

SENATE BILL No. 903

March 15, 2018, Introduced by Senator JONES and referred to the Committee on Judiciary.

A bill to require certain individuals to report suspected sexual assaults of postsecondary students; to provide for the protection of postsecondary students who are sexually assaulted; and to prescribe penalties.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "postsecondary student protection act".

3 Sec. 2. As used in this act:

4 (a) "Postsecondary educational institution" means a degree- or
5 certificate-granting public or private college or university,
6 junior college, or community college that is located in this state.

7 (b) "Postsecondary interscholastic athletic activity" means a
8 program or event offered by a postsecondary educational
9 institution, including practice and competition, during which

1 athletes participate or practice to participate in an organized
2 athletic game or competition against another school, team, club,
3 entity, or individual.

4 (c) "Sexual assault" means an act, attempted act, or
5 conspiracy to engage in an act of criminal conduct as defined in
6 section 520b, 520c, 520d, 520e, or 520g of the Michigan penal code,
7 1931 PA 328, MCL 750.520b, 750.520c, 750.520d, 750.520e, and
8 750.520g.

9 (d) "Student" means an individual who is 18 years of age or
10 more and who is enrolled in an educational program at a
11 postsecondary educational institution or is a participant in a
12 postsecondary interscholastic athletic activity.

13 Sec. 3. If an individual who is employed in a professional
14 capacity at a postsecondary educational institution or is paid or
15 volunteers to conduct postsecondary interscholastic athletic
16 activities has reasonable cause to suspect that a student has been
17 the victim of a sexual assault at the institution or while
18 attending or participating in any program, activity, or event
19 sponsored or otherwise provided or supported by the institution,
20 that individual shall make an immediate report of the facts giving
21 rise to that suspicion to a law enforcement agency in the county in
22 which the incident is suspected to have occurred. If the reporting
23 individual is a member of the staff of the institution, he or she
24 shall notify the individual in charge of the institution of his or
25 her finding and that the report has been made. A notification to
26 the individual in charge of the institution does not relieve the
27 member of the staff of the institution of the obligation of

1 reporting to a law enforcement agency as required by this section.
2 One report from the institution is adequate to meet the reporting
3 requirement. A member of the institution shall not be dismissed or
4 otherwise penalized for making a report required by this act or for
5 cooperating in an investigation.

6 Sec. 4. (1) An individual who is required by this act to
7 report an instance of suspected sexual assault and who fails to do
8 so is civilly liable for the damages proximately caused by the
9 failure.

10 (2) An individual who by his or her paid employment is
11 required by this act to report an instance of suspected sexual
12 assault, who has direct knowledge of the nature of the suspected
13 sexual assault, and who willfully and knowingly fails to report is
14 guilty of a felony punishable by imprisonment for not more than 2
15 years or a fine of not less than \$1,000.00, or not more than
16 \$5,000.00, or both.

17 (3) An individual who is a volunteer required by this act to
18 report an instance of suspected sexual assault, who has direct
19 knowledge of the nature of the suspected sexual assault, and who
20 willfully and knowingly fails to report is guilty of a misdemeanor
21 punishable by imprisonment for not more than 1 year or a fine of
22 not more than \$1,000.00, or both.

23 (4) If an individual described in subsection (2) or (3)
24 commits a second or subsequent offense as described in subsection
25 (2) or (3), the individual is guilty of a felony punishable by
26 imprisonment for not more than 7 years or a fine of not more than
27 \$15,000.00, or both.

1 Enacting section 1. This act takes effect 90 days after the
2 date it is enacted into law.

3 Enacting section 2. This act does not take effect unless
4 Senate Bill No. 904
5 of the 99th Legislature is enacted into law.