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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 962 Session of  
2017

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INTRODUCED BY DAVIS, DONATUCCI, KINSEY, DRISCOLL, READSHAW,  
MILLARD, FREEMAN, HILL-EVANS, CALTAGIRONE, D. COSTA,  
SCHWEYER, McNEILL, ROEBUCK, PASHINSKI, SCHLOSSBERG, DAY,  
BRIGGS, FRANKEL, O'BRIEN, BULLOCK, DEAN, NEILSON, SOLOMON,  
DeLUCA, MURT, KORTZ, V. BROWN AND GALLOWAY, MARCH 27, 2017

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REFERRED TO COMMITTEE ON JUDICIARY, MARCH 27, 2017

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AN ACT

1 Amending the act of November 29, 2004 (P.L.1383, No.180),  
2 entitled "An act requiring institutions of higher education  
3 to provide students and employees with information relating  
4 to crime statistics and security measures and to provide  
5 similar information to prospective students and employees  
6 upon request; granting powers to the State Board of  
7 Education; establishing a uniform crime reporting program;  
8 requiring all county and municipal law enforcement agencies  
9 to report certain information occurring within the respective  
10 jurisdictions; imposing duties on the Pennsylvania Commission  
11 on Crime and Delinquency; authorizing the Pennsylvania State  
12 Police to collect and gather information on crime and make  
13 annual reports; providing for penalties; and making a related  
14 repeal," in higher education security information, further  
15 providing for crime statistics and security policies and  
16 procedures; and providing for Pennsylvania safe campuses.

17 The General Assembly of the Commonwealth of Pennsylvania  
18 hereby enacts as follows:

19 Section 1. Section 303(b) of the act of November 29, 2004  
20 (P.L.1383, No.180), known as the Uniform Crime Reporting Act, is  
21 amended to read:

22 Section 303. Crime statistics and security policies and  
23 procedures.

1 \* \* \*

2 (b) Publishing and distributing reports.--Each institution  
3 of higher education shall publish and distribute a report which  
4 shall be updated annually and which shall include the crime  
5 statistics as reported under subsections (a) and (b.2) for the  
6 most recent three-year period. Crime rates shall also be  
7 included in the report. The crime rates reported shall be based  
8 on the numbers and categories of crimes reported under  
9 subsections (a) and (b.2) and the number of full-time equivalent  
10 undergraduate and graduate students (FTES) and full-time  
11 equivalent employees at the institution of higher education.  
12 [Upon] The report shall be posted on the official Internet  
13 website of the institution and upon request, the institution  
14 shall provide the report to every person who submits an  
15 application for admission to either a main or branch campus and  
16 to each new employee at the time of employment. In its  
17 acknowledgment of receipt of the formal application of  
18 admission, the institution shall notify the applicant of the  
19 availability of such information. The information shall also be  
20 provided on an annual basis to all students and employees.  
21 Institutions with more than one campus shall provide the  
22 required information on a campus-by-campus basis.

23 \* \* \*

24 Section 2. The act is amended by adding a chapter to read:

25 CHAPTER 3-A

26 PENNSYLVANIA SAFE CAMPUSES

27 Section 301-A. Scope of chapter.

28 This chapter relates to reporting, policy and program  
29 requirements concerning sexual assault and intimate partner  
30 violence on campuses of institutions of higher education.

1 Section 302-A. Definitions.

2 The following words and phrases when used in this chapter  
3 shall have the meanings given to them in this section unless the  
4 context clearly indicates otherwise:

5 "Awareness program." A program designed to communicate the  
6 nature and risk of sexual assaults and intimate partner  
7 violence.

8 "Institution of higher education." As defined under section  
9 302.

10 "Intimate partner violence." The commission of, attempt to  
11 commit or conspiracy to commit an act constituting abuse within  
12 the meaning of 23 Pa.C.S. Ch. 61 (relating to protection from  
13 abuse) where the actor is or was the spouse of or in a dating  
14 relationship with the victim.

15 "Prevention program." A program designed to prevent sexual  
16 assault and intimate partner violence.

17 "Sexual assault." The commission of, attempt to commit and  
18 conspiracy to commit an act prohibited under 18 Pa.C.S. Ch. 31  
19 (relating to sexual offenses).

20 "Valid complaint." As defined under section 302.

21 "Victim." A victim of sexual assault or intimate partner  
22 violence.

23 Section 303-A. Sexual assault and intimate partner violence  
24 reporting.

25 (a) Reporting requirements.--An institution of higher  
26 education shall annually include in the report required under  
27 section 303 the security policies specifically relating to and  
28 the number of valid complaints of sexual assault and intimate  
29 partner violence reported on its campus, including:

30 (1) The number of valid complaints of sexual assault and

1 intimate partner violence reported to campus police, campus  
2 security officers or State, county or local police as  
3 follows:

4 (i) beginning one year after the effective date of  
5 this section, the information shall be reported for the  
6 immediately preceding calendar year;

7 (ii) beginning two years after the effective date of  
8 this section, the information shall be reported for the  
9 two immediately preceding calendar years; and

10 (iii) beginning three years after the effective date  
11 of this section and thereafter, the information shall be  
12 reported for the three immediately preceding calendar  
13 years.

14 (2) A statement indicating where information concerning  
15 the location of offenders subject to 42 Pa.C.S. Ch. 97 Subch.  
16 H (relating to registration of sexual offenders) can be  
17 obtained.

18 (3) A description of programs available to students,  
19 employees and other institution of higher education officials  
20 concerning the institution's security procedures and  
21 practices relating to sexual assault and intimate partner  
22 violence.

23 (b) Interim reports.--Reports of incidents that represent a  
24 potential threat to other parties shall be publicly and timely  
25 disclosed in a manner that is prudent to prevent harm and to  
26 protect the confidentiality of the prior victim.

27 Section 304-A. Policies required.

28 An institution of higher education shall establish and  
29 implement a policy that informs students, employees and  
30 officials of the institution of the rights of victims and the

1 responsibilities of witnesses of sexual assault and intimate  
2 partner violence and states the manner for informing them of  
3 their rights and responsibilities. The policy shall include all  
4 of the following:

5 (1) All instances of sexual assault or intimate partner  
6 violence involving a minor that are required under Federal or  
7 State law to be reported to law enforcement authorities shall  
8 be reported without delay.

9 (2) Victims shall be provided with written, plain  
10 language information that identifies the availability of and  
11 contact information for local medical, mental health and  
12 legal assistance services and the procedures a victim should  
13 follow after an incident of sexual assault or intimate  
14 partner violence.

15 (3) Student and employee victims shall be informed of  
16 assistance that is available to them from the institution of  
17 higher education in making appropriate changes to academic,  
18 living, transportation or work circumstances as a result of  
19 sexual assault or intimate partner violence.

20 Section 305-A. Sexual assault and intimate partner violence  
21 prevention and awareness program.

22 (a) Program requirements.--An institution of higher  
23 education shall offer a program on prevention and awareness of  
24 sexual assault and intimate partner violence for all students  
25 and employees. The program shall:

26 (1) Provide information on the nature and dynamics of  
27 sexual assault and intimate partner violence, including the  
28 meaning of consent and the number of valid complaints of  
29 sexual assault and intimate partner violence at the  
30 institution during the most recently concluded calendar year

1 and the immediately preceding two calendar years.

2 (2) Provide information on sanctions called for under  
3 institutional disciplinary proceedings and on potential  
4 criminal and civil liability.

5 (3) Provide information on procedures that should be  
6 followed, including the preservation of evidence, contacting  
7 law enforcement and victim assistance agencies and the  
8 availability of assistance from the institution to notify  
9 civil authorities of incidents of sexual assault or intimate  
10 partner violence.

11 (4) Provide information on the availability of  
12 counseling, mental health or other services for victims on  
13 campus or in the community.

14 (5) Provide information relating to bystander  
15 intervention and risk-reduction strategies.

16 (b) Construction.--This section shall not be construed to  
17 require particular programs, policies or procedures.

18 Section 306-A. Interpretation.

19 The provisions of this chapter shall not confer a private  
20 right of action to enforce its provisions, to establish a  
21 specific standard of care or a civil cause of action or to  
22 require the reporting or disclosure of privileged information.  
23 Evidence of compliance or noncompliance shall not be admissible  
24 as evidence in a proceeding before a court, agency, board or  
25 other entity except with respect to an action to enforce the  
26 provisions of this chapter.

27 Section 307-A. Enforcement.

28 (a) Action to compel compliance.--The Attorney General may  
29 bring an action in the name of the Commonwealth against an  
30 institution of higher education to compel compliance with this

1 chapter.

2 (b) Civil penalty.--In an action by the Attorney General to  
3 compel compliance with this chapter, the court may award a civil  
4 penalty as follows:

5 (1) Not more than \$1,000 for each day of violation for  
6 willful noncompliance or failure to promptly comply with an  
7 order of the court to comply with the provisions of this  
8 chapter.

9 (2) Not more than \$25,000 for the first case of  
10 intentional misrepresentation or concealment by an  
11 institution of higher education of a valid complaint required  
12 to be reported under this chapter.

13 (3) Not more than \$50,000 for a second or subsequent  
14 intentional misrepresentation or concealment by an  
15 institution of higher education of a valid complaint required  
16 to be reported under this chapter.

17 Section 308-A. Rules and regulations.

18 The State Board of Education may, in the manner provided by  
19 law, promulgate the rules and regulations necessary to carry out  
20 this chapter.

21 Section 3. This act shall take effect in 180 days.