



Legislation Text

File #: Int 0933-2001, Version: *

Int. No. 933

By The Speaker (Council Member Vallone) and Council Members Wooten, Robles, Michels, Nelson, Malave-Dilan, Clarke, Henry, Moskowitz and Golden (in conjunction with the Mayor); also Council Members Fisher, Foster, Koslowitz, Leffler, O'Donovan, Reed, Linares, Eisland, Abel and Oddo.

A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to submission to the police department and school principal of certain evidence or other information relating to suspected crimes involving the health or safety of a child.

Be it enacted by the Council as follows:

Section 1. Section 526 of the New York city charter is amended to read as follows:

§526. Powers of investigation.

a. The board of education may investigate, of its own motion or otherwise either in the board or by a committee of its own body, any subject of which it has cognizance or over which it has legal control, including the conduct of any of its members or employees or those of any local school board; and for the purpose of such investigation, such board or its president, or committee or its chairman, shall have and may exercise all the powers which a board of education has or may exercise in the case of a trial under the Education Law or the Civil Practice Law and Rules. Any action or determination of a committee appointed under the provisions of this section shall be subject to approval or reversal by the board, which may also modify the determination of the committee in such way as the board shall deem proper and just, and the judgement of the board thereon shall be final.

b. Where, in the course of an investigation by the board, a committee of the board or

officer or employee of the city school district of the city of New York, evidence or other information relating to a suspected crime involving the health or safety of a child is obtained, the board, committee, officer or employee which has conducted such investigation shall immediately report such evidence or other information to the police department, in a form and manner prescribed by rule by the police department, and to the principal of the child's school. Provided, however, that if such evidence or other information directly or indirectly involves or implicates such school principal, the report shall be made to the district superintendent as well as the police department.

c. Any such committee or individual who in good faith reports such suspected crime to the police department and school principal or district superintendent in accordance with the provisions of subdivision b of this section shall have immunity from any civil liability that may arise from the making of such report, and the school district or any school district employee shall not take, request or cause a retaliatory action against any such committee or individual who makes a report.

d. The provisions of this section shall not be construed as either (1) limiting the authority of any agency, commission, other entity or its members to conduct any administrative, civil or criminal investigation that is within the scope of their authority, or (2) limiting any obligation to file a report with any city, state or federal agency concerning a suspected crime or other activity.

§2. Title 10 of the administrative code of the city of New York is amended by adding a new section 10-124, to read as follows:

§10-124. Reporting of suspected crimes involving the health or safety of a child.

a. For purposes of this section,

(1) the term "school premises" shall mean the buildings, grounds or facilities, or any

portion thereof, owned, occupied by, or under the custody or control of public or private institutions for the primary purpose of providing educational or recreational instruction to students, and any vehicles owned, operated or leased by or on behalf of such institutions that are used to transport such students or the personnel of such institutions.

(2) the term "child" shall mean a person under the age of eighteen.

b. Whenever an employee of a public or private school witnesses or has reasonable cause to believe that a crime involving the health or safety of a child has occurred or will occur on or near school premises, at a school-related activity or event, while traveling to or from school, or away from school premises but having a nexus to the school, such person shall immediately report such information to the police department, in such form and manner as prescribed by rule by the police department, and to the principal of the child's school. Provided, however, that if such evidence or other information directly or indirectly involves or implicates a public school principal, the report shall be made to the district superintendent as well as the police department.

c. Any individual who in good faith reports a suspected crime to the police department and a school principal or district superintendent, in accordance with the provisions of this section, shall have immunity from any civil liability that may arise from the making of such report, and the public or private school, or any employee of such school, shall not take, request or cause a retaliatory action against any individual who makes a report.

d. Any person who knowingly violates any provision of this section shall be guilty of a misdemeanor.

e. The provisions of this section shall not be construed as either (1) limiting the authority of any agency, commission, other entity or its members to conduct any administrative, civil or criminal investigation that is within the scope of their authority, or (2) limiting any obligation

to file a report with any city, state or federal agency concerning a suspected crime or other activity.

§3. This local law shall take effect sixty days after its enactment; provided, however, that the police commissioner may promulgate rules necessary for the implementation of this local law prior to its effective date.