

Senator Jani Iwamoto proposes the following substitute bill:

CAMPUS SAFETY AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jani Iwamoto

House Sponsor: V. Lowry Snow

LONG TITLE

General Description:

This bill amends provisions related to campus safety.

Highlighted Provisions:

This bill:

▶ requires campus law enforcement to share a report of a crime that occurs outside campus law enforcement's jurisdiction with the local law enforcement agency that has jurisdiction;

▶ requires an institution of higher education to:

- create a report of crime statistics aggregated by type of housing facility; and
- include the report in the institution's annual campus safety report to the

Education Interim Committee and the Law Enforcement and Criminal Justice Interim Committee;

▶ defines terms; and

▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None



26 **Utah Code Sections Affected:**

27 AMENDS:

28 **53B-28-401**, as last amended by Laws of Utah 2020, Chapter 365

29 ENACTS:

30 **53B-28-403**, Utah Code Annotated 1953



32 *Be it enacted by the Legislature of the state of Utah:*

33 Section 1. Section **53B-28-401** is amended to read:

34 **53B-28-401. Campus safety plans and training -- Institution duties -- Governing**
35 **board duties.**

36 (1) As used in this section:

37 (a) "Covered offense" means:

38 (i) sexual assault;

39 (ii) domestic violence;

40 (iii) dating violence; or

41 (iv) stalking.

42 (b) "Institution" means an institution of higher education described in Section

43 **53B-1-102.**

44 (c) "Student organization" means a club, group, sports team, fraternity or sorority, or
45 other organization:

46 (i) of which the majority of members is composed of students enrolled in an institution;

47 and

48 (ii) (A) that is officially recognized by the institution; or

49 (B) seeks to be officially recognized by the institution.

50 (2) An institution shall develop a campus safety plan that addresses:

51 (a) where an individual can locate the institution's policies and publications related to a
52 covered offense;

53 (b) institution and community resources for a victim of a covered offense;

54 (c) the rights of a victim of a covered offense, including the measures the institution
55 takes to ensure, unless otherwise provided by law, victim confidentiality throughout all steps in
56 the reporting and response to a covered offense;

57 (d) how the institution informs the campus community of a crime that presents a threat
58 to the campus community;

59 (e) availability, locations, and methods for requesting assistance of security personnel
60 on the institution's campus;

61 (f) guidance on how a student may contact law enforcement for incidents that occur off
62 campus;

63 (g) institution efforts related to increasing campus safety, including efforts related to
64 the institution's increased response in providing services to victims of a covered offense, that:

65 (i) the institution made in the preceding 18 months; and

66 (ii) the institution expects to make in the upcoming 24 months;

67 (h) coordination and communication between institution resources and organizations,
68 including campus law enforcement;

69 (i) institution coordination with local law enforcement or community resources,
70 including coordination related to a student's safety at an off-campus location; and

71 (j) how the institution requires a student organization to provide the campus safety
72 training as described in Subsection (5).

73 (3) An institution shall:

74 (a) prominently post the institution's campus safety plan on the institution's website and
75 each of the institution's campuses; and

76 (b) annually update the institution's campus safety plan.

77 (4) An institution shall develop a campus safety training curriculum that addresses:

78 (a) awareness and prevention of covered offenses, including information on institution
79 and community resources for a victim of a covered offense;

80 (b) bystander intervention; and

81 (c) sexual consent.

82 (5) An institution shall require a student organization, in order for the student
83 organization to receive or maintain official recognition by the institution, to annually provide
84 campus safety training, using the curriculum described in Subsection (4), to the student
85 organization's members.

86 (6) The board shall:

87 (a) on or before July 1, 2019, establish minimum requirements for an institution's

88 campus safety plan described in Subsection (2);

89 (b) identify resources an institution may use to develop a campus safety training
90 curriculum as described in Subsection (4); and

91 (c) report annually to the Education Interim Committee and the Law Enforcement and
92 Criminal Justice Interim Committee, at or before the committees' November meetings, on:

93 (i) the implementation of the requirements described in this section[-]; and

94 (ii) crime statistics aggregated by housing facility as described in Subsection
95 53B-28-403(2).

96 Section 2. Section **53B-28-403** is enacted to read:

97 **53B-28-403. Student housing crime reporting.**

98 (1) As used in this section:

99 (a) "Campus law enforcement" means an institution's police department.

100 (b) "Crime statistics" means the number of each of the crimes in 34 C.F.R. Sec.
101 668.46(c)(1) that are reported to a local police agency or campus law enforcement, listed by
102 type of crime.

103 (c) "Institution" means an institution of higher education described in Section
104 53B-2-101.

105 (d) (i) "Institution noncampus housing facility" means a building or property that:

106 (A) is used for housing students;

107 (B) is not part of the institution's campus; and

108 (C) the institution owns, manages, controls, or leases;

109 (ii) "Institution noncampus housing facility" includes real property that is adjacent to,
110 and is used in direct support of, the building or property described in Subsection (1)(d)(i).

111 (e) "Local law enforcement agency" means a state or local law enforcement agency
112 other than campus law enforcement.

113 (f) (i) "On-campus housing facility" means a building or property that is:

114 (A) used for housing students; and

115 (B) part of the institution's campus.

116 (ii) "On-campus housing facility" includes real property that is:

117 (A) adjacent to the on-campus housing facility; and

118 (B) used in direct support of the on-campus housing facility.

119 (g) "Student housing" means:
120 (i) an institution noncampus housing facility;
121 (ii) an on-campus housing facility; or
122 (iii) a student organization noncampus housing facility.
123 (h) "Student organization" means the same as that term is defined in Section
124 53B-28-401.
125 (i) "Student organization noncampus housing facility" means a building or property
126 that:
127 (i) is used for housing students;
128 (ii) is not part of the institution's campus; and
129 (iii) (A) a student organization owns, manages, controls, or leases; or
130 (B) is real property that is adjacent to the student organization noncampus housing
131 facility and is used in direct support of the noncampus housing facility.
132 (2) An institution shall:
133 (a) create a report of crime statistics aggregated by:
134 (i) on-campus housing facility, identified and listed individually using the institution's
135 system for inventorying institution facilities;
136 (ii) institution noncampus housing facility, identified and listed individually using the
137 institution's system for inventorying institution facilities; and
138 (iii) student organization noncampus housing facilities, identified and listed
139 individually using the institution's system for identifying student organization noncampus
140 housing facilities;
141 (b) include the report described in Subsection (2)(a) in the report described in
142 Subsection 53B-28-401(6);
143 (3) Upon request from an institution, a local law enforcement agency shall provide to
144 the institution crime statistics for each student housing facility over which the local law
145 enforcement agency has jurisdiction.
146 (4) Except as provided in Section 53B-28-303, when campus law enforcement receives
147 a complaint or report of a crime that campus law enforcement reasonably determines occurred
148 outside of campus law enforcement's jurisdiction, campus law enforcement shall share any
149 record of the complaint or report with the local law enforcement agency with jurisdiction.