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SENATE BILL NO. 712

AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the Senate Committee on Education and Health
on January 26, 2015)

(Patrons Prior to Substitute—Senators Black, Saslaw, Norment, Vogel, and Watkins [SB 734], Deeds [SB 1252], Barker [SB 1275], and Favola [SB 981])

A *BILL to amend the Code of Virginia by adding in Chapter 1 of Title 23 a section numbered 23-9.2:15, relating to public institutions of higher education; reporting of sexual assault; penalty.*

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 1 of Title 23 a section numbered 23-9.2:15 as follows:

§ 23-9.2:15. Reporting of sexual assault; penalty.

A. Any faculty member, administrator, or full-time staff member employed by a public institution of higher education who through the course of his employment obtains information alleging that a violation of § 18.2-61, 18.2-67.1, 18.2-67.2, or 18.2-67.3 has occurred shall report such information no later than 24 hours after obtaining such information to the law-enforcement agency serving the locality in which the alleged violation occurred unless such report would be a violation of applicable state or federal law.

B. Any person who knowingly and intentionally violates the provisions of this section is guilty of a Class 1 misdemeanor.

C. No person shall be required to make a report pursuant to this section if he (i) is an attorney and obtained the information in the course of providing legal representation to a client; (ii) is a regular minister, priest, rabbi, imam, or duly accredited practitioner of any religious organization or denomination usually referred to as a church and the obtained information is (a) required by the doctrine of the religious organization or denomination to be kept in a confidential manner or (b) would be subject to § 8.01-400 or 19.2-271.3 if offered as evidence in court; (iii) is a professional counselor whose official responsibilities include providing mental health counseling to members of the institution's community and who is functioning within the scope of his license; or (iv) serves as a crisis counselor for the institution.

D. No person shall be required to make a report pursuant to this section if the person has actual knowledge that the same matter has already been reported to the law-enforcement agency serving the locality in which the alleged violation occurred.

E. Any person making a report required by this section or testifying 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.

F. The provisions of this section shall not require a person who is the victim of a violation of § 18.2-61, 18.2-67.1, 18.2-67.2, or 18.2-67.3 to report such violation.