2019 Regular Session

HOUSE BILL NO. 443

22

BY REPRESENTATIVE NANCY LANDRY

1	AN ACT
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 reporting to law enforcement by an education institution or representative of
5	a national or parent organization that receives a report of an alleged act of hazing;
6	to provide relative to a national or parent organization's investigation and reporting
7	of alleged acts of hazing; to provide relative to penalties for failure to report; to
8	require the Board of Regents to develop a standardized form for reporting and
9	documenting alleged acts of hazing and a policy relative to making certain
10	documented information available to the public; to require that parents be provided
11	hazing educational information under certain circumstances; to require organizations
12	to adopt certain policies as a condition of operating at an institution and provide
13	education relative to such policies; to apply requirements relative to hazing
14	prevention education to an organization's employees and volunteers; to provide
15	relative to the authority of university and college police officers with regard to
16	criminal hazing; and to provide 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
20	* * *
21	B.(1)(a) If any person serving as a representative or officer of an

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organization, including any representative, director, trustee, or officer of any national

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

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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 report, as soon as practicable under the circumstances, 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.

(e)(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) A national or parent organization that receives a report alleging the commission of an act or acts of hazing may conduct a timely and efficient investigation to substantiate or determine the veracity of the allegations prior to making a report to law enforcement. The investigation shall be completed no later than fourteen days after the date on which the report was received alleging the commission of an act or acts of hazing.

- (b) Information reported to law enforcement as provided in Subparagraph

 (a) of 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 report, as soon as practicable under the circumstances, 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

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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 a fine of up to ten thousand dollars.

* * * *

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

9 * * *

- 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) Report to law enforcement as required by R.S. 14:40.8. 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.
- (b) 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 as provided in R.S. 14:40.8, and any other information relative to the institution's investigation, processing, and resolution of the incident.
- (3) The Board of Regents, in consultation with the public postsecondary education management boards, shall develop the following:

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1	(a) A standardized form that organizations shall use in making the reports
2	required by Paragraph (1) of this Subsection.
3	(b) A standardized form that institutions shall use to document such reports,
4	reports made to law enforcement as provided in R.S. 14:40.8, and the manner in
5	which each hazing incident is handled and resolved at the institution level.
6	(c) A policy relative to making available to the public certain information
7	relative to hazing that is documented pursuant to this Paragraph.
8	* * *
9	§1801.1. Hazing education; policies; new student orientation; organizations
10	* * *
11	B.
12	* * *
13	(3) If the student receiving the information required by Paragraphs (1) and
14	(2) of this Subsection is a minor, the information shall also be provided to his parent
15	or legal guardian.
16	C. Each organization as defined in R.S. 17:1801 shall, as a condition of
17	operating at an institution, adopt the hazing prevention policy that the institution has
18	adopted pursuant to Subsection A of this Section, which shall include possible
19	institutional sanctions against the organization in the event of a reported or
20	confirmed hazing incident, and a policy that prohibits hazing. Each organization
21	shall provide annually at least one hour of hazing prevention education that includes
22	education relative to such policies to all members, and prospective members, and
23	anyone who is employed by or volunteers with the organization. The education may
24	be provided in person, electronically, or both. Each organization shall submit a
25	report annually to the institution with which it is affiliated relative to the students,
26	employees, and volunteers receiving such education evidenced by an attestation of
27	the student such individuals receiving the education.
28	* * *

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§1805.	Authority of university or college police officer	

2 A.

3 * * *

(3) While in or out of uniform, these police officers shall have the right to carry concealed weapons 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, each university or college police officer may exercise the power of arrest. For purposes of R.S. 14:40.8, 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.

* * *

B. Any person arrested by a college or university police officer, in the exercise of the power hereinabove granted <u>pursuant to Paragraph (A)(3) of this Section</u>, shall be immediately transferred by such officer to the custody of the sheriff or city police wherein the arrest occurs.

* * *

D. Upon authorization by the chief administrative officer of the educational institution, a college or university police officer shall have authority to discharge his duties off campus as follows:

* * *

(2) When investigating a crime committed on campus <u>or when investigating</u> the crime of criminal hazing committed off campus by members of an organization

1	that is organized and operating at the college or university for which the police
2	officer is commissioned.
3	* * *
	SPEAKER OF THE HOUSE OF REPRESENTATIVES
	PRESIDENT OF THE SENATE
	GOVERNOR OF THE STATE OF LOUISIANA

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APPROVED: _____