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FILED FEB 23 '00

SENATE FILE 2328
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO SF 2177)

(P. 685)
Passed Senate, Date 3-15-00 Passed House, Date _____
Vote: Ayes 49 Nays 0 Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to reports of assault and sexual abuse occurring
2 on community college and university campuses.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 2328

1 Section 1. NEW SECTION. 260C.41 ASSAULT AND SEXUAL
2 ABUSE.

3 When an assault or other act prohibited under chapter 708,
4 or sexual abuse or other act prohibited under chapter 709, is
5 alleged to have been committed on the premises of any
6 community college, the allegation shall:

7 1. Immediately be reported to and become the jurisdiction
8 of the law enforcement authority of the municipality in which
9 the premises of the community college is located, or of the
10 county, if the premises of the community college are not
11 within municipal boundaries.

12 2. Be reported to the department of public safety for
13 statistical compilation, whether or not the victim pursues
14 criminal charges.

15 Sec. 2. Section 262.13, Code 1999, is amended to read as
16 follows:

17 262.13 SECURITY OFFICERS AT INSTITUTIONS AS PEACE
18 OFFICERS.

19 1. The board may authorize any institution under its
20 control to commission one or more of its employees as special
21 security officers. Special security officers shall have the
22 powers, privileges, and immunities of regular peace officers
23 when acting in the interests of the institution by which they
24 are employed.

25 2. The board shall provide as rapidly as practicable for
26 the adequate training of such special security officers at the
27 Iowa law enforcement academy or in an equivalent training
28 program, unless they have already received such training.

29 3. When an assault or other act prohibited under chapter
30 708, or sexual abuse or other act prohibited under chapter
31 709, is alleged to have been committed at any institution, the
32 allegation shall:

33 a. Immediately be reported to and become the jurisdiction
34 of the law enforcement authority of the municipality in which
35 the institution is located, or of the county, if the

1 institution is not within municipal boundaries.

2 b. Be reported to the department of public safety for
3 statistical compilation, whether or not the victim pursues
4 criminal charges.

5 EXPLANATION

6 This bill adds provisions to Code chapters relating to
7 community colleges and regents institutions to require that
8 reports of assault, sexual abuse, and other crimes under Code
9 chapters 708 and 709 that occur on community college and
10 university campuses be reported to municipal or county law
11 enforcement for enforcement purposes and to the department of
12 public safety for statistical compilation.

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SENATE FILE 2328

S-5107

1 Amend Senate File 2328 as follows:

2 1. By striking everything after the enacting
3 clause, and inserting the following:

4 "Section 1. NEW SECTION. 709.19 SEXUAL OFFENSE
5 REPORTING.

6 1. For purposes of this section, "sexual offense"
7 means any offense proscribed under this chapter.

8 2. Any person, firm, association, or corporation
9 maintaining, advertising, or conducting in Iowa any
10 course of instruction for postsecondary students for
11 profit or for a tuition charge shall:

12 a. Comply with the provisions of 20 U.S.C. § 1092,
13 as applicable.

14 b. Prescribe policies and procedures relating to
15 sexual offenses committed on the premises of the
16 postsecondary institution, including but not limited
17 to the following:

18 (1) Prescribing and publicizing procedures that
19 students should follow if a sexual offense is
20 committed on the premises of the postsecondary
21 institution, including but not limited to whom the
22 sexual offense should be reported, who should
23 otherwise be contacted, and procedures relating to the
24 timely preservation of evidence necessary for proof of
25 the sexual offense.

26 (2) Informing students immediately of their option
27 to notify law enforcement authorities of the alleged
28 sexual offense. If the sexual offense occurred on the
29 campus of a postsecondary institution governed by the
30 state board of regents that employs full-time
31 certified law enforcement officers, the incident shall
32 be reported to the department of public safety.

33 (3) Notifying students of existing counseling,
34 mental health, or other services available, either on
35 campus or in the community, for victims of sexual
36 offenses.

37 (4) Notifying students of options for changing
38 academic and living situations after an alleged
39 commission of a sexual offense, and providing
40 available assistance regarding such changes if
41 requested by the victim.

42 (5) Prescribing disciplinary procedures for sexual
43 offenses, and notifying students of the possible
44 sanctions that could be imposed following the final
45 determination of disciplinary procedures resulting
46 from sexual offenses.

47 (6) Conducting education programs to promote the
48 awareness of sexual offenses.

49 3. Providers of medical treatment or counselors
50 employed by the postsecondary institution shall not be

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1 included within the reporting requirement.

2 Sec. 2. Section 915.20, subsection 1, paragraph a,
3 Code 1999, is amended to read as follows:

4 a. "Proceedings related to the offense" means any
5 of the following:

6 (1) Any activities engaged in or proceedings
7 commenced by a law enforcement agency, judicial
8 district department of correctional services, or a
9 court pertaining to the commission of a public offense
10 against the victim, in which the victim is present, as
11 well as examinations of the victim in an emergency
12 medical facility due to injuries from the public
13 offense which do not require surgical procedures.
14 "Proceedings related to the offense" includes, but is
15 not limited to, law enforcement investigations,
16 pretrial court hearings, trial and sentencing
17 proceedings, and proceedings relating to the
18 preparation of a presentence investigation report in
19 which the victim is present.

20 (2) Any investigation, meeting, or other
21 proceeding related to a sexual offense that is subject
22 to a disciplinary proceeding by a person, firm,
23 association, or corporation maintaining, advertising,
24 or conducting in Iowa any course of instruction for
25 postsecondary students for profit or for a tuition
26 charge pursuant to section 709.19."

27 2. Title page, line 1, by striking the words
28 "reports of assault and sexual abuse" and inserting
29 the following: "sexual offenses".

30 3. Title page, line 2, by adding after the word
31 "campuses" the following: "and private postsecondary
32 school premises".

33 4. By renumbering as necessary.

By MARK SHEARER

S-5107 FILED MARCH 8, 2000

Adopted
3-15-00
(p. 685)

SENATE FILE **2328**
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO SF 2177)

(AS AMENDED AND PASSED BY THE SENATE MARCH 15, 2000)

ALL New Language by the Senate

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to sexual offenses occurring on community college
2 and university campuses and private postsecondary school
3 premises.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. NEW SECTION. 709.19 SEXUAL OFFENSE REPORTING.

2 1. For purposes of this section, "sexual offense" means
3 any offense proscribed under this chapter.

4 2. Any person, firm, association, or corporation
5 maintaining, advertising, or conducting in Iowa any course of
6 instruction for postsecondary students for profit or for a
7 tuition charge shall:

8 a. Comply with the provisions of 20 U.S.C. § 1092, as
9 applicable.

10 b. Prescribe policies and procedures relating to sexual
11 offenses committed on the premises of the postsecondary
12 institution, including but not limited to the following:

13 (1) Prescribing and publicizing procedures that students
14 should follow if a sexual offense is committed on the premises
15 of the postsecondary institution, including but not limited to
16 whom the sexual offense should be reported, who should
17 otherwise be contacted, and procedures relating to the timely
18 preservation of evidence necessary for proof of the sexual
19 offense.

20 (2) Informing students immediately of their option to
21 notify law enforcement authorities of the alleged sexual
22 offense. If the sexual offense occurred on the campus of a
23 postsecondary institution governed by the state board of
24 regents that employs full-time certified law enforcement
25 officers, the incident shall be reported to the department of
26 public safety.

27 (3) Notifying students of existing counseling, mental
28 health, or other services available, either on campus or in
29 the community, for victims of sexual offenses.

30 (4) Notifying students of options for changing academic
31 and living situations after an alleged commission of a sexual
32 offense, and providing available assistance regarding such
33 changes if requested by the victim.

34 (5) Prescribing disciplinary procedures for sexual
35 offenses, and notifying students of the possible sanctions

1 that could be imposed following the final determination of
2 disciplinary procedures resulting from sexual offenses.

3 (6) Conducting education programs to promote the awareness
4 of sexual offenses.

5 3. Providers of medical treatment or counselors employed
6 by the postsecondary institution shall not be included within
7 the reporting requirement.

8 Sec. 2. Section 915.20, subsection 1, paragraph a, Code
9 1999, is amended to read as follows:

10 a. "Proceedings related to the offense" means any of the
11 following:

12 (1) Any activities engaged in or proceedings commenced by
13 a law enforcement agency, judicial district department of
14 correctional services, or a court pertaining to the commission
15 of a public offense against the victim, in which the victim is
16 present, as well as examinations of the victim in an emergency
17 medical facility due to injuries from the public offense which
18 do not require surgical procedures. "Proceedings related to
19 the offense" includes, but is not limited to, law enforcement
20 investigations, pretrial court hearings, trial and sentencing
21 proceedings, and proceedings relating to the preparation of a
22 presentence investigation report in which the victim is
23 present.

24 (2) Any investigation, meeting, or other proceeding
25 related to a sexual offense that is subject to a disciplinary
26 proceeding by a person, firm, association, or corporation
27 maintaining, advertising, or conducting in Iowa any course of
28 instruction for postsecondary students for profit or for a
29 tuition charge pursuant to section 709.19.

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