

RÉSUMÉ DIGEST

Act 640 (HB 793)

2018 Regular Session

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Prohibition and Reporting

Existing law prohibits hazing or the use of any method of initiation into organizations that is likely to cause bodily danger or physical punishment in any education institution supported by public funds and provides for penalties for violating this prohibition. Prior law provided the following penalties:

- (1) A fine of \$10-\$100 or imprisonment for 10-30 days, or both.
- (2) Expulsion from the educational institution during the academic term in which the violation occurs.

New law deletes prior law penalties and instead requires expulsion for at least one academic term.

New law requires an organization to report to an institution in both of these circumstances:

- (1) If an organization has taken disciplinary action against one of its members for hazing or has reason to believe that any member has participated in hazing.
- (2) If an organization or any of its members has been disciplined by a parent organization for hazing.

Policies and Education

New law requires the following relative to hazing policies and education:

- (1) Requires the Bd. of Regents to develop and adopt a uniform policy on hazing prevention.
- (2) Requires each postsecondary education institution to adopt the Bd. of Regents policy and authorizes each institution to expand the definition of hazing to prohibit additional behaviors it determines to be dangerous.
- (3) Requires that each new student shall be provided a handbook on the dangers of and prohibition on hazing, and beginning in the fall of 2019, such information shall be provided either in person or electronically.
- (4) Requires each organization to provide annually at least one hour of hazing prevention education to all members and prospective members and to submit a report annually to the institution relative to the students receiving such education evidenced by attestation of such students.

Definitions

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

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

New law provides that "hazing" includes any of the following acts associated with pledging, being initiated into, affiliating with, participating in, holding office in, or maintaining membership in any organization:

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

- (2) 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.
- (3) 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.
- (4) Activity that induces, causes, or requires an individual to perform a task that involves the commission of a crime or an act of hazing.

Effective upon signature of governor (May 31, 2018).

(Amends R.S. 17:1801; Adds 17:1801.1)