

RÉSUMÉ DIGEST

Act 382 (HB 443)

2019 Regular Session

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Criminal hazing

Existing law provides that it is unlawful to commit an act of hazing and provides for penalties.

Investigation and reporting of hazing at the organization level

Existing 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. New law specifies that failure to make such report as soon as practicable under the circumstances may subject the organization to such penalties and adds that the report shall 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.

Prior law authorized a national or parent organization receiving a report alleging an act of hazing to conduct an investigation prior to reporting it to law enforcement and required investigation completion by 14 days after report receipt. New law removes prior law.

Investigation and reporting of hazing at the institution level

New 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 where it allegedly occurred. Requires that the report 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 new law may be subject to a fine of up to \$10,000.

Existing 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. New law adds that, for purposes of criminal hazing, these rights and authorities shall 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.

Existing 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.

New law adds a requirement that an institution that receives a report of an alleged act of hazing do both of the following:

- (1) Report it to law enforcement.
- (2) Document in writing all actions taken, 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

New 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 new law.

Existing 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. New law additionally requires an organization, as a condition of operation at an institution, to adopt the hazing prevention policy that the institution has adopted pursuant to existing law and a policy that prohibits hazing.

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

Existing law requires each organization to provide annually at least one hour of hazing prevention education to all members and prospective members. New law adds that this shall include education on policies and broadens requirement to include organization employees and volunteers.

Effective August 1, 2019.

(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))