



2018 New York State YMCA

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Committee Assignment: Senate 1

Bill #: S-13

1 **Sponsors:** Odalys Fuentes, Courtney Pisano, Dahlia Ramos

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3 **An Act To**

4 Amend § 6444.00 subdivision 2, of the New York State Public Education Law to
5 make it mandatory for all universities to notify county police of sexual assault
6 incidents before taking action.

7

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

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10 **Purpose**

11 To mandate that all New York Universities notify the police of any reported sexual
12 assault incidents first before taking any further action.

13 **Summary of Provisions**

14 **Section 1: Definitions**

15 **Sexual Assault:** an incident that involves sexual contact that is forced on somebody.

16 **University:** an educational institution designed for instruction, examination, or both,
17 of students in many branches of learning, conferring degrees in various faculties.

18 **Class A Misdemeanor:** a court may sentence an individual to a maximum of one
19 year in jail or three years of probation. In addition, a fine of up to one thousand
20 dollars or twice the amount of the individual's gain from the crime may be inflicted.

21 **Section 2:**

22 § 6444.00.

23 2.) Every institution shall ensure that, at a minimum, at the first instance of
24 disclosure by a reporting individual to an institution representative, the institution
25 representative must notify county police first before taking any further action in a
26 sexual assault incident; the campus police will not have the authority to engage in
27 an investigation; failure to report the incident will result into an official misconduct
28 which is a Class A misdemeanor.

29 **Justification**

30 In New York State, there are currently twenty-nine colleges who are *not* following
31 the current guidelines pertaining to sexual assault cases and even more colleges
32 who aren't giving proper justice to victims of sexual assault. In many cases,
33 campus cops fail to properly investigate the assault, never documenting the injuries
34 and some go as far as even discouraging students from going to law enforcement.
35 Colleges such as Brooklyn College, Stony Brook University, and Queensborough
36 College are just a few of the many that fail to give an abundant number of students
37 the justice they deserve. In many cases, the culprit ends up receiving no form of
38 punishment and is still allowed to attend the university. Mandating that colleges
39 have no choice but to report the case to law enforcement first will allow students to
40 finally get the justice they deserve. By implementing this we, as a state, are
41 allowing cases to be handled by law enforcement professionals and are helping to
42 create a safer environment for all students.

43 **Fiscal Implications**

44 In a Class "A" misdemeanor, a court may sentence an individual to a maximum of
45 one year in jail or three years' probation. In addition, a fine of up to one thousand
46 dollars or twice the amount of the individual's gain from the crime may be inflicted.

47 **Effective Date**

48 This bill will go into effect one year after its passage.