
19 into consideration applicable federal law, including, but not limited
20 to, the federal Campus Sexual Assault Victims' Bill of Rights under
21 Title 20 U.S. Code Section 1092(f) which gives the victim of a sexual
22 offense the right on whether or not to report such offense to local law
23 enforcement agencies] PROVIDED THAT EACH INSTITUTION SHALL: (1) INFORM
24 EACH VICTIM OF A SEXUAL OFFENSE OF THEIR OPTIONS TO NOTIFY PROPER LAW
25 ENFORCEMENT AUTHORITIES, INCLUDING ON-CAMPUS AND LOCAL POLICE; (2)

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

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1 INFORM THE VICTIM OF A SEXUAL OFFENSE OF THE RIGHT TO REPORT OR NOT TO
2 REPORT SUCH OFFENSE TO LOCAL LAW ENFORCEMENT AGENCIES; AND (3) OFFER THE
3 OPTION TO BE ASSISTED BY CAMPUS AUTHORITIES IN NOTIFYING SUCH AUTHORI-
4 TIES, IF THE VICTIM OF SEXUAL ASSAULT SO CHOOSES, ALL IN COMPLIANCE WITH
5 APPLICABLE FEDERAL LAW, INCLUDING, BUT NOT LIMITED TO, THE FEDERAL
6 CAMPUS SEXUAL ASSAULT VICTIMS' BILL OF RIGHTS UNDER TITLE 20 U.S. CODE
7 SECTION 1092(F).

8 S 2. Paragraph a of subdivision 15 of section 6206 of the education
9 law, as amended by chapter 486 of the laws of 2014, is amended to read
10 as follows:

11 a. The board of trustees shall adopt rules requiring that each insti-
12 tution of the city university, on or before January first, two thousand,
13 adopt and implement a plan providing for the investigation of any
14 violent felony offense occurring at or on the grounds of each such
15 institution, and providing for the investigation of a report of any
16 missing student. Such plans shall provide for the coordination of the
17 investigation of such crimes and reports with local law enforcement
18 agencies. Such plans shall include, but not be limited to, written
19 agreements with appropriate local law enforcement agencies providing for
20 the prompt investigation of such crimes and reports and requirement that
21 the institution shall notify the appropriate law enforcement agency as
22 soon as practicable but in no case more than twenty-four hours after a
23 report of a violent felony or that a student who resides in housing
24 owned or operated by such institution is missing; [provided that such
25 reporting requirement shall take into consideration applicable federal
26 law, including, but not limited to, the federal Campus Sexual Assault
27 Victims' Bill of Rights under Title 20 U.S. Code Section 1092(f) which
28 gives the victim of a sexual offense the right on whether or not to
29 report such offense to local law enforcement agencies] PROVIDED THAT
30 EACH INSTITUTION SHALL: (1) INFORM EACH VICTIM OF A SEXUAL OFFENSE OF
31 THEIR OPTIONS TO NOTIFY PROPER LAW ENFORCEMENT AUTHORITIES, INCLUDING
32 ON-CAMPUS AND LOCAL POLICE; (2) INFORM THE VICTIM OF A SEXUAL OFFENSE OF
33 THE RIGHT TO REPORT OR NOT TO REPORT SUCH OFFENSE TO LOCAL LAW ENFORCE-
34 MENT AGENCIES; AND (3) OFFER THE OPTION TO BE ASSISTED BY CAMPUS AUTHOR-
35 ITIES IN NOTIFYING SUCH AUTHORITIES, IF THE VICTIM OF SEXUAL ASSAULT SO
36 CHOOSES, ALL IN COMPLIANCE WITH APPLICABLE FEDERAL LAW, INCLUDING, BUT
37 NOT LIMITED TO, THE FEDERAL CAMPUS SEXUAL ASSAULT VICTIMS' BILL OF
38 RIGHTS UNDER TITLE 20 U.S. CODE SECTION 1092(F).

39 S 3. Paragraph a of subdivision 8-a of section 6306 of the education
40 law, as amended by chapter 486 of the laws of 2014, is amended to read
41 as follows:

42 a. The board of trustees shall, on or before January first, two thou-
43 sand, adopt and implement a plan providing for the investigation of any
44 violent felony offense occurring at or on the grounds of each such
45 institution, and providing for the investigation of a report of any
46 missing student. Such plans shall provide for the coordination of the
47 investigation of such crimes and reports with local law enforcement
48 agencies. Such plans shall include, but not be limited to, written
49 agreements with appropriate local law enforcement agencies providing for
50 the prompt investigation of such crimes and reports and a requirement
51 that the institution shall notify the appropriate law enforcement agency
52 as soon as practicable but in no case more than twenty-four hours after
53 a report of a violent felony or that a student who resides in housing
54 owned or operated by such institution is missing; [provided that such
55 reporting requirement shall take into consideration applicable federal
56 law, including, but not limited to, the federal Campus Sexual Assault

1 Victims' Bill of Rights under Title 20 U.S. Code Section 1092(f) which
2 gives the victim of a sexual offense the right on whether or not to
3 report such offense to local law enforcement agencies] PROVIDED THAT
4 EACH INSTITUTION SHALL: (1) INFORM EACH VICTIM OF A SEXUAL OFFENSE OF
5 THEIR OPTIONS TO NOTIFY PROPER LAW ENFORCEMENT AUTHORITIES, INCLUDING
6 ON-CAMPUS AND LOCAL POLICE; (2) INFORM THE VICTIM OF A SEXUAL OFFENSE OF
7 THE RIGHT TO REPORT OR NOT TO REPORT SUCH OFFENSE TO THE LOCAL LAW
8 ENFORCEMENT AGENCIES; AND (3) OFFER THE OPTION TO BE ASSISTED BY CAMPUS
9 AUTHORITIES IN NOTIFYING SUCH AUTHORITIES, IF THE VICTIM OF SEXUAL
10 ASSAULT SO CHOOSES, ALL IN COMPLIANCE WITH APPLICABLE FEDERAL LAW,
11 INCLUDING, BUT NOT LIMITED TO, THE FEDERAL CAMPUS SEXUAL ASSAULT
12 VICTIMS' BILL OF RIGHTS UNDER TITLE 20 U.S. CODE SECTION 1092(F).

13 S 4. Subdivision 1 of section 6434 of the education law, as amended by
14 chapter 486 of the laws of 2014, is amended to read as follows:

15 1. Each college shall adopt and implement a plan providing for the
16 investigation of any violent felony offense occurring at or on the
17 grounds of each such institution, and providing for the investigation of
18 a report of any missing student. Such plans shall provide for the coor-
19 dination of the investigation of such crimes and reports with local law
20 enforcement agencies. Such plans shall include, but not be limited to,
21 written agreements with appropriate local law enforcement agencies
22 providing for the prompt investigation of such crimes and reports and a
23 requirement that the institution shall notify the appropriate law
24 enforcement agency as soon as practicable but in no case more than twen-
25 ty-four hours after a report of a violent felony or that a student who
26 resides in housing owned or operated by such institution is missing;
27 [provided that such reporting requirement shall take into consideration
28 applicable federal law, including, but not limited to, the federal
29 Campus Sexual Assault Victims' Bill of Rights under Title 20 U.S. Code
30 Section 1092(f) which gives the victim of a sexual offense the right on
31 whether or not to report such offense to local law enforcement agencies]
32 PROVIDED THAT EACH INSTITUTION SHALL: (1) INFORM EACH VICTIM OF A SEXUAL
33 OFFENSE OF THEIR OPTIONS TO NOTIFY PROPER LAW ENFORCEMENT AUTHORITIES,
34 INCLUDING ON-CAMPUS AND LOCAL POLICE; (2) INFORM THE VICTIM OF A SEXUAL
35 OFFENSE OF THE RIGHT TO REPORT OR NOT TO REPORT SUCH OFFENSE TO LOCAL
36 LAW ENFORCEMENT AGENCIES; AND (3) OFFER THE OPTION TO BE ASSISTED BY
37 CAMPUS AUTHORITIES IN NOTIFYING SUCH AUTHORITIES, IF THE VICTIM OF SEXU-
38 AL ASSAULT SO CHOOSES, ALL IN COMPLIANCE WITH APPLICABLE FEDERAL LAW,
39 INCLUDING, BUT NOT LIMITED TO, THE FEDERAL CAMPUS SEXUAL ASSAULT
40 VICTIMS' BILL OF RIGHTS UNDER TITLE 20 U.S. CODE SECTION 1092(F).

41 S 5. This act shall take effect immediately and shall be deemed to
42 have been in full force and effect on the same date as chapter 486 of
43 the laws of 2014 took effect.