

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

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.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Protecting Victims on
5 Campus Act of 2012”.

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

3 Section 485(f) of the Higher Education Act of 1965
4 (20 U.S.C. 1092(f)) is amended—

5 (1) in paragraph (1)—

6 (A) in subparagraph (A), by inserting be-
7 fore the semicolon the following: “, and making
8 available to students and employees a list of the
9 titles, in each department of the institution, of
10 each individual who is a campus security au-
11 thority to whom students and employees should
12 report the criminal offenses described in sub-
13 paragraph (F)”;

14 (B) in subparagraph (F)(i)—

15 (i) by striking “and” at the end of
16 subclause (VIII); and

17 (ii) by adding the following at the
18 end:

19 “(X) criminal offenses involving
20 minors; and”;

21 (2) by repealing paragraph (2);

22 (3) in paragraph (3)—

23 (A) by striking “Each” and inserting “(A)
24 Each”;

1 (B) by inserting “, that keeps confidential
2 the personally identifiable information of vic-
3 tims,” after “that is timely”; and

4 (C) by adding at the end the following:

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

7 “(i) designate an individual who is fa-
8 miliar with the requirements of this sub-
9 section to serve as a campus security au-
10 thority coordinator to—

11 “(I) oversee campus security au-
12 thorities;

13 “(II) solicit and compile the
14 crimes described in subparagraph (F)
15 of paragraph (1) reported to such au-
16 thorities for the purpose of including
17 such information in the timely reports
18 required under this paragraph; and

19 “(III) ensure that when a crime
20 of violence (as defined in section 16 of
21 title 18, United States Code) is re-
22 ported to a campus security authority,
23 the authority reports the crime to
24 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-

1 lation of this subsection by an institution of
2 higher education shall be subject to criminal
3 prosecution” after “under section
4 487(c)(3)(B)”; and

5 (D) by adding at the end the following:

6 “(B) Prior to making a determination de-
7 scribed in subparagraph (A) with respect to an
8 institution of higher education, the Secretary
9 shall—

10 “(i) conduct an investigation with re-
11 spect to the institution; and

12 “(ii) provide the institution with a
13 timeline of the investigation and a prelimi-
14 nary report that includes the reasons for
15 conducting such investigation.”; and

16 (5) in paragraph (17), before the period insert
17 the following: “or any individual because such indi-
18 vidual provided information or made a complaint to
19 a law enforcement agency relating to the implemen-
20 tation of any provision of this subsection, provided
21 that the individual acted in good faith when pro-
22 viding such information or making such complaint”.

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