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AB-913 Student safety. (2015-2016)

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Assembly Bill No. 913

CHAPTER 701

An act to amend Section 67381 of, and to add Section 67381.1 to, the Education Code, relating to student safety.

[Approved by Governor October 09, 2015. Filed with Secretary of State October 09, 2015.]

LEGISLATIVE COUNSEL'S DIGEST

AB 913, Santiago. Student safety.

The Kristin Smart Campus Safety Act of 1998 requires the governing boards 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, as defined, to adopt rules requiring each of their respective campuses to enter into a written agreement with local law enforcement agencies relating to certain violent crimes. These agreements are required to designate the law enforcement agency that will have operational responsibility for the investigation of these crimes. Existing law provides that these provisions do not apply to the University of California except to the extent that the regents, by appropriate resolution, make the provisions applicable.

This bill would, for the Trustees of the California State University, the governing boards of independent postsecondary institutions, and, subject to appropriate resolution, the Regents of the University of California, require these written agreements to designate the law enforcement agency that will have operational responsibility for the investigation of each sexual assault and hate crime, as defined, and require these written agreements to be reviewed, updated if necessary, and made available to the public by July 1, 2016, and every 5 years thereafter. Upon the governing board of a community college district adopting a rule requiring its campuses to update these agreements, the bill would subject the community college district and its campuses to the requirements imposed on other postsecondary institutions by the bill. The bill would encourage the governing board of each community college district to adopt a rule requiring its respective campuses to update these agreements. By expanding the duties of community college districts and local law enforcement agencies, 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.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 67381 of the Education Code is amended to read:

67381. (a) The Legislature reaffirms that campus law enforcement agencies have the primary authority for providing police or security services, including the investigation of criminal activity, to their campuses.

(b) The Trustees of the California State University, the Regents of the University of California, and the governing board of independent postsecondary institutions, as defined, shall adopt rules requiring each of their respective campuses to enter into written agreements with local law enforcement agencies that clarify operational responsibilities for investigations of Part 1 violent crimes, sexual assaults, and hate crimes occurring on each campus.

(c) Local law enforcement agencies shall enter into written agreements with campus law enforcement agencies if there are college or university campuses of the governing entities specified in subdivision (b) located in the jurisdictions of the local law enforcement agencies.

(d) Each written agreement entered into pursuant to this section shall designate which law enforcement agency shall have operational responsibility for the investigation of each Part 1 violent crime, sexual assault, and hate crime, and delineate the specific geographical boundaries of each agency's operational responsibility, including maps as necessary.

(e) A written agreement entered into pursuant to this section shall be reviewed, updated if necessary, and made available for public viewing by July 1, 2016, and every five years thereafter.

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

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

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

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

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

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

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

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

(5) "Independent postsecondary institutions" means institutions operating pursuant to Section 830.6 of the Penal Code or pursuant to a memorandum of understanding as described in subdivision (b) of Section 830.7 of the Penal Code.

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

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

SEC. 2. Section 67381.1 is added to the Education Code, to read:

67381.1. (a) The Legislature reaffirms that campus law enforcement agencies have the primary authority for providing police or security services, including the investigation of criminal activity, to their campuses.

(b) The governing board of each community college district shall adopt rules requiring each of their respective campuses to enter into written agreements with local law enforcement agencies that clarify operational responsibilities for investigations of Part 1 violent crimes occurring on each campus.

(c) Local law enforcement agencies shall enter into written agreements with community college campus law enforcement agencies if there are community college campuses located in the jurisdictions of the local law enforcement agencies.

(d) Each written agreement entered into pursuant to this section shall designate which law enforcement agency shall have 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.

(e) Written agreements regarding community college law enforcement agencies entered into pursuant to this section or pursuant to Section 67381 as that section read before January 1, 2016, shall be available for public viewing.

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

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

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

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

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

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

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

(k) (1) Upon the governing board of a community college district adopting a rule requiring each of its campuses to update an agreement entered into pursuant to this section or pursuant to Section 67381 as that section read before January 1, 2016, the governing board of the community college district shall be treated as a governing entity specified in subdivision (b) of Section 67381 and the community college district and its campuses shall be subject to the requirements of Section 67381 instead of this section.

(2) The Legislature encourages the governing board of each community college district to adopt a rule requiring each of its respective campuses to update these agreements.

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