

GREEN SHEET REDIGEST

HB 443

2019 Regular Session

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CRIME: Provides relative to hazing.

DIGEST

Criminal hazing

Present law provides that it shall be unlawful for any person to commit an act of hazing and provides for penalties. Proposed law retains present law.

Investigation and reporting of hazing at the organization level

Present law provides that if any representative or officer of an organization knows of an act of hazing and fails to report it to law enforcement, the organization may be subject to certain penalties.

Proposed law specifies that failure to make such report as soon as practicable under the circumstances may subject the organization to such penalties. Requires that the report include all details received by the organization relative to the alleged incident, with no redactions, including the name of all individuals alleged to have committed the act of hazing.

Present law authorizes a national or parent organization that receives a report alleging an act of hazing to conduct an investigation prior to reporting it to law enforcement and requires investigation completion by 14 days after report receipt.

Proposed law removes present law.

Investigation and reporting of hazing at the institution level

Proposed law requires an education institution that receives a report alleging an act of hazing by one or more members of an organization at the institution to report it as soon as practicable under the circumstances to the law enforcement agency having jurisdiction in the place where it allegedly occurred. Requires this report to include all details received by the institution relative to the alleged incident, with no redactions, including the name of all individuals alleged to have committed the act of hazing. Provides that any institution that fails to comply with proposed law may be subject to a fine of up to \$10,000.

Present law provides that university or college police officers have the right to carry a concealed weapon and exercise the power of arrest when discharging their duties on their respective campuses and authorizes them to exercise this power on campus and while in hot pursuit on or off the campus.

Proposed law retains present law and adds that for purposes of criminal hazing, these rights and authorities extend to an alleged act of hazing committed by members of an organization at the institution for which the police officer is commissioned regardless of the location where it occurs.

Present law requires an organization to report to an institution under 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.

Proposed law retains present law and further requires an institution that receives a report of an alleged act of hazing to do both of the following:

- (1) Report it to law enforcement.
- (2) Document in writing all actions taken with regard to the report, including but not limited to the date the report was received, reports made to law enforcement, and any other information relative to the institution's investigation, processing, and resolution of the incident.

Forms, policies, and education

Proposed law requires the Bd. of Regents, in consultation with the public postsecondary education management boards, to develop:

- (1) A standardized form that organizations shall use in making reports to institutions.
- (2) A standardized form that institutions shall use to document reports received from organizations, reports made to law enforcement, and the manner in which each such hazing incident is handled and resolved at the institution level.
- (3) A policy relative to making available to the public certain information relative to hazing that is documented pursuant to proposed law.

Present law requires the Bd. of Regents to adopt a uniform hazing prevention policy and each institution to adopt this policy; authorizes institutions to expand the definition of hazing to address behaviors it deems dangerous.

Proposed law requires an organization, as a condition of operation at an institution, to adopt the hazing prevention policy that the institution has adopted pursuant to present law, which must include possible institutional sanctions against the organization in the event of a reported or confirmed hazing incident, and a policy that prohibits hazing.

Present law requires each new student to be provided with educational information on the dangers of and prohibition on hazing during the new student orientation process.

Proposed law adds that if such student is a minor, the information shall also be provided to his parent or legal guardian.

Present law requires each organization to provide annually at least one hour of hazing prevention education to all members and prospective members.

Proposed law requires such education to include education on policies and broadens present law application to include organization employees and volunteers.

(Amends R.S. 14:40.8(B) and R.S. 17:1801(C), 1801.1(C), and 1805(A)(3), (B), and (D)(2); adds R.S. 17:1801.1(B)(3))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Education to the original bill

1. Add that as a condition of operating at an institution, an organization shall adopt a policy prohibiting hazing and the hazing prevention policy adopted by the institution pursuant to present law and add that the education each organization provides pursuant to present law shall include education relative to such policies.
2. Remove present law and proposed law relative to the authority of a national parent organization to investigate a report of alleged hazing prior to reporting to law enforcement.

The House Floor Amendments to the engrossed bill

1. Require reporting of hazing incidents as soon as practicable under the circumstances instead of immediately.
2. Apply requirement for reporting hazing incidents to the education institution rather than to an employee of the institution.

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary C to the reengrossed bill

1. Add that the hazing prevention policy adopted by an institution must include possible institutional sanctions against the organization in the event of a reported or confirmed hazing incident.