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112TH CONGRESS
2D SESSION

H. R. 5844

To amend the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act to provide further clarity for institutions of higher education, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 18, 2012

Mr. MEEHAN (for himself, Mr. CARNEY, Mrs. EMERSON, Mr. BRADY of Pennsylvania, Mr. ISSA, and Mr. PLATTS) introduced the following bill; which was referred to the Committee on Education and the Workforce

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A BILL

To amend the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act to provide further clarity for institutions of higher education, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Protecting Victims on Campus Act of 2012''.

SEC. 2. DISCLOSURE OF CAMPUS SECURITY POLICY AND CAMPUS CRIME STATISTICS.

Section 485(f) of the Higher Education Act of 1965 (20 U.S.C. 1092(f)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by inserting before the semicolon the following: ", and making available to students and employees a list of the titles, in each department of the institution, of each individual who is a campus security authority to whom students and employees should report the criminal offenses described in subparagraph (F)"; and

(B) in subparagraph (F)(i)—

(i) by striking "and" at the end of subclause (VIII); and

(ii) by adding the following at the end:

"(X) criminal offenses involving minors; and";

(2) by repealing paragraph (2);

(3) in paragraph (3)—

(A) by striking "Each" and inserting "(A) Each";

(B) by inserting ", that keeps confidential the personally identifiable information of victims," after "that is timely"; and

(C) by adding at the end the following:

"(B) In carrying out the requirements of subparagraph (A), an institution shall—

"(i) designate an individual who is familiar with the requirements of this subsection to serve as a campus security authority coordinator to—

"(I) oversee campus security authorities;

"(II) solicit and compile the crimes described in subparagraph (F) of paragraph (1) reported to such authorities for the purpose of including such information in the timely reports required under this paragraph; and

"(III) ensure that when a crime of violence (as defined in section 16 of title 18, United States Code) is reported to a campus security authority, the authority reports the crime to local law police agencies;

"(ii) establish policies or procedures for training campus security authorities and the campus security authority coordinator; and

"(iii) employ or designate an individual or other entity to conduct such training using the policies or procedures established under clause (ii), upon receiving approval from the Secretary for such individual or other entity to conduct such training.";

(4) in paragraph (13)—

(A) by striking "Upon" and inserting "(A) Upon";

(B) by inserting "which distinguishes between institutional neglect and intentional misrepresentation or withholding of information," after "this subsection,";

(C) by inserting ", except that the Secretary shall impose a larger civil penalty in the case of an institution of higher education determined to have intentionally violated this subsection, as compared to an institution of higher education that violated this subsection as a result of institutional neglect. An intentional vio-

lation of this subsection by an institution of higher education shall be subject to criminal prosecution'' after ''under section 487(c)(3)(B)''; and

(D) by adding at the end the following:

''(B) Prior to making a determination described in subparagraph (A) with respect to an institution of higher education, the Secretary shall—

''(i) conduct an investigation with respect to the institution; and

''(ii) provide the institution with a timeline of the investigation and a preliminary report that includes the reasons for conducting such investigation.''; and

(5) in paragraph (17), before the period insert the following: ''or any individual because such individual provided information or made a complaint to a law enforcement agency relating to the implementation of any provision of this subsection, provided that the individual acted in good faith when providing such information or making such complaint''.

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