STATE OF NEW YORK

2060--A

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2023-2024 Regular Sessions

IN SENATE

January 18, 2023

Introduced by Sens. STAVISKY, CHU, LIU, SKOUFIS, WEBB -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, passed by Senate and delivered to the Assembly, recalled, vote reconsidered, restored to third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the education law, in relation to hate crime reporting on college campuses

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Paragraphs a and c of subdivision 3 of section 6431 of the education law, as amended by chapter 13 of the laws of 2009, are amended to read as follows:

a. educating the campus community, including security personnel and those persons who advise or supervise students, about sexual assault, domestic violence and stalking offenses pursuant to section sixty-four hundred thirty-two of this article**, and bias related and hate crimes pursuant to section sixty-four hundred thirty-six of this article**;

c. reporting sexual assaults, domestic violence [~~and~~]**,** stalking incidents **and hate crimes** and assisting victims during investigations;

§ 2. Section 6433 of the education law, as added by chapter 597 of the laws of 2003, is amended to read as follows:

§ 6433. Campus crime reporting and statistics. Each college that receives state aid shall indicate [~~in~~] **on** their [~~campus catalog, student handbook and viewbook~~] **website** how to access the campus crime statistics that are filed annually with the United States Department of Education as required under Title 20 of the U.S. Code Section 1092(f). [~~Every campus catalog, student handbook and viewbook shall state that "The Advisory Committee on Campus Safety will provide upon request all campus~~

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

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~~crime statistics as reported to the United States Department of Education."~~]

The information [~~in the campus catalog, student handbook and viewbook~~] **on each college's website** shall include the United States Department of Education's [~~web site~~] **website** address for campus crime statistics and a [~~campus phone number for a designated college campus contact who is authorized~~] **link** to [~~provide such~~] statistics for that college. [~~Whenever an individual requests such campus crime statistics, the~~] **Each** college shall [~~provide a hard copy mailed to the individual within ten days of the request and that information will include all of the statistics that the campus is required to ascertain under Title 20 of the U.S. Code Section 1092(f)~~] **report and post incidents of hate crime offenses as a separate, clearly designated category on their website**.

The president or chief administrative officer of each college shall, working with the advisory committee on campus safety, [~~take steps to~~] inform students and prospective students of the existence of the campus crime statistics [~~on an annual basis~~] and other campus safety policies and procedures **as part** of the [~~school~~] **college's onboarding process**.

§ 3. Section 6434 of the education law, as added by chapter 597 of the laws of 2003, the section heading as amended by chapter 486 of the laws of 2014 and subdivision 1 as amended by chapter 537 of the laws of 2015, is amended to read as follows:

§ 6434. Investigation of crimes and crime reporting. 1. Each college shall adopt and implement a plan providing for the investigation of any **hate crime or** 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 **hate crime, or a** violent felony or **a report** that a student who resides in housing owned or operated by such institution is missing; provided that each institution shall: (1) inform each victim of a sexual offense of their options to notify proper law enforcement authorities, including on-campus and local police; (2) inform the victim of a sexual offense of the right to report or not to report such offense to local law enforcement agencies; and (3) offer the option to be assisted by campus authorities in notifying such authorities, if the victim of sexual assault so chooses, all in compliance with 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).

2. As used in this section, the following terms shall have the following meanings:

a. "Local law enforcement agencies" means any agency or agencies employing peace officers or police officers for the enforcement of the laws of the state, and which has or have jurisdiction under provisions of the criminal procedure law over offenses occurring at or on the grounds of any institution subject to the provisions of this section.

b. "Missing student" means any student of an institution subject to the provisions of this section, who resides in a facility owned or operated by such institution and who is reported to such institution as missing from his or her residence.

c. "Violent felony offense" means a violent felony offense as defined in subdivision one of section 70.02 of the penal law.

d. "Hate crime" shall have the same meaning as section 485.05 of the penal law.

§ 4. Section 6436 of the education law, as added by chapter 75 of the laws of 2004, is amended to read as follows:

§ 6436. Bias related **and hate** crime prevention information. Each college shall inform incoming students about bias related **and hate** crime prevention measures through programs which may include workshops, seminars, discussion groups, and film presentations, in order to disseminate information about bias related [~~crime~~] **and hate crimes**, promote discussion, encourage reporting of incidents of bias related [~~crime~~] **and hate crimes**, and facilitate prevention of such incidents. Such information shall include, but not be limited to:

1. the applicable laws, ordinances, and regulations on bias related crime, including the provisions and coverage of the hate crimes act of 2000 codified in article four hundred eighty-five of the penal law;

2. the penalties for commission of bias related **and hate** crimes;

3. the procedures in effect at the college for dealing with bias related [~~crime~~] **and hate crimes**;

4. the availability of counseling and other support services for the victims of bias related [~~crime~~] **and hate crimes**;

5. the nature of and common circumstances relating to bias related [~~crime~~] **and hate crimes** on college campuses; and

6. the methods the college employs to advise and to update students about security procedures.

§ 5. This act shall take effect on the ninetieth day after it shall have become a law.