

2015-2016 Regular Sessions

I N   A S S E M B L Y

January 7, 2015

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Introduced by M. of A. BRAUNSTEIN -- read once and referred to the  
Committee on Higher Education

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.