

AMENDED IN ASSEMBLY MARCH 10, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1433

Introduced by Assembly Member Gatto
(Principal coauthor: Assembly Member Lowenthal)
(Coauthors: Assembly Members Brown, Chávez, Quirk-Silva, Ting,
Wieckowski, and Yamada)

January 6, 2014

An act to amend Section 67381 of, *and to add Section 67383 to*, the Education Code, relating to student safety, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 1433, as amended, Gatto. Student safety.

Existing law, the Kristin Smart Campus Safety Act of 1998, requires the governing ~~boards~~ *board* of each community college district, the Trustees of the California State University, the Regents of the University of California, and the governing boards of independent postsecondary institutions to adopt rules requiring each of their respective campuses to enter into a written agreement with local law enforcement agencies relating to Part 1 violent crimes. Existing law requires the written agreement to designate which law enforcement agency has operational responsibility for the investigation of each Part 1 violent crime and delineate the specific geographical boundaries of each agency's operational responsibility, including maps as necessary.

This bill would provide that the written agreement shall also require any report *by a victim* of a Part 1 violent ~~crime~~ *crime, sexual assault, as defined*, or hate crime received by a campus law enforcement agency to be immediately reported to the appropriate local law enforcement

agency if the victim consents, and forbid such a report absent that consent. *without identifying the victim, unless the victim consents to being identified.* By requiring community college districts and local law enforcement agency to enter into a written agreement in regard to a new obligation, this bill would impose a state-mandated local program.

This bill would provide that the governing board of each community college district, the Trustees of the California State University, the Regents of the University of California, and the governing board of each private and independent postsecondary institution shall, on or before July 1, 2015, adopt and implement written policies and procedures to ensure that any report of a Part 1 violent crime, sexual assault, or hate crime, committed on or off campus, received by any employee and made by the victim for purposes of notifying the institution or law enforcement, is immediately forwarded to the appropriate law enforcement agency, as provided. The bill would require that the report be forwarded to the appropriate law enforcement agency without identifying the victim, unless the victim consents to being identified. By imposing additional duties on community college districts, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 67381 of the Education Code is amended
- 2 to read:
- 3 67381. (a) The Legislature reaffirms that campus law
- 4 enforcement agencies have the primary authority for providing
- 5 police or security services, including the investigation of criminal
- 6 activity, to their campuses.

1 (b) The governing board of each community college district,
2 the Trustees of the California State University, the Regents of the
3 University of California, and the governing ~~board~~ *boards* of
4 independent postsecondary institutions, as defined, shall adopt
5 rules requiring each of their respective campuses to enter into
6 written agreements with local law enforcement agencies that clarify
7 operational responsibilities for investigations of Part 1 violent
8 crimes occurring on each campus.

9 (c) Local law enforcement agencies shall enter into written
10 agreements with campus law enforcement agencies if there are
11 college or university campuses located in the jurisdictions of the
12 local law enforcement agencies.

13 (d) Each written agreement entered into pursuant to this section
14 shall do all of the following:

15 (1) Designate which law enforcement agency shall have
16 operational responsibility for the investigation of each Part 1
17 violent crime.

18 (2) Delineate the specific geographical boundaries of each
19 agency's operational responsibility, including maps as necessary.

20 (3) Require any report *by a victim* of a Part 1 violent crime,
21 *sexual assault*, or hate ~~crime~~, *crime as defined described* in Section
22 422.55 of the Penal Code, received by a campus law enforcement
23 agency to be immediately reported to the appropriate local law
24 enforcement agency ~~if the victim consents, and forbid such a report~~
25 ~~absent that consent.~~ *without identifying the victim, unless the victim*
26 *consents to being identified.*

27 (e) Written agreements entered into pursuant to this section shall
28 be in place and available for public viewing by July 1, 1999. Each
29 of the entities identified in subdivision (b) shall transmit a copy
30 of each written agreement it has entered into pursuant to this
31 section, and any other information it deems pertinent to its
32 implementation of this section, to the Legislative Analyst on or
33 before September 1, 1999.

34 (f) Each agency shall be responsible for its own costs of
35 investigation unless otherwise specified in a written agreement.

36 (g) Nothing in this section shall affect existing written
37 agreements between campus law enforcement agencies and local
38 law enforcement agencies that otherwise meet the standards
39 contained in subdivision (d) or any existing mutual aid procedures
40 established pursuant to state or federal law.

1 (h) Nothing in this section shall be construed to limit the
2 authority of campus law enforcement agencies to provide police
3 services to their campuses.

4 (i) As used in this section, the following terms have the
5 following meanings:

6 (1) “Local law enforcement agencies” means city or county law
7 enforcement agencies with operational responsibilities for police
8 services in the community in which a campus is located.

9 (2) “Sexual assault” includes, but is not limited to, rape, forced
10 sodomy, forced oral copulation, rape by a foreign object, sexual
11 battery, or threat of sexual assault.

12 ~~(2)~~
13 (3) “Part 1 violent crimes” means willful homicide, forcible
14 rape, robbery, and aggravated assault, as defined in the Uniform
15 Crime Reporting Handbook of the Federal Bureau of Investigation.

16 ~~(3)~~
17 (4) “Independent postsecondary institutions” means institutions
18 ~~operating with peace officers~~ pursuant to Section 830.6 of the Penal
19 Code or *security officers* pursuant to a memorandum of
20 understanding as described in subdivision (b) of Section 830.7 of
21 the Penal Code.

22 (j) This section shall be known and may be cited as the Kristin
23 Smart Campus Safety Act of 1998.

24 (k) It is the intent of the Legislature by enacting this section to
25 provide the public with clear information regarding the operational
26 responsibilities for the investigation of crimes occurring on
27 university and college campuses by setting minimum standards
28 for written agreements to be entered into by campus law
29 enforcement agencies and local law enforcement agencies.

30 *SEC. 2. Section 67383 is added to the Education Code, to read:*
31 *67383. (a) The governing board of each community college*
32 *district, the Trustees of the California State University, the Regents*
33 *of the University of California, and the governing board of each*
34 *private and independent postsecondary institution shall, on or*
35 *before July 1, 2015, adopt and implement written policies and*
36 *procedures to ensure that any report of a Part 1 violent crime,*
37 *sexual assault, or hate crime, committed on or off campus, received*
38 *by any employee and made by the victim for purposes of notifying*
39 *the institution or law enforcement, is immediately forwarded to*
40 *the appropriate law enforcement agency.*

1 (b) The report shall be forwarded to the appropriate law
2 enforcement agency without identifying the victim, unless the victim
3 consents to being identified.

4 (c) For purposes of this section, the appropriate law enforcement
5 agency shall be a campus law enforcement agency if one has been
6 established on the campus where the report was made. If no
7 campus law enforcement agency has been established, the report
8 shall be immediately forwarded to a local law enforcement agency.

9 (d) As used in this section, the following terms have the following
10 meanings:

11 (1) "Hate crime" means any offense as described in Section
12 422.55 of the Penal Code.

13 (2) "Local law enforcement agency" means a city or county
14 law enforcement agency with operational responsibilities for police
15 services in the community in which a campus is located.

16 (3) "Sexual assault" includes, but is not limited to, rape, forced
17 sodomy, forced oral copulation, rape by a foreign object, sexual
18 battery, or threat of sexual assault.

19 (4) "Part 1 violent crimes" means willful homicide, forcible
20 rape, robbery, and aggravated assault, as defined in the Uniform
21 Crime Reporting Handbook of the Federal Bureau of Investigation.

22 ~~SEC. 2.~~

23 SEC. 3. If the Commission on State Mandates determines that
24 this act contains costs mandated by the state, reimbursement to
25 local agencies and school districts for those costs shall be made
26 pursuant to Part 7 (commencing with Section 17500) of Division
27 4 of Title 2 of the Government Code.

28 ~~SEC. 3.~~

29 SEC. 4. This act is an urgency statute necessary for the
30 immediate preservation of the public peace, health, or safety within
31 the meaning of Article IV of the Constitution and shall go into
32 immediate effect. The facts constituting the necessity are:

33 In order to ensure student safety by requiring the effective
34 reporting of Part 1 violent crimes and hate crimes, at the earliest
35 possible time, it is necessary that this act take effect immediately.