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HOUSE BILL NO. 1930

Offered January 14, 2015

Prefiled January 13, 2015

A BILL to amend and reenact §§ 15.2-1627.4 and 23-234 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 1 of Title 23 sections numbered 23-9.2:15 and 23-9.2:16 and by adding a section numbered 23-235.1, relating to institutions of higher education; response to violence; penalty.

Patrons—Bell, Robert B., Albo, Gilbert, Keam, Marshall, R.G., Massie and Rust

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That §§ 15.2-1627.4 and 23-234 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Chapter 1 of Title 23 sections numbered 23-9.2:15 and 23-9.2:16 and by adding a section numbered 23-235.1 as follows:

§ 15.2-1627.4. Coordination of multidisciplinary response to sexual assault.

The attorney for the Commonwealth in each political subdivision in the Commonwealth shall coordinate the establishment of a multidisciplinary response to criminal sexual assault as set forth in Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2, and hold a meeting, at least annually, to: (i) discuss implementation of protocols and policies for sexual assault response teams consistent with those established by the Department of Criminal Justice Services pursuant to subdivision 45 of § 9.1-102; *that shall include protocols and policies for (a) the campus and community response to criminal sexual assaults as set forth in Article 7 of Chapter 4 of Title 18.2 committed on the campus of an institution of higher education in the locality, (b) implementation of the provisions of § 23-9.2:15 on the campus of an institution of higher education in the locality, and (c) the collection and annual report of the number of cases of criminal sexual assault as set forth in Article 7 of Chapter 4 of Title 18.2 committed on the campus of an institution of higher education in the locality that were referred to the law-enforcement agency serving the locality and the disposition of such cases and (ii) establish and, review, and update and improve, as necessary, guidelines for the community's response, including the collection, preservation, and secure storage of evidence from Physical Evidence Recovery Kit examinations consistent with § 19.2-165.1. The following persons or their designees shall be invited to participate in the annual meeting: the attorney for the Commonwealth; the sheriff; the director of the local sexual assault crisis center providing services in the jurisdiction, if any; the chief of each police department and the chief of each campus police department of any institution of higher education in the jurisdiction, if any; a forensic nurse examiner or other health care provider who performs Physical Evidence Recovery Kit examinations in the jurisdiction, if any; and the director of the victim/witness program in the jurisdiction, if any.*

§ 23-9.2:15. Reporting of violent felonies; penalty.

A. Any faculty member or administrator of a public institution of higher education who through the course of his employment obtains evidence that a violent felony as defined in subsection C of § 17.1-805 has been committed shall report such information no later than four hours after obtaining such information to the attorney for the Commonwealth or the law-enforcement agency serving the locality in which the alleged violent felony occurred, except in cases in which:

1. Such report would be a violation of applicable state or federal law;

2. The faculty member or administrator has actual knowledge that the same matter has already been reported to the attorney for the Commonwealth or the law-enforcement agency serving the locality in which the alleged violent felony occurred; or

3. The faculty member or administrator obtained such information in the course of providing legal services at the institution's student legal services center.

B. Any faculty member or administrator of a public institution of higher education who knowingly and intentionally violates the provisions of this section is subject to a civil penalty of not more than \$500 for the first violation and not more than \$1,000 for each subsequent violation. Such penalty shall be collected by the State Council of Higher Education for Virginia, and the proceeds shall be deposited in the Literary Fund.

C. Any faculty member or administrator of a public institution of higher education who makes a report required by this section or testifies in a judicial or administrative proceeding as a result of such report shall be immune from any civil liability alleged to have resulted therefrom unless such person acted in bad faith or with malicious intent.

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§ 23-9.2:16. Sexual assault; memorandum of understanding; policies.

A. The governing board of each public or private institution of higher education shall establish a written memorandum of understanding with a local sexual assault crisis center or other victim support service in order to provide sexual assault victims with immediate access to a confidential, independent advocate who can provide a trauma-informed response that includes an explanation of options for moving forward.

B. The governing board of each public or private institution of higher education shall adopt policies to provide to sexual assault victims information on contacting such local sexual assault crisis center or other victim support service.

§ 23-234. Powers and duties; jurisdiction.

A. A campus police officer appointed as provided in § 23-233 or appointed and activated pursuant to § 23-233.1 may exercise the powers and duties conferred by law upon police officers of cities, towns, or counties, and shall be so deemed, including but not limited to the provisions of Chapters 5 (§ 19.2-52 et seq.), 7 (§ 19.2-71 et seq.), and 23 (§ 19.2-387 et seq.) of Title 19.2, (i) upon any property owned or controlled by the relevant public or private institution of higher education, or, upon request, any property owned or controlled by another public or private institution of higher education and upon the streets, sidewalks, and highways, immediately adjacent thereto, (ii) pursuant to a mutual aid agreement provided for in § 15.2-1727 between the governing board of a public or private institution and such other institution of higher education, public or private, in the Commonwealth or adjacent political subdivisions, (iii) in close pursuit of a person as provided in § 19.2-77, and (iv) upon approval by the appropriate circuit court of a petition by the local governing body for concurrent jurisdiction in designated areas with the police officers of the county, city, or town in which the institution, its satellite campuses, or other properties are located. The local governing body may petition the circuit court pursuant only to a request by the local law-enforcement agency for concurrent jurisdiction.

B. All public or private institutions of higher education that have campus police forces established in accordance with the provisions of this chapter shall enter in and become a party to mutual aid agreements with one or more of the following: (i) an adjacent local law-enforcement agency or (ii) the Department of State Police, for the use of their joint forces, both regular and auxiliary, equipment, and materials when needed in the investigation of any felony criminal sexual assault or medically unattended death occurring on property owned or controlled by the institution of higher education or any death resulting from an incident occurring on such property. *Such mutual aid agreements shall include provisions requiring either the campus police force or an agency with which it has established a mutual aid agreement pursuant to this subsection to notify the local attorney for the Commonwealth of any complaint or investigation involving a violent felony as defined in subsection C of § 17.1-805 within 24 hours of receiving such complaint or commencing such investigation and, in the case of an investigation, provide the local attorney for the Commonwealth with regular progress updates.* The provisions of this section shall not prohibit a campus police force from requesting assistance from any appropriate law-enforcement agency of the Commonwealth, even though a mutual aid agreement has not been executed with that agency.

§ 23-235.1. Training; response to criminal sexual assault.

All persons appointed and employed as campus police officers or as members of auxiliary forces pursuant to this chapter shall receive training in trauma-informed response, interviewing, and investigation of alleged criminal sexual assaults as set forth in Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2 committed on campus.