

## No. 2004-180

## AN ACT

## SB 668

Requiring institutions of higher education to provide students and employees with information relating to crime statistics and security measures and to provide similar information to prospective students and employees upon request; granting powers to the State Board of Education; establishing a uniform crime reporting program; requiring all county and municipal law enforcement agencies to report certain information occurring within the respective jurisdictions; imposing duties on the Pennsylvania Commission on Crime and Delinquency; authorizing the Pennsylvania State Police to collect and gather information on crime and make annual reports; providing for penalties; and making a related repeal.

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The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

CHAPTER 1  
PRELIMINARY PROVISIONS

Section 101. Short title.

This act shall be known and may be cited as the Uniform Crime Reporting Act.

CHAPTER 3  
HIGHER EDUCATION SECURITY INFORMATION

Section 301. Scope.

This chapter relates to security information in colleges and universities.

Section 302. Definitions.

The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

“Branch campus.” A branch campus is a unit of an institution of higher education which is distinguished by all of the following characteristics:

- (1) An academic degree-granting program or organized parts thereof offered on a continuing basis.
- (2) Location separately identifiable from the main campus of the parent institution and providing the services normally associated with the campus.
- (3) Legal authority for governance, administration and general operation derived from the charter or enabling legislation of the parent institution or of the State System of Higher Education.

“Campus police.” Employees of an institution of higher education who exercise powers of arrest under authority of law or ordinance.

“Campus security officers.” Employees of an institution of higher education, other than campus police, who are charged with maintaining the safety and security of the property of the institutions and the persons on the property.

“Community colleges.” Institutions now or hereafter created pursuant to Article XIX-A of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, or the former act of August 24, 1963 (P.L.1132, No.484), known as the Community College Act of 1963.

“Independent institution of higher education.” An institution of higher education which is operated not for profit, located in and incorporated or chartered by the Commonwealth, entitled to confer degrees as set forth in 24 Pa.C.S. § 6505 (relating to power to confer degrees) and entitled to apply to itself the designation “college” or “university” as provided for by standards and qualifications prescribed by the State Board of Education pursuant to 24 Pa.C.S. Ch. 65 (relating to private colleges, universities and seminaries).

“Institution of higher education.” An independent institution of higher education, a community college, a State-owned institution or a State-related institution, any of which is approved by the Department of Education.

“Investigative information.” Information that is assembled as a result of the performance of any formal or informal inquiry into a criminal incident or an allegation of criminal wrongdoing. The term may include modus operandi information.

“State-owned institutions.” Those institutions which are part of the State System of Higher Education pursuant to Article XX-A of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949.

“State-related institutions.” The Pennsylvania State University, the University of Pittsburgh, Temple University and Lincoln University and their branch campuses.

“Student housing.” All residence halls and sorority and fraternity residences owned or under the control of the institution of higher education.

“Valid complaint.” Any complaint received by a campus police or campus security department which results in an investigation or for which an entry is made in an incident report, log or blotter.

Section 303. Crime statistics and security policies and procedures.

(a) Crime statistics reports.—Each institution of higher education shall report to the Pennsylvania State Police, on an annual basis, crime statistics for publication in Crime in Pennsylvania (Uniform Crime Report) on forms and in the format required by the Pennsylvania State Police.

(b) Publishing and distributing reports.—Each institution of higher education shall publish and distribute a report which shall be updated annually and which shall include the crime statistics as reported under subsections (a) and (b.2) for the most recent three-year period. Crime rates shall also be included in the report. The crime rates reported shall be based on the numbers and categories of crimes reported under subsections (a) and (b.2) and the number of full-time equivalent undergraduate and graduate students (FTES) and full-time equivalent employees at the institution of higher education. Upon request, the institution shall provide the report to every person who submits an application for admission to either a main or branch campus and to each new employee at the time of employment. In its acknowledgment of receipt of the formal application of admission, the institution shall notify the applicant of the availability of such information. The information shall also be provided on an annual basis to all students and employees. Institutions with more than one campus shall provide the required information on a campus-by-campus basis.

(b.1) Daily logs and public records.—The campus police or campus security officers of each institution of higher education shall develop and maintain a daily log as a public record. Entries in the log shall be chronologically recorded in a manner that can be easily understood and shall include the following:

(1) A report of each valid complaint and all reports of crimes received by the campus police or campus security officers and the responses thereto. Except as provided in paragraph (2), names and addresses shall not be included in the daily log. This prohibition need not preclude the

use of words, numbers, phrases or other similar index keys in the logs to serve as indices to investigative information.

(2) The names and addresses of persons arrested and charged and the charges filed against those persons.

(3) A description of the disposition of the charges filed under paragraph (2) to be entered when and if reasonably available.

(b.2) Arrests by State, county or local police.—For arrests made by State, county or local police on campuses of institutions of higher education, the applicable police department shall provide to the institution of higher education without cost the names and addresses of persons arrested and the charges filed against those persons for inclusion in the daily logs required under this chapter.

(b.3) Information concerning juveniles.—Nothing in this chapter shall be construed to apply to information concerning juveniles, except as provided in 18 Pa.C.S. § 9123 (relating to juvenile records), unless they have been adjudicated as adults.

(b.4) Entries to be public records.—All entries in the daily logs shall, except as provided in subsection (b.3) and as otherwise provided by law, be public records available without cost for examination and inspection by the public during regular business hours and at all other reasonable times. The institutions of higher education may charge a reasonable fee for the cost of copies, photographs or photostats.

(c) Security policies and procedures.—Each institution of higher education shall provide to every person who submits an application for admission to a main or branch campus, to every new employee at the time of employment and annually to all students and employees information regarding the institution's security policies and procedures. Institutions with a main campus and one or more branch campuses shall provide the information on a campus-by-campus basis. Such information for the most recent school year shall include, but not be limited to, the following:

(1) The number of undergraduate and graduate students enrolled.

(2) The number of undergraduate and graduate students living in student housing.

(3) The total number of nonstudent employees working on the campus.

(4) The administrative office responsible for security on the campus.

(5) A description of the type and number of security personnel utilized by the institution, including a description of their training.

(6) The enforcement authority of security personnel, including their working relationship with State and local police agencies.

(7) Policy on reporting criminal incidents to State and local police.

(8) Policy regarding access to institutional facilities and programs by students, employees, guests and other individuals.

(9) Procedures and facilities for students and others to report criminal actions or other emergencies occurring on campus and policies concerning the institution's response to such reports.

(10) A statement of policy regarding the possession, use and sale of alcoholic beverages.

(11) A statement of policy regarding the possession, use and sale of illegal drugs.

(12) A statement of policy regarding the possession and use of weapons by security personnel and any other person.

(13) Any policy regarding students or employees with criminal records.

(14) Security considerations used in the maintenance of campus facilities, including landscaping, groundskeeping and outdoor lighting.

(15) A description of the communication media used to inform the campus community about security matters as well as the frequency with which the information is usually provided.

(d) Information in security policies.—Institutions which maintain student housing facilities shall include in the information required by subsection (c) the following:

(1) Types of student housing available (on-campus, off-campus; single room, double, group; single sex, coed; undergraduate, graduate, married; etc.).

(2) Policies on housing assignments and requests by students for assignment changes.

(3) Policies concerning the identification and admission of visitors in student housing facilities.

(4) Measures to secure entrances to student housing facilities.

(5) Standard security features used to secure doors and windows in students' rooms.

(6) A description of the type and number of employees, including security personnel, assigned to the student housing facilities which shall include a description of their security training.

(7) The type and frequency of programs designed to inform student housing residents about housing security and enforcement procedures.

(8) Policy and any special security procedures for housing students during low-occupancy periods such as holidays and vacation periods.

(9) Policy on the housing of guests and others not assigned to the student housing or not regularly associated with the institution of higher education.

Section 304. Rules and regulations.

The State Board of Education may, in the manner provided by law, promulgate the rules and regulations necessary to carry out this chapter.

Section 305. Enforcement.

(a) Action to compel compliance.—Whenever the Attorney General has reason to believe that an institution of higher education is violating this chapter, the Attorney General may bring an action in the name of the Commonwealth against the institution to compel compliance.

(b) Civil penalty.—In any action brought by the Attorney General to compel compliance with this chapter, if the court finds that an institution of higher education is willfully violating this chapter or if any institution of higher education fails to promptly comply with an order of the court to comply with this chapter, the Attorney General acting in the name of the Commonwealth may recover on behalf of the Commonwealth a civil penalty not to exceed \$10,000.

## CHAPTER 5 UNIFORM CRIME REPORTING

### Section 501. Scope.

This chapter relates to uniform crime reporting.

### Section 502. Definitions.

The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

“Pennsylvania Uniform Crime Reporting (UCR) Program.” A program established by law which provides Statewide information on crime trends and volume based on the reporting of statistics by law enforcement agencies throughout this Commonwealth.

“Pennsylvania Uniform Crime Reporting System” or “PAUCRS.” A World Wide Web-based data collection and dissemination system used to facilitate operation of the Pennsylvania Uniform Crime Reporting Program.

“State, county and local law enforcement agencies.”

(1) The Pennsylvania State Police; and

(2) any city, borough, town, township or county police agency or organization that possesses general police powers and is charged with making arrests in connection with the enforcement of criminal or traffic laws and employs law enforcement officers duly certified under the former act of June 18, 1974 (P.L.359, No.120), referred to as the Municipal Police Education and Training Law, or 53 Pa.C.S. Ch. 21 Subch. D (relating to Municipal Police Education and Training).

### Section 503. Establishment of Pennsylvania Uniform Crime Reporting Program.

A Pennsylvania Uniform Crime Reporting Program shall be established under the direction, control and supervision of the Pennsylvania State Police. The Pennsylvania State Police shall have the power and duty to promulgate such rules and regulations pursuant to the act of June 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act, as the Pennsylvania State Police may deem necessary, to collect and gather the information from State, county and local law enforcement agencies as may be prescribed in this chapter.

### Section 504. Monthly reporting.

(a) General rule.—All State, county and local law enforcement agencies shall report statistical information related to the number and nature of

offenses occurring within their respective jurisdictions, the disposition of such matters and such other related information as the Pennsylvania State Police may require. Such reports shall be consistent with established UCR guidelines, in a manner as prescribed by the Pennsylvania State Police, and shall reflect monthly increments.

(b) Penalties.—If any county or local law enforcement agency fails to comply with subsection (a) within 30 days of the date of the mailing of notification under subsection (c)(1)(i), the county or local municipality under which the noncompliant county or local law enforcement agency is organized shall not be eligible to receive any portion of fines collected and distributed under 42 Pa.C.S. Ch. 35 Subch. E (relating to fines, etc.) and shall not be awarded any grant administered by the Pennsylvania Commission on Crime and Delinquency until the Pennsylvania State Police makes a determination that the county or local law enforcement agency has achieved compliance with subsection (a).

(c) Notification.—

(1) Within ten days of a determination by the Pennsylvania State Police that a county or local law enforcement agency has failed to comply with subsection (a), the Pennsylvania State Police shall do all of the following:

(i) Notify the chief of the county or local law enforcement agency that the agency has failed to comply with subsection (a). The notice shall indicate that unless the agency complies with the reporting requirements of subsection (a) within 30 days of the mailing of the notice, the county, municipality or authority under which the noncompliant county or local law enforcement agency is organized will be subject to the penalties set forth in subsection (b).

(ii) Notify the administrator of the county, municipality or authority under which the noncompliant county or local law enforcement agency is organized that the agency has failed to comply with subsection (a). The notice shall indicate that unless the agency complies with the reporting requirements of subsection (a) within 30 days of the mailing of the notice, the county, municipality or authority under which the noncompliant county or local law enforcement agency is organized will be subject to the penalties set forth in subsection (b).

(2) Within ten days of a determination by the Pennsylvania State Police that a noncompliant county or local law enforcement agency is subject to the penalties set forth in subsection (b), the Pennsylvania State Police shall notify the Administrative Office of Pennsylvania Courts and the Pennsylvania Commission on Crime and Delinquency to proceed in accordance with subsection (d).

(3) Within ten days of a determination by the Pennsylvania State Police that a county or local law enforcement agency is no longer subject to the penalties set forth in subsection (b), the Pennsylvania State Police

shall notify the office and the commission to proceed under subsection (e).

(d) Enforcement of penalty.—

(1) Within ten days of the receipt of notice from the Pennsylvania State Police under subsection (c)(2), the office shall direct the appropriate court of jurisdiction to withhold all moneys collected and distributed pursuant to 42 Pa.C.S. Ch. 35 Subch. E which are otherwise due to the county, municipality or authority under which the noncompliant county or local law enforcement agency is organized until the office receives notice from the Pennsylvania State Police under subsection (c)(3).

(2) Within ten days of the receipt of notice from the Pennsylvania State Police under subsection (c)(2), the commission shall not award any grant to the county, municipality or authority under which the noncompliant county or local law enforcement agency is organized until the commission receives notice from the Pennsylvania State Police under subsection (c)(3).

(e) Release from penalties.—

(1) Within ten days of the receipt of notice from the Pennsylvania State Police under subsection (c)(3), the office shall instruct the appropriate court of jurisdiction to release to the county or municipality all funds withheld and any accrued interest under subsection (b) and to no longer withhold from the county, municipality or authority any moneys collected and distributed under 42 Pa.C.S. Ch. 35 Subch. E.

(2) Within ten days of the receipt of notice from the Pennsylvania State Police under subsection (c)(3), the commission shall no longer prohibit the county or municipality from being awarded a grant as required by subsection (b).

Section 505. Compilation of statistics.

Upon receipt of the information, the Pennsylvania State Police shall have such data collated and formatted and shall compile such statistics as the Pennsylvania State Police may deem necessary to present a proper depiction of the nature and volume of crime within this Commonwealth.

Section 506. Annual report.

The Pennsylvania State Police shall electronically publish an annual report containing results of the information gathered and collated for access by the Governor, the General Assembly, the Attorney General and the public through the PAUCRS.

Section 507. Dissemination of law enforcement agency information.

Annually or at such other intervals as requested by the Pennsylvania State Police, the Municipal Police Officers' Education and Training Commission shall provide the Pennsylvania State Police with information related to those Pennsylvania law enforcement agencies known to be in existence. Such information shall be correlated with UCR data on file to identify law enforcement agencies which have failed to submit the reports required by section 504. A listing of such law enforcement agencies shall be included in

the annual report. A current listing of such agencies shall also be made available for public access through the PAUCRS.

Section 508. Repeal.

All acts and parts of acts are repealed insofar as they are inconsistent with this chapter.

Section 509. Implementation.

Implementation of the provisions of this chapter is contingent upon the availability of funding to facilitate changes as may be required in the Pennsylvania UCR Program and the Pennsylvania Uniform Crime Reporting System.

## CHAPTER 20 MISCELLANEOUS PROVISIONS

Section 2001. Repeal.

The act of May 26, 1988 (P.L.448, No.73), known as the College and University Security Information Act, is repealed.

Section 2002. Continuation.

Chapter 3 is a continuation of the act of May 26, 1988 (P.L.448, No.73), known as the College and University Security Information Act. The following apply:

(1) Regulations promulgated under the College and University Security Information Act and in effect on the effective date of section 2001 are valid until amended or deleted under Chapter 3.

(2) Contracts and obligations entered into under the College and University Security Information Act are not affected nor impaired by the repeal of the College and University Security Information Act.

(3) Actions and judicial proceedings initiated under the College and University Security Information Act may be completed under Chapter 3.

Section 2003. Effective date.

This act shall take effect as follows:

(1) Chapter 5 shall take effect in 180 days.

(2) The remainder of this act shall take effect immediately.

APPROVED—The 29th day of November, A.D. 2004.

EDWARD G. RENDELL