

Date of Hearing: April 7, 2015

ASSEMBLY COMMITTEE ON HIGHER EDUCATION

Jose Medina, Chair

AB 636 (Medina) – As Introduced February 24, 2015

**[Note: This bill is double referred to the Assembly Committee on Public Safety and will be heard in that committee as it relates to issues under its jurisdiction.]**

**SUBJECT:** Postsecondary education: student safety

**SUMMARY:** Authorizes, if an institution determines that an alleged assailant represents a serious or ongoing threat to the safety of the campus and the immediate assistance of police is necessary to contact or detain the assailant, the institution to disclose the identity of the alleged assailant to local law enforcement.

**EXISTING LAW:** Requires the governing board of public, private, and independent postsecondary educational institution that receives public funds to ensure any report made by a victim to a campus law enforcement agency, regarding a Part 1 violent crime, sexual assault, or hate crime, is disclosed immediately, or as soon as practicably possible, to the local law enforcement agency where the campus is located; and, stipulates the report shall not identify the victim without the victim's consent, and if the victim does not consent, the alleged assailant shall not be identified. (Education Code Section 67380)

**FISCAL EFFECT:** Unknown. This bill is keyed non-fiscal by Legislative Counsel.

**COMMENTS:** In response to concerns that California university campus administrators were underreporting sexual assaults and mishandling cases in several ways, Education Code Section 67380 was amended last year to require campuses to pass along reports of Part 1 violent crimes, sexual assaults and hate crimes that occur on campus to local law enforcement agencies. The goal of the requirement was to improve the working relationship between campuses and local police and sheriffs' departments, which could result in more thorough investigations, better outcomes for victims, and safer communities.

Under the new requirement, victims were provided the authority to have their identity withheld from the report to law enforcement. In such cases, institutions would also be prohibited from identifying the alleged assailant. Earlier this year, concerns were raised that providing the victim exclusive control over withholding the alleged assailants name from law enforcement could inhibit the ability of university officials to protect the campus community.

This bill provides specific circumstances under which a university may release an alleged assailants name to local law enforcement. This bill does *not* authorize release of the victim's name to local law enforcement unless the victim has consented to being identified. According to the author, this bill strikes the appropriate balance to support victims and to protect the larger campus community.

**REGISTERED SUPPORT / OPPOSITION:**

**Support**

Association of Independent California Colleges and Universities  
Association of Associated Students of CSU, Sacramento  
California College and University Police Chiefs  
California District Attorneys Association

**Opposition**

None on File

**Analysis Prepared by:** Laura Metune / HIGHER ED. / (916) 319-3960