

AMENDED IN ASSEMBLY MAY 23, 2014

AMENDED IN ASSEMBLY APRIL 21, 2014

AMENDED IN ASSEMBLY MARCH 20, 2014

AMENDED IN ASSEMBLY MARCH 10, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

## ASSEMBLY BILL

**No. 1433**

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**Introduced by Assembly Member Gatto**  
**(Principal coauthors: Assembly Members Lowenthal and Weber)**  
**(Coauthors: Assembly Members Brown, Campos, Chávez,**  
**Quirk-Silva, Ting, Waldron, Wieckowski, and Yamada)**

January 6, 2014

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An act to amend Section 67380 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 requires the governing board of each community college district, the Trustees of the California State University, the Board of Directors of the Hastings College of the Law, the Regents of the University of California, and the governing boards of postsecondary educational institutions receiving public funds for student financial assistance to require the appropriate officials at each campus to compile records of specified crimes and noncriminal acts reported to campus police, campus security personnel, campus safety authorities, or designated campus authorities. This provision does not apply to the governing boards of private postsecondary educational institutions with

fewer than 1,000 students, or to campuses of public postsecondary educational systems with 1,000 or fewer students. This provision also does not apply to the California Community Colleges unless and until the Legislature makes funds available to the California Community Colleges for purposes of this provision.

This bill would require any report by a victim of a Part 1 violent crime, sexual assault, or hate crime, as defined, received by a campus law enforcement agency to be immediately, or as soon as practicably possible, disclosed to the appropriate local law enforcement agency without identifying the victim, unless the victim consents to being identified. The bill would prohibit a report to a local law enforcement agency from identifying the alleged assailant if the victim does not consent to being identified. By creating new duties for community college districts, 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, *as defined*, received by ~~any employee, a campus security authority, as defined,~~ and made by the victim for purposes of notifying the institution or law enforcement, is ~~immediately~~ *immediately, or as soon as practicably possible*, 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 67380 of the Education Code is amended  
2     to read:  
3     67380. (a) The governing board of each community college  
4     district, the Trustees of the California State University, the Board  
5     of Directors of the Hastings College of the Law, the Regents of  
6     the University of California, and the governing board of any  
7     postsecondary educational institution receiving public funds for  
8     student financial assistance shall do all of the following:  
9     (1) Require the appropriate officials at each campus within their  
10    respective jurisdictions to compile records of both of the following:  
11    (A) All occurrences reported to campus police, campus security  
12    personnel, or campus safety authorities of, and arrests for, crimes  
13    that are committed on campus and that involve violence, hate  
14    violence, theft, destruction of property, illegal drugs, or alcohol  
15    intoxication.  
16    (B) All occurrences of noncriminal acts of hate violence reported  
17    to, and for which a written report is prepared by, designated campus  
18    authorities.  
19    (2) Require any written record of a noncriminal act of hate  
20    violence to include, but not be limited to, the following:  
21    (A) A description of the act of hate violence.  
22    (B) Victim characteristics.  
23    (C) Offender characteristics, if known.  
24    (3) (A) Make the information concerning the crimes compiled  
25    pursuant to subparagraph (A) of paragraph (1) available within  
26    two business days following the request of any student or employee  
27    of, or applicant for admission to, any campus within their respective  
28    jurisdictions, or to the media, unless the information is the type of  
29    information exempt from disclosure pursuant to subdivision (f) of  
30    Section 6254 of the Government Code, in which case the  
31    information is not required to be disclosed. Notwithstanding  
32    paragraph (2) of subdivision (f) of Section 6254 of the Government  
33    Code, the name of a victim of any crime defined by Section 261,  
34    262, 264, 264.1, 273a, 273d, 273.5, 286, 288, 288a, 289, 422.6,  
35    422.7, or 422.75 of the Penal Code shall not be disclosed without

1 the permission of the victim, or the victim's parent or guardian if  
2 the victim is a minor.

3 (B) For purposes of this paragraph and subparagraph (A) of  
4 paragraph (1), the campus police, campus security personnel, and  
5 campus safety authorities described in subparagraph (A) of  
6 paragraph (1) shall be included within the meaning of "state or  
7 local police agency" and "state and local law enforcement agency,"  
8 as those terms are used in subdivision (f) of Section 6254 of the  
9 Government Code.

10 (4) Require the appropriate officials at each campus within their  
11 respective jurisdictions to prepare, prominently post, and copy for  
12 distribution on ~~request~~ *request*, a campus safety plan that sets forth  
13 all of the following: the availability and location of security  
14 personnel, methods for summoning assistance of security  
15 personnel, any special safeguards that have been established for  
16 particular facilities or activities, any actions taken in the preceding  
17 18 months to increase safety, and any changes in safety precautions  
18 expected to be made during the next 24 months. For purposes of  
19 this section, posting and distribution may be accomplished by  
20 including relevant safety information in a student handbook or  
21 brochure that is made generally available to students.

22 (5) Require the appropriate officials at each campus within their  
23 respective jurisdictions to report information compiled pursuant  
24 to paragraph (1) relating to hate violence to the governing board,  
25 trustees, board of directors, or regents, as the case may be. The  
26 governing board, trustees, board of directors, or regents, as the  
27 case may be, shall, upon collection of that information from all of  
28 the campuses within their jurisdiction, transmit a report containing  
29 a compilation of that information to the Legislative Analyst's  
30 Office no later than January 1 of each year and shall make the  
31 report available to the general public on the Internet Web site of  
32 each respective institution. It is the intent of the Legislature that  
33 the governing board of each community college district, the  
34 Trustees of the California State University, the Board of Directors  
35 of the Hastings College of the Law, the Regents of the University  
36 of California, and the governing board of any postsecondary  
37 educational institution receiving public funds for student financial  
38 assistance establish guidelines for identifying and reporting  
39 occurrences of hate violence. It is the intent of the Legislature that  
40 the guidelines established by these institutions of higher education

1 be as consistent with each other as possible. These guidelines shall  
2 be developed in consultation with the Department of Fair  
3 Employment and Housing and the California Association of Human  
4 Relations Organizations.

5 (6) Require any report made by a victim or an employee  
6 pursuant to Section 67383 of a Part 1 violent crime, sexual assault,  
7 or hate crime, as described in Section 422.55 of the Penal Code,  
8 received by a campus law enforcement agency to be immediately,  
9 or as soon as practicably possible, disclosed to the local law  
10 enforcement agency with which the institution has a written  
11 agreement pursuant to Section 67381 without identifying the  
12 victim, unless the victim consents to being identified. If the victim  
13 does not consent to being identified, the alleged assailant shall not  
14 be identified in the information disclosed to the local law  
15 enforcement agency.

16 (b) Any person who is refused information required to be made  
17 available pursuant to subparagraph (A) of paragraph (1) of  
18 subdivision (a) may maintain a civil action for damages against  
19 any institution that refuses to provide the information, and the  
20 court shall award that person an amount not to exceed one thousand  
21 dollars (\$1,000) if the court finds that the institution refused to  
22 provide the information.

23 (c) For purposes of this section:

24 (1) "Hate violence" means any act of physical intimidation or  
25 physical harassment, physical force or physical violence, or the  
26 threat of physical force or physical violence, that is directed against  
27 any person or group of persons, or the property of any person or  
28 group of persons because of the ethnicity, race, national origin,  
29 religion, sex, sexual orientation, gender identity, gender expression,  
30 disability, or political or religious beliefs of that person or group.

31 (2) "Part 1 violent crime" means willful homicide, forcible rape,  
32 robbery, or aggravated assault, as defined in the Uniform Crime  
33 Reporting Handbook of the Federal Bureau of Investigation.

34 (3) "Sexual assault" includes, but is not limited to, rape, forced  
35 sodomy, forced oral copulation, rape by a foreign object, sexual  
36 battery, or the threat of any of these.

37 (d) This section does not apply to the governing board of a  
38 private postsecondary educational institution receiving funds for  
39 student financial assistance with a full-time enrollment of less than  
40 1,000 students.

(e) This section shall apply to a campus of one of the public postsecondary educational systems identified in subdivision (a) only if that campus has a full-time equivalent enrollment of more than 1,000 students.

(f) Notwithstanding any other provision of this section, this section shall not apply to the California Community Colleges unless and until the Legislature makes funds available to the California Community Colleges for the purposes of this section.

SEC. 2. Section 67383 is added to the Education Code, to read:

67383. (a) 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~~, *a campus security authority, as defined pursuant to Section 668.46 of Title 34 of the Code of Federal Regulations, as that section existed on May 15, 2014*, and made by the victim for purposes of notifying the institution or law enforcement, is ~~immediately~~ *immediately, or as soon as practicably possible*, forwarded to the appropriate law enforcement agency.

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

(c) For purposes of this section, the appropriate law enforcement agency shall be a campus law enforcement agency if one has been established on the campus where the report was made. If no campus law enforcement agency has been established, the report shall be *immediately, or as soon as practicably possible*, forwarded to a local law enforcement agency.

(d) For purposes of this section:

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

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

(3) "*On or off campus*" means *the campus and any noncampus building or property as defined in Section 668.46 of Title 34 of the*

1 *Code of Federal Regulations, as that section existed on May 15,*  
2 *2014.*

3 ~~(3)~~

4 (4) “Part 1 violent crime” means willful homicide, forcible rape,  
5 robbery, or aggravated assault, as defined in the Uniform Crime  
6 Reporting Handbook of the Federal Bureau of Investigation.

7 ~~(4)~~

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

11 SEC. 3. If the Commission on State Mandates determines that  
12 this act contains costs mandated by the state, reimbursement to  
13 local agencies and school districts for those costs shall be made  
14 pursuant to Part 7 (commencing with Section 17500) of Division  
15 4 of Title 2 of the Government Code.

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

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