HLS 19RS-114 ORIGINAL

2019 Regular Session

HOUSE BILL NO. 443

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BY REPRESENTATIVE NANCY LANDRY

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

AN ACT

CRIME: Provides relative to hazing

2 To amend and reenact R.S. 14:40.8(B) and R.S. 17:1801(C), 1801.1(C), and 1805(A)(3), 3 (B), and (D)(2) and to enact R.S. 17:1801.1(B)(3), relative to criminal hazing; to 4 require immediate reporting to law enforcement by an education institution or 5 representative of a national or parent organization that receives a report of an alleged 6 act of hazing; to provide relative to a national or parent organization's investigation 7 of alleged acts of hazing; to require the findings of any investigation by the national 8 or parent organization to be reported to law enforcement and the district attorney; to 9 provide relative to penalties for failure to report; to require the Board of Regents to 10 develop a standardized form for reporting and documenting alleged acts of hazing 11 and a policy relative to making certain documented information available to the 12 public; to require that parents be provided hazing educational information under 13 certain circumstances; to apply requirements relative to hazing prevention education 14 to an organization's employees and volunteers; to provide relative to the authority of 15 university and college police officers with regard to criminal hazing; and to provide 16 for related matters. 17 Be it enacted by the Legislature of Louisiana: 18 Section 1. R.S. 14:40.8(B) is hereby amended and reenacted to read as follows: 19 §40.8. Criminal hazing

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

B.(1)(a) If any person serving as a representative or officer of an		
organization, including any representative, director, trustee, or officer of any national		
or parent organization of which any of the underlying entities provided for in		
Paragraph (C)(3) of this Section is a sanctioned or recognized member at the time		
of the hazing, knew and failed to <u>immediately</u> report to law enforcement that one or		
more of the organization's members were hazing another person, the organization		
may be subject to the following:		
(a)(i) Payment of a fine of up to ten thousand dollars.		
(b)(ii) Forfeiture of any public funds received by the organization.		
(a)		

(c)(iii) Forfeiture of all rights and privileges of being an organization that is organized and operating at the education institution for a specific period of time as determined by the court. If the hazing results in the serious bodily injury or death of the victim, or results in the victim having a blood alcohol concentration of at least 0.30 percent by weight based on grams of alcohol per one hundred cubic centimeters of blood, the period of time shall be for not less than four years.

(2)(b) A national or parent organization that receives a report alleging the commission of an act or acts of hazing, after immediately reporting this information to law enforcement as required by Subparagraph (a) of this Paragraph, may conduct a an independent, timely, and efficient investigation to substantiate or determine the veracity of the allegations prior to making a report to law enforcement. The findings of any investigation conducted by the national or parent organization shall be completed reported to law enforcement and to the district attorney for the parish in which the alleged act or acts occurred no later than fourteen days after the date on which the report was received alleging the commission of an of the alleged act or acts of hazing was received by the national or parent organization.

(c) The information reported to law enforcement as required by this

Paragraph shall include all details received by the organization relative to the alleged incident, with no information being redacted, including the name of all individuals alleged to have committed the act or acts of hazing.

(2) An education institution that receives a report alleging the commission
of an act or acts of hazing by one or more members of an organization that is
organized and operating at the education institution shall immediately report the
alleged act or acts to the law enforcement agency having jurisdiction in the place
where the alleged act or acts of hazing occurred. The information reported to law
enforcement as required by this Paragraph shall include all details received by the
institution relative to the alleged incident, with no information being redacted,
including the name of all individuals alleged to have committed the act or acts of
hazing. Any education institution who fails to comply with the provisions of this
Paragraph may be subject to the following:
(a) Payment of a fine of up to ten thousand dollars.
(b) Forfeiture of public funds received by the education institution.
* * *
Section 2. R.S. 17:1801(C), 1801.1(C), and 1805(A)(3), (B), and (D)(2) are hereby
amended and reenacted and R.S. 17:1801.1(B)(3) is hereby enacted to read as follows:
§1801. Hazing prohibited; reporting; documentation
* * *
C.(1) If an organization has taken disciplinary action against one of its
members for hazing or has reason to believe that any member of the organization has
participated in an incident of hazing, the organization shall report the incident to the
institution with which it is affiliated. If an organization or any of its members has
been disciplined by a parent organization for hazing, the organization shall report the
hazing for which the organization was disciplined to the institution with which it is
affiliated.
(2) When the institution receives a report of an alleged incident of hazing
pursuant to the provisions of Paragraph (1) of this Subsection, the institution shall
do both of the following:
(a) Immediately report to law enforcement as required by R.S. 14:40.8. The
information reported to law enforcement shall include all information and details

1	received by the institution relative to the alleged incident, with no information being
2	redacted, including the name of all individuals alleged to have committed the act or
3	acts of hazing identified in the report.
4	(b) Document in writing all actions taken with regard to the report including
5	but not limited to the date the report was received, reports made to law enforcement
6	and the district attorney as provided in R.S. 14:40.8, and any other information
7	relative to the institution's investigation, processing, and resolution of the incident.
8	(3) The Board of Regents, in consultation with the public postsecondary
9	education management boards, shall develop the following forms:
10	(a) A standardized form that organizations shall use in making the reports
11	required by Paragraph (1) of this Subsection.
12	(b) A standardized form that institutions shall use to document such reports,
13	reports made to law enforcement and the district attorney as provided in R.S.
14	14:40.8, and the manner in which each hazing incident is handled and resolved at the
15	institution level.
16	(c) A policy relative to making available to the public certain information
17	relative to hazing that is documented pursuant to this Paragraph.
18	* * *
19	§1801.1. Hazing education; policies; new student orientation; organizations
20	* * *
21	В.
22	* * *
23	(3) If the student receiving the information required by Paragraphs (1) and
24	(2) of this Subsection is a minor, the information shall also be provided to his parent
25	or legal guardian.
26	C. Each organization as defined in R.S. 17:1801 shall provide annually at
27	least one hour of hazing prevention education to all members, and prospective
28	members, and anyone who is employed by or volunteers with the organization. The
29	education may be provided in person, electronically, or both. Each organization

1	shall submit a report annually to the institution with which it is affiliated relative to
2	the students, employees, and volunteers receiving such education evidenced by an
3	attestation of the student such individuals receiving the education.
4	* * *
5	§1805. Authority of university or college police officer
6	A.
7	* * *
8	(3) While in or out of uniform, these police officers shall have the right to
9	carry concealed weapons and to exercise the power of arrest when discharging their
10	duties on their respective campuses and on all streets, roads, and rights-of-way to the
11	extent they are within or contiguous to the perimeter of such campuses. In the
12	discharge of their duties on campus and while in hot pursuit on or off the campus,
13	each university or college police officer may exercise the power of arrest. For
14	purposes of R.S. 14:40.8, the right of university or college police officers to carry a
15	concealed weapon and to exercise the power of arrest when discharging their duties
16	shall extend to alleged acts of hazing committed by members of an organization that
17	is organized and operating at the university or college for which the police officer
18	is commissioned regardless of the location where the alleged acts occurred.
19	* * *
20	B. Any person arrested by a college or university police officer, in the
21	exercise of the power hereinabove granted pursuant to Paragraph (A)(3) of this
22	Section, shall be immediately transferred by such officer to the custody of the sheriff
23	or city police wherein the arrest occurs.
24	* * *
25	D. Upon authorization by the chief administrative officer of the educational
26	institution, a college or university police officer shall have authority to discharge his
27	duties off campus as follows:
28	* * *

1 (2) When investigating a crime committed on campus or when investigating
2 the crime of criminal hazing committed off campus by members of an organization
3 that is organized and operating at the college or university for which the police
4 officer is commissioned.
5 * * * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 443 Original

2019 Regular Session

Nancy Landry

Abstract: Amends criminal hazing with respect to reporting requirements of education institutions and national or parent organizations, provides relative to the authority of university and college police officers with respect to hazing, and provides relative to the policies and duties of education institutions with respect to hazing.

<u>Present law</u> (R.S. 14:40.8) provides for criminal hazing which prohibits any person from engaging in or participating in the hazing of another person, regardless of whether the person voluntarily allowed himself to be hazed or consented to the hazing. <u>Present law</u> also provides that if any person serving as a representative or officer of an organization knew or should have known that one or more of the organization's members were engaging in or participating in the hazing of another person the organization may be subject to the following penalties:

- (1) Payment of a fine of up to \$100,000.
- (2) Forfeiture of any public funds received by the organization.
- (3) Forfeiture of all rights and privileges of being an organization that is organized and operating at the educational institution.

<u>Present law</u> authorizes the national or parent organization to conduct a timely and efficient investigation, of not longer than 14 days, to determine the veracity of an allegation of hazing prior to reporting the hazing to law enforcement.

<u>Proposed law</u> amends <u>present law</u> to do all of the following:

- (1) Require any person serving as a representative or officer of an organization, with knowledge that one or more of the organization's members were hazing another person, to immediately report such information to law enforcement. Further requires such information to include all details received by the organization relative to the alleged incident, with no information being redacted, including the name of all individuals alleged to have committed the act or acts of hazing.
- (2) Provide that any investigation by a national or parent organization may only be conducted after immediately reporting the alleged act or acts of hazing to law enforcement. The findings of the investigation shall be reported to law enforcement and to the district attorney for the parish in which the alleged act or acts occurred no later than 14 days from the date the report of the alleged act was received by the national or parent organization.

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(3) Require an education institution that receives a report alleging the commission of an act or acts of hazing by one or more members of an organization that is organized and operating at the education institution to immediately report the allegations to the law enforcement agency having jurisdiction in the place where the alleged act or acts occurred. Further requires the information reported to law enforcement to include all details received by the institution relative to the alleged incident, with no information being redacted, including the name of all individuals alleged to have committed the act or acts of hazing. Provides that any education institution that fails to comply with these provisions of proposed law, may be subject to a fine of up to \$10,000 and forfeiture of public funds received by the education institution.

<u>Present law</u> (R.S. 17:1805) provides that university or college police officers have the right to carry a concealed weapon and to exercise the power of arrest when discharging their duties on their respective campuses and on all streets, roads, and rights-of-way to the extent they are within or contiguous to the perimeter of such campuses. In the discharge of their duties on campus and while in hot pursuit on or off the campus, <u>present law</u> provides that each university or college police officer may exercise the power of arrest.

<u>Proposed law</u> retains <u>present law</u> and provides that for purposes of criminal hazing, as defined by <u>present law</u> and <u>proposed law</u>, the right of university or college police officers to carry a concealed weapon and to exercise the power of arrest when discharging their duties shall extend to alleged acts of hazing committed by members of an organization that is organized and operating at the university or college for which the police officer is commissioned regardless of the location where the alleged acts occurred.

<u>Present law</u> (R.S. 17:1801) 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.

<u>Proposed law</u> retains <u>present law</u> and further requires an institution that receives a report of an alleged incident of hazing to do both of the following:

- (1) Immediately report to law enforcement as required by <u>present</u> and <u>proposed law</u>. The information reported to law enforcement shall include all information and details received by the institution relative to the alleged incident, with no information being redacted, including the name of all individuals alleged to have committed the act or acts of hazing identified in the report.
- (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 the district attorney, and any other information relative to the institution's investigation, processing, and resolution of the incident.

In addition, <u>proposed law</u> requires the Board of Regents, in consultation with the public postsecondary education management boards, to develop:

- (1) A standardized form that organizations shall use in making such reports.
- (2) A standardized form that institutions shall use to document such reports, reports made to law enforcement and the district attorney as provided in <u>present law</u> and <u>proposed law</u>, 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.

<u>Present law</u> (R.S. 17:1801.1) requires each new student to be provided with educational information on the dangers of and prohibition on hazing during the new student orientation process. <u>Proposed law</u> adds that if such student is a minor, the information shall also be provided to his parent or legal guardian.

<u>Present law</u> (R.S. 17:1801.1) 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 the education. <u>Proposed</u> law 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))