

Board of Regents' Uniform Policy on Hazing Prevention Executive Summary

Concerns about campus hazing and the grave consequences of the practice for its victims resulted in the enactment of Acts 640, 635 and 637 of the 2018 Regular Session of the Louisiana Legislature, mandating various preventative measures as well as stricter criminal penalties for hazing. (Earlier in September 2017, prompted by similar concerns, Governor John Bel Edwards had requested the four higher education system presidents to thoroughly review all policies related to hazing and substance abuse among Greek organizations and other university-sanctioned groups.) The legislation enacted in 2018 thus continues the hazing prevention efforts of the Governor and higher education leaders.

Act 640 of 2018 requires the Board of Regents (BoR) to adopt a uniform policy on hazing prevention; it also requires the institutions to adopt the BoR policy and to expand the BoR policy to further aid in the prevention of hazing. BoR staff met with representatives of the four higher education systems, as well as any institutions that wished to participate, to discuss the legal requirements of the legislation and strategies for effective implementation. The discussions extended beyond the minimum requirements to also include best practices for changing the campus culture that underlies hazing and for raising awareness of the issues among students and other relevant stakeholders.

The attached draft policy was developed in collaboration with the system representatives and with their input. It is designed to advance the Legislature's goals of safety and prevention. The provisions of the draft policy, while meeting the stringent requirements of Acts 640, 635 and 637, are drafted to allow the flexibility and discretion necessary for the institutions to adapt the policy's general provisions with appropriate attention to the particulars of their campus.

BoR will continue to collaborate with the systems, the institutions and other stakeholders to support hazing prevention efforts, through organized events and workshops. BoR's coordination efforts will also include providing a platform for state law enforcement to work closely with all the campuses and institution-sanctioned institutions.

Staff Recommendation

Senior Staff recommends approval of the Board of Regents' Uniform Policy on Hazing Prevention.

THE LOUISIANA BOARD OF REGENTS UNIFORM POLICY ON HAZING PREVENTION

I. POLICY STATEMENT

The Board of Regents (BOR) does not condone hazing in any form at any postsecondary education institution in the state. All Louisiana postsecondary institutions shall prohibit hazing and take all reasonable measures to address hazing, including without limitation: adoption of effective policies; clear communication to campus organizations, students and other stakeholders of laws and policies; prompt and faithful enforcement thereof; education; and training. All Louisiana postsecondary institutions shall be committed to providing a supportive educational environment free from hazing, one that promotes its students' mental and physical well-being, safety and respect for one's self and others. All Louisiana postsecondary institutions shall implement policies and procedures in compliance with this policy and shall take prompt and appropriate action to investigate and effectively discipline those accused of such conduct in a manner consistent with all applicable laws.

II. INTRODUCTION

In accordance with Acts 635, 637 and 640 of the 2018 Regular Session of the Louisiana Legislature ("Louisiana Hazing Laws"), the Louisiana Board of Regents ("BOR") hereby adopts this Uniform Policy on Hazing Prevention ("Policy") applicable to all Louisiana postsecondary education institutions. This Policy aims to enhance the Legislature's efforts to establish statewide mandatory requirements and is designed to help postsecondary institutions create and maintain safety for all students who participate in the institutions' activities, programs, groups, teams, organizations and Greek-lettered associations.

All institutions subject to this Policy shall adopt an institutional policy in accordance with all applicable laws and this Policy. Each institution's policy must comply with applicable laws and regulations, and must be amended to reflect any subsequent changes to laws and regulations. BOR recognizes that Louisiana's postsecondary institutions all possess unique characteristics (e.g., presence of Greek life, athletic teams, band and other such organizations vs. the lack thereof; commuter vs. residential campuses; large vs. small campuses, presence of campus police and residential advisors vs. the lack thereof). Thus, it is within the purview of each institution's governing board to review, evaluate and apply this Policy in a manner that ensures that it adequately aligns with each institution's campus characteristics and resources, provided that the interpretation and implementation are in furtherance of the requirements of this Policy and do not result in substantive changes to the Policy. Institutions may also develop supplementary procedures to further support the implementation of this Policy. However, while all Louisiana postsecondary education institutions may develop individualized policies on hazing prevention, the mandatory provisions of this Policy establish the minimum requirements with which all institutional policies must comply.

Each management or other governing board on behalf of each of its member institutions shall establish policies and procedures in full compliance with this Policy and implement such policies no later than the beginning of AY 2018-19. Each management board must review the policies of each of its member institutions for compliance with this Policy and applicable laws and regulations and upon verification of such compliance, this management board shall forward the institutional policies to BoR by September 15, 2018.

For purposes of this Policy, the definitions of key terms and other mandatory provisions shall remain consistent with those in Acts 640 and 635 and 637 of 2018, codified at R.S. 17:1801.1, R.S. 14:40.8 and R.S. 14:502 respectively. BOR will amend this Policy to reflect any subsequent changes to these statutes. In cases of any inconsistency, the statutory provisions shall supersede any such inconsistent provision in this Policy. The

statutory provisions and this Policy shall supersede any inconsistent provision in an institution's policy.

III. DEFINITIONS

Postsecondary education institution, education institution, or institution is any postsecondary education institution in this state supported wholly or in part by public funds.

Hazing means any intentional, knowing, or reckless act by a person acting alone or acting with others that is directed against another when both of the following apply:

- (i) The person knew or should have known that such an act endangers the physical health or safety of the other person or causes severe emotional distress.
- (ii) The act was associated with pledging, being initiated into, affiliating with, participating in, holding office in, or maintaining membership in any organization.

Consent is not a defense.

Hazing includes but is not limited to any of the following acts associated with pledging, being initiated into, affiliating with, participating in, holding office in, or maintaining membership in any organization:

- (i) Physical brutality, such as whipping, beating, paddling, striking, branding, electric shocking, placing of a harmful substance on the body, or similar activity.
- (ii) Physical activity, such as sleep deprivation, exposure to the elements, confinement in a small space, or calisthenics, that subjects the other person to an unreasonable risk of harm or that adversely affects the physical health or safety of the individual or causes severe emotional distress.
- (iii) Activity involving consumption of food, liquid, or any other substance, including but not limited to an alcoholic beverage or drug, that subjects the individual to an unreasonable risk of harm or that adversely affects the

physical health or safety of the individual or causes severe emotional distress.

- (iv) Activity that induces, causes, or requires an individual to perform a duty or task that involves the commission of a crime or an act of hazing.

For purposes of this Policy, hazing shall not include a physical activity that is normal, customary, and necessary for a person's training and participation in an athletic, physical education, military training, or similar program sanctioned by the postsecondary education institution.

Organization is a fraternity, sorority, association, corporation, order, society, corps, cooperative, club, service group, social group, band, spirit group, athletic team, or similar group whose members are primarily students at, or former students of, a postsecondary education institution, including the national or parent organization of which any of the underlying entities provided for in this definition is a sanctioned or recognized member at the time of the hazing.

Pledging is any action or activity related to becoming a member of an organization, including recruitment and rushing.

Appropriate authority includes:

- (i) Any state or local law enforcement agency.
- (ii) A 911 Public Safety Answering Point as defined in Title 33 of the Louisiana Revised Statutes of 1950.
- (iii) Emergency medical personnel.

Reckless behavior is an activity or behavior in which a reasonable person knew or reasonably should have known that the activity or behavior may result in injury to another, including but not limited to excessive consumption of alcohol, binge drinking, drag racing, consumption of any controlled dangerous substance, acts of hazing, or other similar activity.

Serious bodily injury is bodily injury that involves unconsciousness, extreme physical pain, or protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty, death, or a substantial risk of death.

IV. COMPLIANCE WITH LAWS

Each institution's policy must comply with applicable laws and regulations, and must be amended to reflect any changes to such laws and regulations, including but not limited to the following:

- (A) Act 635 of the 2018 Regular Session of the Louisiana Legislature, which creates the crime of criminal hazing, provides definitions and exceptions, and establishes exceptions and penalties;
- (B) Act 637 of the 2018 Regular Session of the Louisiana Legislature, which creates an obligation to offer reasonable assistance, including seeking medical assistance, to someone who has suffered serious bodily injury caused by reckless behavior, including hazing; and
- (C) Act 640 of the 2018 Regular Session of the Louisiana Legislature, which prohibits hazing at Louisiana's postsecondary institutions, requires BOR to adopt a uniform policy on hazing prevention, requires postsecondary institutions to adopt and expand on BOR's uniform policy in a manner consistent with the laws and BOR policy.

Failure to comply with any applicable laws and regulations, including those listed above, shall constitute a failure to comply with this Policy. Each management or other governing board, as the entity with the authority over its member institutions, shall make all due diligence efforts to ensure its member institutions' compliance with applicable laws and regulations, including those listed above.

While the provisions of the laws listed above are mandatory components of the institutional policy, the best practices listed in Section VI below are BOR's guidance to the institutions on the implementation of hazing laws. Institutions may supplement the provisions of this Policy as necessary, but any such supplemental provision shall comply with the laws and this Policy.

V. MANDATORY PROVISIONS TO BE INCLUDED IN INSTITUTIONAL POLICY

In addition to the definitions and other provisions in compliance with laws and regulations, including those listed above, all Louisiana postsecondary education institutions shall implement the following measures to prevent and address hazing, beginning in fall 2018, unless otherwise noted:

A. Prevention and Education Programs

1. Each new student shall be provided educational information on the dangers of and prohibition on hazing during the new student orientation process in the form of a handbook.
2. In addition to the requirement of providing educational information in the form of a handbook as provided in the previous paragraph, beginning in the fall semester of 2019, each new student shall be provided educational information on the dangers of and prohibition on hazing during the new student orientation process either in person or electronically.
3. Each organization as defined above in this Policy and in R.S. 17:1801.1 shall provide annually at least one hour of hazing prevention education to all members and prospective members. The education may be provided in person, electronically, or both. Each organization shall submit a report annually to the institution with which it is affiliated relative to the students receiving such education evidenced by an attestation of the student receiving the education.
4. The hazing prevention education required under the provisions above shall include the information about criminal penalties for the crime of criminal hazing. Information shall also be provided to organizations on their obligations under the law, including the duty to investigate and report; and on the possible loss of funding and other penalties applicable to organizations under the Hazing Laws.

B. Duty to Seek Assistance

In accordance with Act 637 of 2018, codified at R.S. 14:502, each institution's policy shall require any person at the scene of an emergency who knows that another person has suffered bodily injury caused by an act of hazing shall, to the extent that the person can do so without danger or peril to self or others, give reasonable assistance to the injured person. Each institution's policy and educational information shall include the criminal penalties for failure to seek assistance in violation of R.S. 14:502.

C. Enforcement of Laws, BOR Policy and Institutional Policy

Each institution shall implement and enforce with full fidelity and consistency the Hazing Laws as listed above, this Policy and the institution's own policy. Failure to enforce or inconsistencies in enforcement shall constitute violation of the Hazing Laws and this Policy.

VI. RECOMMENDED BEST PRACTICES

In addition to the mandatory components of institutional policies and practices, each institution is encouraged to follow best practices, some of which are outlined below:

A. Ongoing Prevention and Awareness Campaigns

Ongoing prevention and awareness campaigns may consist of programming, initiatives, and strategies that are sustained over time and focus on increasing understanding of topics relevant to hazing prevention. An example of such an initiative or program is joining institutions across the country in the observance of National Hazing Prevention Week.

B. Data Collection and Analysis

Institutions are encouraged to create task forces to gather, analyze and understand institutional data on hazing. Effective hazing prevention presupposes an understanding of the cause, identifying any trends that the data show and assessment of the risk factors as well as protective measures. To support institutions' efforts to address hazing through data collection, analysis, information on trends and strategies, a list of available resources is provided in Appendix A.

C. Effective Intervention

In collaboration with relevant organizations and student bodies, each institution is encouraged to develop intervention strategies and measures appropriate to the context specific to that institution and to the various organizations affiliated with it. The role of bystander intervention and social norming is key to hazing prevention and is recommended as part of campus intervention strategies. In support of state laws to combat hazing, bystander intervention training and social norming should be part of any education and training aimed at preparing faculty, staff and community members to understanding hazing issues and statistics on campus.

D. Response Plan

Institutions are encouraged to convene teams with the necessary expertise, including coaches, resident advisors, Greek-lettered organization officials, alumni and coaches. Each year before the beginning of the academic year, the teams should develop a response plan delineating the procedures for handling any hazing incident.

E. Complete and Accurate Information to Parents and Other Stakeholders

Institutions are encouraged to include, as part of the information on campus-sanctioned groups, statistical data on the instances of hazing, penalties or other disciplinary actions taken against an organization and/or its members in recent years for hazing-related incidents. For instance, any brochures given to prospective members of a Greek organization should include statistical data on hazing and any sanctions against the organization and/or its members.

APPENDIX A

ADDITIONAL RESOURCES

1. Hazing Prevention Presentation at the 2018 Louisiana Board of Regents Campus Safety Conference
<https://regents.la.gov/divisions/legal-external-affairs/la-safe/lasafe-presentations/>
2. Stop Hazing (<https://www.stophazing.org/>)
3. *We Don't Haze* Discussion Guide for Students:
https://www.stophazing.org/blog/sdm_downloads/discussion-guide-for-students/
4. *We Don't Haze* Discussion Guide for Faculty/Staff:
https://www.stophazing.org/blog/sdm_downloads/discussion-guide-for-facultystaff/
5. *We Don't Haze* Companion Prevention Brief for College and University Professionals:
https://www.stophazing.org/blog/sdm_downloads/companion-prevention-brief-for-college-and-university-professionals/
6. *We Don't Haze* Bystander Intervention Handout:
https://www.stophazing.org/blog/sdm_downloads/bystander-intervention-handout/
7. HazingPrevention.Org (www.hazingprevention.org)
8. National Hazing Prevention Week Resources
<https://hazingprevention.org/home/prevention/national-hazing-prevention-week/>
9. Cornell University Hazing Information Site (<https://hazing.cornell.edu/>)
10. Fraternal Law Partners Greek Anti Hazing Hotline
<http://fraternallaw.com/contact/anti-hazing-hotline/>
11. National Federation of State High School Associations Hazing Information:
<https://www.nfhs.org/hazing.aspx>
12. Hazing Prevention Bibliography:
<http://hazingprevention.org/wp-content/uploads/HPO-bib.pdf>

ACT No. 640

2018 Regular Session

HOUSE BILL NO. 793

BY REPRESENTATIVES STEVE CARTER AND LEGER

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AN ACT

To amend and reenact R.S. 17:1801 and to enact R.S. 17:1801.1, relative to hazing at postsecondary education institutions; to provide relative to a prohibition against hazing; to require the Board of Regents to develop and adopt a uniform hazing policy; to require postsecondary education institutions to adopt such policy; to authorize institutions to amend such policy with limitations; to require institutions to provide information relative to hazing at orientation; to require campus organizations to provide information relative to hazing; to provide definitions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:1801 is hereby amended and reenacted and R.S. 17:1801.1 is hereby enacted to read as follows:

§1801. Hazing prohibited; ~~penalties~~

A. Hazing in any form, or the use of any method of initiation into fraternal organizations in any ~~educational~~ education institution supported wholly or in part by public funds, which is likely to cause bodily danger or physical punishment to any student or other person attending any such institution is prohibited.

B. Whoever violates the provisions of this Section ~~shall be fined not less than ten dollars nor more than one hundred dollars, or imprisoned for not less than ten days nor more than thirty days, or both, and in addition;~~ shall be expelled, suspended, or dismissed from the ~~educational~~ education institution and not permitted to return ~~during the current session or term in which the violation occurs~~ for at least

1 one semester, quarter, or comparable academic period. In addition, the person
2 violating the provisions of this Section may also be subject to the provisions of R.S.
3 14:40.8 which provides penalties for certain hazing activities.

4 C. If an organization has taken disciplinary action against one of its members
5 for hazing or has reason to believe that any member of the organization has
6 participated in an incident of hazing, the organization shall report the incident to the
7 institution with which it is affiliated. If an organization or any of its members has
8 been disciplined by a parent organization for hazing, the organization shall report the
9 hazing for which the organization was disciplined to the institution with which it is
10 affiliated.

11 D. For purposes of this Section and R.S. 17:1801.1:

12 (1) "Postsecondary education institution", "education institution", and
13 "institution" mean any postsecondary education institution in this state supported
14 wholly or in part by public funds.

15 (2)(a) "Hazing" means any intentional, knowing, or reckless act by a person
16 acting alone or acting with others that is directed against another when both of the
17 following apply:

18 (i) The person knew or should have known that such an act endangers the
19 physical health or safety of the other person or causes severe emotional distress.

20 (ii) The act was associated with pledging, being initiated into, affiliating
21 with, participating in, holding office in, or maintaining membership in any
22 organization.

23 (b) "Hazing" includes but is not limited to any of the following acts
24 associated with pledging, being initiated into, affiliating with, participating in,
25 holding office in, or maintaining membership in any organization:

26 (i) Physical brutality, such as whipping, beating, paddling, striking, branding,
27 electric shocking, placing of a harmful substance on the body, or similar activity.

28 (ii) Physical activity, such as sleep deprivation, exposure to the elements,
29 confinement in a small space, or calisthenics, that subjects the other person to an

1 unreasonable risk of harm or that adversely affects the physical health or safety of
2 the individual or causes severe emotional distress.

3 (iii) Activity involving consumption of food, liquid, or any other substance,
4 including but not limited to an alcoholic beverage or drug, that subjects the
5 individual to an unreasonable risk of harm or that adversely affects the physical
6 health or safety of the individual or causes severe emotional distress.

7 (iv) Activity that induces, causes, or requires an individual to perform a duty
8 or task that involves the commission of a crime or an act of hazing.

9 (c) A physical activity that is normal, customary, and necessary for a
10 person's training and participation in an athletic, physical education, military
11 training, or similar program sanctioned by the postsecondary education institution
12 is not considered "hazing" for purposes of this Section.

13 (3) "Organization" means a fraternity, sorority, association, corporation,
14 order, society, corps, cooperative, club, service group, social group, band, spirit
15 group, athletic team, or similar group whose members are primarily students at, or
16 former students of, a postsecondary education institution. "Organization" includes
17 the national or parent organization of which any of the underlying entities provided
18 for in this Paragraph is a sanctioned or recognized member at the time of the hazing.

19 (4) "Pledging" means any action or activity related to becoming a member
20 of an organization, including recruitment and rushing.

21 §1801.1. Hazing education; policies; new student orientation; organizations

22 A. Not later than August 1, 2018, the Board of Regents shall develop and
23 adopt a uniform policy on hazing prevention. The policy shall define hazing as
24 defined in R.S. 17:1801. Each postsecondary education institution shall adopt the
25 uniform policy developed by the Board of Regents. An institution may expand the
26 definition of hazing to prohibit additional behaviors it determines may be dangerous
27 but shall not otherwise amend the definition.

28 B.(1) Each new student shall be provided educational information on the
29 dangers of and prohibition on hazing during the new student orientation process in
30 the form of a handbook.

1 (2) In addition to the requirement provided in Paragraph (1) of this
 2 Subsection, beginning in the fall semester of 2019, each new student shall be
 3 provided educational information on the dangers of and prohibition on hazing during
 4 the new student orientation process either in person or electronically.

5 C. Each organization as defined in R.S. 17:1801 shall provide annually at
 6 least one hour of hazing prevention education to all members and prospective
 7 members. The education may be provided in person, electronically, or both. Each
 8 organization shall submit a report annually to the institution with which it is
 9 affiliated relative to the students receiving such education evidenced by an attestation
 10 of the student receiving the education.

11 Section 2. This Act shall become effective upon signature by the governor or, if not
 12 signed by the governor, upon expiration of the time for bills to become law without signature
 13 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 14 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 15 effective on the day following such approval.

 SPEAKER OF THE HOUSE OF REPRESENTATIVES

 PRESIDENT OF THE SENATE

 GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

ACT No. 635

BY REPRESENTATIVES NANCY LANDRY, AMEDEE, ANDERS, BACALA, BAGNERIS, BARRAS, BERTHELOT, BILLIOT, BRASS, CHAD BROWN, TERRY BROWN, CARMODY, CARPENTER, ROBBY CARTER, STEVE CARTER, CONNICK, COX, CROMER, DAVIS, EDMONDS, EMERSON, FALCONER, FRANKLIN, GAINES, GAROFALO, GISCLAIR, GUINN, HALL, LANCE HARRIS, HAZEL, HENRY, HILFERTY, HODGES, HOFFMANN, HORTON, HOWARD, HUNTER, JACKSON, JAMES, JEFFERSON, JENKINS, JOHNSON, JONES, JORDAN, TERRY LANDRY, LEBAS, MACK, MARINO, MIGUEZ, GREGORY MILLER, JIM MORRIS, NORTON, PIERRE, POPE, PUGH, PYLANT, REYNOLDS, RICHARD, SCHEXNAYDER, SMITH, STAGNI, TALBOT, THOMAS, WHITE, WRIGHT, AND ZERINGUE AND SENATORS ALARIO, ALLAIN, APPEL, BARROW, BISHOP, BOUDREAUX, CARTER, CLAITOR, CORTEZ, DONAHUE, ERDEY, FANNIN, GATTI, HEWITT, JOHNS, LAMBERT, LONG, LUNEAU, MARTINY, MILKOVICH, MILLS, MIZELL, MORRISH, PEACOCK, PERRY, PRICE, RISER, GARY SMITH, JOHN SMITH, TARVER, AND WALSWORTH

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AN ACT

To amend and reenact R.S. 17:1801 and to enact R.S. 14:40.8, relative to acts of criminal hazing; to create the crime of criminal hazing; to provide exceptions, definitions, and criminal penalties relative to the crime of criminal hazing; to provide relative to consequences imposed by the education institution for certain acts of hazing; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:40.8 is hereby enacted to read as follows:

§40.8. Criminal hazing

A.(1) Except as provided by Subsection D of this Section, it shall be unlawful for any person to commit an act of hazing.

(2)(a) Except as provided by Subparagraph (b) of this Paragraph, any person who commits an act of hazing shall be either fined up to one thousand dollars, imprisoned for up to six months, or both.

(b) If the hazing results in the serious bodily injury or death of the victim, or the hazing involves forced or coerced alcohol consumption that results in the

CODING: Words in struck through type are deletions from existing law; words underscored are additions.

1 victim having a blood alcohol concentration of at least .30 percent by weight based
2 on grams of alcohol per one hundred cubic centimeters of blood, any person who
3 commits an act of hazing shall be fined up to ten thousand dollars and imprisoned,
4 with or without hard labor, for up to five years.

5 B.(1) If any person serving as a representative or officer of an organization,
6 including any representative, director, trustee, or officer of any national or parent
7 organization of which any of the underlying entities provided for in Paragraph (C)(3)
8 of this Section is a sanctioned or recognized member at the time of the hazing, knew
9 and failed to report to law enforcement that one or more of the organization's
10 members were hazing another person, the organization may be subject to the
11 following:

12 (a) Payment of a fine of up to ten thousand dollars.

13 (b) Forfeiture of any public funds received by the organization.

14 (c) Forfeiture of all rights and privileges of being an organization that is
15 organized and operating at the education institution for a specific period of time as
16 determined by the court. If the hazing results in the serious bodily injury or death
17 of the victim, or results in the victim having a blood alcohol concentration of at least
18 .30 percent by weight based on grams of alcohol per one hundred cubic centimeters
19 of blood, the period of time shall be for not less than four years.

20 (2) A national or parent organization that receives a report alleging the
21 commission of an act or acts of hazing may conduct a timely and efficient
22 investigation to substantiate or determine the veracity of the allegations prior to
23 making a report to law enforcement. The investigation shall be completed no later
24 than fourteen days after the date on which the report was received alleging the
25 commission of an act or acts of hazing.

26 C. For purposes of this Section:

27 (1) "Education institution" means any elementary or secondary school or any
28 postsecondary education institution in this state.

1 (2)(a) "Hazing" is any intentional, knowing, or reckless act by a person
2 acting alone or acting with others that is directed against another when both of the
3 following apply:

4 (i) The person knew or should have known that the act endangers the
5 physical health or safety of the other person or causes severe emotional distress.

6 (ii) The act was associated with pledging, being initiated into, affiliating
7 with, participating in, holding office in, or maintaining membership in any
8 organization.

9 (b) "Hazing" includes but is not limited to any of the following acts
10 associated with pledging, being initiated into, affiliating with, participating in,
11 holding office in, or maintaining membership in any organization:

12 (i) Physical brutality, such as whipping, beating, paddling, striking, branding,
13 electronic shocking, placing of a harmful substance on the body, or similar activity.

14 (ii) Physical activity, such as sleep deprivation, exposure to the elements,
15 confinement in a small space, or calisthenics, that subjects the other person to an
16 unreasonable risk of harm or that adversely affects the physical health or safety of
17 the individual or causes severe emotional distress.

18 (iii) Activity involving consumption of food, liquid, or any other substance,
19 including but not limited to an alcoholic beverage or drug, that subjects the
20 individual to an unreasonable risk of harm or that adversely affects the physical
21 health or safety of the individual or causes severe emotional distress.

22 (iv) Activity that induces, causes, or requires an individual to perform a duty
23 or task that involves the commission of a crime or an act of hazing.

24 (c) A physical activity that is normal, customary, and necessary for a
25 person's training and participation in an athletic, physical education, military
26 training, or similar program sanctioned by the education institution is not considered
27 "hazing" for purposes of this Section.

28 (3) "Organization" means a fraternity, sorority, association, corporation,
29 order, society, corps, cooperative, club, service group, social group, band, spirit
30 group, athletic team, or similar group whose members are primarily students at, or

1 former students of, an education institution."Organization" includes the national or
2 parent organization of which any of the underlying entities provided for in this
3 Paragraph is a sanctioned or recognized member at the time of the hazing.

4 (4) "Pledging", also known as "recruitment" or "rushing", means any action
5 or activity related to becoming a member of an organization.

6 D.(1) This Section does not apply to an individual who is the subject of the
7 hazing, regardless of whether the individual voluntarily allowed himself to be hazed.

8 (2) It is not a defense to prosecution for a violation of this Section that the
9 individual against whom the hazing was directed consented to or acquiesced in the
10 hazing.

11 E.(1) The penalties provided in Subsection B of this Section may be imposed
12 in addition to any penalty that may be imposed for any other criminal offense arising
13 from the same incident or activity, and in addition to any penalty imposed by the
14 organization or education institution pursuant to its by-laws, rules, or policies
15 regarding hazing.

16 (2) Nothing in this Section precludes any civil remedy provided by law.

17 Section 2. R.S. 17:1801 is hereby amended and reenacted to read as follows:

18 §1801. Hazing prohibited;~~penalties~~

19 A. Hazing in any form, or the use of any method of initiation into ~~fraternal~~
20 ~~organizations in any educational~~ education institution supported wholly or in part by
21 public funds, which is likely to cause bodily danger or physical punishment to any
22 student or other person attending any such institution is prohibited.

23 B. Whoever violates the provisions of this Section ~~shall be fined not less~~
24 ~~than ten dollars nor more than one hundred dollars, or imprisoned for not less than~~
25 ~~ten days nor more than thirty days, or both, and in addition,~~ shall be expelled,
26 suspended, or dismissed from the ~~educational~~ education institution and not permitted
27 to return ~~during the current session or term in which the violation occurs~~ for at least
28 one semester, quarter, or comparable academic period. In addition, the person

- 1 violating the provisions of this Section may also be subject to the provisions of R.S.
- 2 14:40.8 which provides penalties for certain hazing activity.
- 3 Section 3. This Act shall be referred to as "The Max Gruver Act".

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

ACT No. 637

2018 Regular Session

HOUSE BILL NO. 446

BY REPRESENTATIVES FALCONER, BILLIOT, TERRY BROWN, CARMODY,
DWIGHT, HODGES, HOFFMANN, NANCY LANDRY, MACK, AND STAGNI
AND SENATOR JOHNS

1 AN ACT

2 To enact R.S. 14:502, relative to offenses against the person; to provide relative to the
3 failure of a person to seek assistance when another person suffers serious bodily
4 injury; to provide for elements of the offense; to provide for definitions; to provide
5 for criminal penalties; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 14:502 is hereby enacted to read as follows:

8 §502. Failure to seek assistance

9 A.(1) Any person at the scene of an emergency who knows that another
10 person has suffered serious bodily injury shall, to the extent that the person can do
11 so without danger or peril to self or others, give reasonable assistance to the injured
12 person. Reasonable assistance includes immediately seeking or reporting the need
13 for medical assistance from an appropriate authority.

14 (2) Any person who engages in reckless behavior that results in the serious
15 bodily injury of any person shall, to the extent that the person can do so without
16 danger or peril to self or others, give reasonable assistance to the person. Reasonable
17 assistance includes immediately seeking or reporting the need for medical assistance
18 from an appropriate authority.

19 B. For purposes of this Section:

20 (1) "Appropriate authority" includes:

21 (a) Any state or local law enforcement agency.

1 **(b) A 911 Public Safety Answering Point as defined in Title 33 of the**
2 **Louisiana Revised Statutes of 1950.**

3 **(c) Emergency medical personnel.**

4 **(2) "Reckless behavior" means an activity or behavior in which a reasonable**
5 **person knew or reasonably should have known that the activity or behavior may**
6 **result in injury to another, including but not limited to excessive consumption of**
7 **alcohol, binge drinking, drag racing, consumption of any controlled dangerous**
8 **substance, acts of hazing, or other similar activity, including activity which is**
9 **defined as a criminal offense under this Title.**

10 **(3) "Serious bodily injury" means bodily injury that involves**
11 **unconsciousness, extreme physical pain, or protracted and obvious disfigurement,**
12 **or protracted loss or impairment of the function of a bodily member, organ, or**
13 **mental faculty, death, or a substantial risk of death.**

14 **C.(1) Except as provided in Paragraph (2) of this Subsection, any person who**
15 **violates the provisions of this Section shall be fined not more than one thousand**
16 **dollars, imprisoned with or without hard labor for not more than one year, or both.**

17 **(2) If the serious bodily injury results in the death of the person, any person**
18 **who violates the provisions of this Section shall be fined not more than two thousand**
19 **dollars, imprisoned with or without hard labor for not more than five years, or both.**

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____