

HAZING LAWS

ANTI-HAZING STATUTES

The following is a compilation of current state statutes that outlaw hazing. Typically, statutes prohibit any willful action that recklessly or intentionally endangers the physical health of a student; some statutes include the mental health of a student as well. Many statutes enumerate certain acts which constitute hazing, i.e. sleep deprivations, forced calisthenics and drug and alcohol use. Although a particular state may not have enacted a specific hazing statute, often actions that constitute hazing may be prosecuted under other criminal statutes, such as assault or reckless endangerment statutes.

In the vast majority of states, consent by the pledge or new member is not a defense to hazing.

Alabama - § 16-1-23

Class C misdemeanor - prohibits "[a]ny willful act . which recklessly or intentionally endangers the mental or physical health of any student." It includes any willful act in striking, beating or maiming, as well as attempting or threatening to do the same, and prohibits encouraging, aiding and assisting in hazing. An additional punishment for knowing participation or knowing permission by students or institutions is the forfeiture of and ineligibility to receive public funds and scholarships.

Arkansas - §§ 6-5-201 to 204

Class B misdemeanor - prohibits committing hazing and aiding or assisting. This statute contains a very broad definition of hazing. Additional punishment is the required expulsion from the educational institution the perpetrator attends.

California - Ed. Code §§ 32050 to 32051

Hazing is defined as an initiation process likely to cause physical harm or personal degradation. The punishment for committing or conspiring to haze is a misdemeanor with a fine between \$100 to \$5,000 and/or up to one-year imprisonment.

Connecticut - § 53-23a

Prohibits the endangerment of the health and safety of a person for the purpose of initiation. Student organizations, in addition to forfeiting rights at an educational institution, may be punished by a fine not greater than \$1,500 while individuals may be fined up to \$1,000.

Colorado - § 18-9-124

Class 3 misdemeanor - prohibits reckless endangerment of the health or safety of others for the purposes of initiation. Statute became law on July 1, 1999.

Delaware - Title 14, §§ 9301 to 9304

Class B misdemeanor. For the purposes of initiation it shall be presumed to be a forced activity. Requires all institutions to adopt and enforce a written anti-hazing policy.

Florida - §§ 340.262, 340.326 and 240.1325

Three separate statutes governing state universities, community colleges and public and private colleges whose students receive state financial aid. All institutions must adopt a written anti-hazing policy complete with penalties. Those penalties shall be in addition to any penalty imposed for a violation of the criminal laws of Florida.

Georgia - § 16-5-61

Misdemeanor of a high and aggravated nature - prohibits any possible activity which endangers the physical health of a student, regardless of a student's willing participation, in connection with initiation.

Idaho - § 18-917

Misdemeanor - prohibits members of student organizations, on or near campuses, from engaging or conspiring to intentionally haze. Hazing is defined as physical harm or danger, as well as the likelihood of the same. Illinois - §§ 720 ILCS 120/5 and 720 ILCS 120/10 Class A misdemeanor unless the hazing results in the death or great bodily harm, then Class 4 felony - prohibits the knowing performance of an act by a person at an educational institution that is not sanctioned by that institution, or the act results in bodily harm to any person.

Indiana - § 35-42-2-2

Misdemeanor and felony penalties depending on severity. Offers immunity for the good faith reporting of hazing or participation in a judicial proceeding. Hazing is defined as an act required for membership that encompasses a substantial risk of bodily harm.

Iowa - § 708.10

Simple misdemeanor, or if serious bodily injury results, a serious misdemeanor. Hazing defined as forced activity that endangers the physical health of a student for the sake of initiation.

Kansas - § 21-3434

Class B misdemeanor - prohibits intentionally encouraging another person to perform an act, which could reasonably be expected to result in great bodily harm, for initiation purposes.

Kentucky - § 164.375

Places the burden on universities and colleges to enact anti-hazing policies. Penalties to be included are expulsion or suspension. Organizations, if sponsors of hazing, may be expelled from operating on campus.

Louisiana - Title 17, § 1801

Prohibits any method of initiation that is likely to cause bodily danger or physical punishment. Statute applies at educational institutions "supported wholly or in part by public funds." Punishment includes fines from \$10 to no more than \$100 and/or imprisonment of 10 days to no more than 30 days, in addition to expulsion from the educational institution.

Maine - Title 20-A, § 10004 and § 6553

Applies to post-secondary, secondary and elementary levels. The penalties and rules are to be determined by the school board or the board of trustees, which shall disseminate the information to the students. The secondary and elementary definition has been expanded from the reckless endangerment standard to include harassing behavior and the risk to school personnel.

Maryland - Article 27, § 268H

Misdemeanor with a fine not to exceed \$500 or imprisonment for not more than 6 months - prohibits reckless or intentional subjection of students to the risk of serious bodily injury for the purpose of initiation.

Massachusetts - Title 1, Chapter 269, §§ 17 to 19

An organizer or participant of hazing shall be fined not more than \$3,000 and/or imprisoned not more than one year. Failure to report an incident of hazing shall be punished by a maximum fine organizations are responsible to acknowledge annually the receipt of notification of state hazing law.

Michigan - Anti-Hazing Act (MCL 750.411t)

Establishes Anti-hazing Act prohibiting hazing at an educational institution. The Act defines hazing as: an intentional, knowing, or reckless act by a person acting alone or with others that is directed against an individual and that endangers the physical health or safety of the individual, done for the purpose of pledging, being initiated into, affiliating with, participating in, holding office in, or maintaining membership in any organization.

Minnesota - §§ 120B.22, 128C.02 and 121A.69

Prohibits acts causing a substantial risk of harm to a student for the purpose of initiation. School boards and school sports leagues must adopt written anti-hazing policies and anti-violence education.

Mississippi - § 97-3-105

A fine of up to \$1,000 punishes the substantial risk of injury to a person. If an injury does result then the punishment is increased to a fine of \$2,000 and/or imprisonment for up to 6 months.

Missouri - §§ 578.360, 578.363 and 578.365

Class A misdemeanor; Class C felony if the act creates a substantial risk to the life of the person. Educational institutions must adopt written policies prohibiting hazing by student organizations.

Nebraska - §§ 28-311.06 to 28-311.07

Class II misdemeanor. Any organization whose members commit hazing may be fined up to \$10,000. Alumni organizations and any organization, which own the house or real estate of a student organization, are specifically excluded.

Nevada - Senate Bill 297 Approved May 24, 1999.

A misdemeanor or gross misdemeanor depending if substantial bodily harm results. Applies to the reckless endangerment of a person's physical health.

New Hampshire - § 641:7

Class B misdemeanor - punishments include failing to report hazing. Education institutions may also be charged with a misdemeanor for knowingly condoning hazing or negligently failing to take adequate measures to prevent student hazing.

New Jersey - Title 2C, §§ 40-3 to 40-4

Hazing is a disorderly persons offense, however if hazing results in serious bodily injury then the person is guilty of aggravated hazing, which is a crime in the fourth degree.

New York - Penal Code §§ 120.16 to 120.17

Class A misdemeanor if physical injury occurs. Second degree hazing for the substantial risk of bodily injury.

North Carolina - §§ 14-35, 14-36 and 14-38

Class 2 misdemeanor - prohibits anyone from abusing or harassing a student, or subjecting the student to personal indignity. Aiding and abetting is also punishable. Coupled with criminal punishment, a perpetrator must be expelled from the college or school.

North Dakota - § 12.1-17-10

Class A misdemeanor if physical injury results, otherwise class B misdemeanor.

Ohio - §§ 2903.31 and 2903.44

4th Degree Misdemeanor - prohibits mental and physical harm in initiation. Victims of hazing may commence a civil action for hazing. Civil liability for hazing extends to local and national directors, trustees and officers who authorized or tolerated hazing. Educational institutions may use an anti-hazing policy as an affirmative defense. Certain governmental immunity is waived for educational institutions in hazing cases. University officials as well as national fraternity officials may, under certain circumstances, be liable.

Oklahoma - § 1190

Punishment for an organization is a fine up to \$1,500 and suspension of rights up to one year. The punishment for an individual is a fine up to \$500 and/or imprisonment up to 90 days. Prohibits dangers to physical and mental health.

Oregon - § 163.197

Organizations may receive a fine up to \$1,000 while individuals may receive a fine up to \$250. Hazing is defined as an intentional act.

Pennsylvania - Chapter 24, §§ 5352 to 5354

3rd Degree Misdemeanor. Educational institutions with the power to grant associate or higher degrees must adopt an anti-hazing policy.

Rhode Island - §11-21-1

Misdemeanor with a fine of not more than \$500 and/or imprisonment of not less than 30 days and not more than 100 days. Defined as any conduct or method of initiation, which endangers physical or mental health.

South Carolina - §§ 16-3-510 to 16-3-540 and 59-101-200

Misdemeanor with up to \$500 in fines and/or imprisonment up to 12 months. At state supported institutions of higher learning the president is authorized at his or her discretion to suspend or expel transgressors. Failure to report hazing is also unlawful. Fraternal organizations with a minimum age limit of over 21 that do not operate in connection with an educational institution are exempt.

Tennessee - § 49-7-123

The hazing prohibition is restricted to organizations sanctioned by an institution of higher learning. Such educational institutions must adopt a written anti-hazing policy.

Texas - §§ 37.151 to 37.157 and 51.936

Class B misdemeanor, Class A if results in bodily injury. State felony if results in death. An organization may be fined if it condones or encourages hazing. Medical personnel receive immunity from liability for reporting an incident of hazing if the report is made in good faith. Statutes apply to secondary educational institutions and institutions of higher learning only.

Utah - §§ 53A-11-908 and 76-5-107.5

Misdemeanor if it involves animals, motor vehicles or no aggravating circumstances. Felony if it involves a dangerous weapon or bodily injury. Civil and criminal immunity exists for persons reporting in good faith and only regarding the report of the hazing incident.

Vermont - 16 V.S.A. §§140(a) - (d)

Provides for a civil fine of not more than \$5,000. The consent or acquiescence of the victim is not a defense to a hazing charge.

Virginia - § 18.2-56

Class 1 misdemeanor, unless the injury constitutes a felony. Definition does not include a connection to initiation. A victim has the right to civil action against transgressors, whether adults or infants. The president of any school or university receiving appropriations from the state treasury must report to an attorney for the Commonwealth for prosecution any acts of transgression of this statute.

Washington - §§ 28B.10.900 to 28B.10.902

Misdemeanor - any organization that knowingly permits hazing is strictly liable for harm caused to persons or property. Directors of organizations may be held individually liable. The definition limits hazing to students attending institutions of higher learning or post-secondary institutions.

West Virginia - §§ 18-16-2, 18-16-3, 18-16-33 and 18-16-4

Amendment on March 20, 1999 requires the state board to promulgate anti-hazing rules for public schools sponsored student organizations. Misdemeanor unless the acts constitute a felony.

Wisconsin - § 948.51

Class A misdemeanor if the act is likely to result in bodily harm to a person. Class E felony if the act results in great bodily harm or death of a person.