

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: _____