

# ACT No. 309

HOUSE BILL NO. 636

BY REPRESENTATIVES LAFLEUR, ADAMS, BAGLEY, BAMBURG, BAYHAM, BERAULT, BILLINGS, BOURRIAQUE, BOYD, BRASS, BROUSSARD, CARLSON, CARPENTER, CARRIER, WILFORD CARTER, CARVER, CHASSION, CHENEVERT, COX, DEVILLIER, DEWITT, DOMANGUE, EDMONSTON, FISHER, FREEMAN, FREIBERG, GLORIOSO, GREEN, HEBERT, DANA HENRY, HILFERTY, HORTON, ILLG, TRAVIS JOHNSON, JORDAN, KNOX, MANDIE LANDRY, TERRY LANDRY, LARVADAIN, LYONS, MARCELLE, MARTINEZ, MCFARLAND, MCMAHEN, MCMAKIN, MELERINE, MENA, MILLER, MOORE, MURRAY, OWEN, PHELPS, SAWYER, SCHLEGEL, ST. BLANC, STAGNI, TAYLOR, THOMPSON, VENTRELLA, VILLIO, WALTERS, WILEY, AND WYBLE AND SENATORS ABRAHAM, ALLAIN, BARROW, BARTHELEMY, BASS, BOUDREAUX, CARTER, CLOUD, DUPLESSIS, EDMONDS, FESI, FOIL, HARRIS, HENRY, HENSGENS, HODGES, JACKSON-ANDREWS, JENKINS, KLEINPETER, LAMBERT, LUNEAU, MCMATH, MIGUEZ, MILLER, MIZELL, MORRIS, MYERS, OWEN, PRESSLY, PRICE, SEABAUGH, STINE, TALBOT, WHEAT, AND WOMACK

1 AN ACT

2 To amend and reenact R.S. 17:1801 and to repeal R.S. 17:1801.1, relative to hazing of  
3 students at public postsecondary education institutions; to provide for the prevention  
4 of, reporting of, and response to hazing; to provide for definitions; to provide for  
5 reporting; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. This Act shall be known and may be cited as "The Caleb Wilson Hazing  
8 Prevention Act."

9 Section 2. R.S. 17:1801 is hereby amended and reenacted to read as follows:

10 §1801. Hazing prohibited; reporting; ~~documentation~~ documentation; education;  
11 policies; new student orientation; organizations

12 A. Definitions. For purposes of this Section, the following terms have the  
13 following meanings, unless the context clearly indicates otherwise:

1                   (1)(a) "Hazing" means any intentional, knowing, or reckless act committed  
2                   by a person acting alone or with others that is directed against another individual,  
3                   when both of the following apply:

4                   (i) The actor knew or reasonably should have known that the act endangered  
5                   the physical health or safety of the other individual or caused severe emotional  
6                   distress.

7                   (ii) The act was associated with pledging, initiation into, affiliation with,  
8                   participation in, holding office in, or maintaining membership in any organization.

9                   (b) "Hazing" includes but is not limited to any of the following acts  
10                  associated with pledging, initiation, affiliation, participation, holding office, or  
11                  maintaining membership in any organization:

12                  (i) Physical brutality including but not limited to beating, branding, electric  
13                  shocking, paddling, placing a harmful substance on the body, striking, or similar  
14                  activity.

15                  (ii) Physical activity that subjects an individual to an unreasonable risk of  
16                  harm, adversely affects physical health or safety, or causes severe emotional distress  
17                  including but not limited to calisthenics, confinement in a small space, exposure to  
18                  the elements, and sleep deprivation.

19                  (iii) Activity involving the consumption of food, liquid, or any other  
20                  substance, including but not limited to alcohol or drugs, that subjects the individual  
21                  to an unreasonable risk of harm, adversely affects physical health or safety, or causes  
22                  severe emotional distress.

23                  (iv) Activity that induces, causes, or requires an individual to commit a  
24                  crime or engage in an act that constitutes hazing under this Section.

25                  (c) A physical activity that is normal, customary, and necessary for training  
26                  and participation in an athletic, physical education, military training, or similar  
27                  program officially sanctioned by the postsecondary education institution shall not be  
28                  considered hazing for purposes of this Section.

29                  (2) "Hearing panel" means a body designated by a postsecondary education  
30                  institution pursuant to its student code of conduct to adjudicate alleged hazing

1 violations, and to determine responsibility and recommend or impose sanctions when  
 2 suspension or expulsion may be a possible outcome.

3 (3)(a) "Organization" means any group whose members are primarily  
 4 students at, or former students of, a postsecondary education institution including but  
 5 not limited to the following:

6 (i) An association.

7 (ii) An athletic team.

8 (iii) A band.

9 (iv) A club.

10 (v) A cooperative.

11 (vi) A corporation.

12 (vii) A corps.

13 (viii) A fraternity.

14 (ix) An order.

15 (x) A service group.

16 (xi) A social group.

17 (xii) A spirit group.

18 (xiii) A society.

19 (xiv) A sorority.

20 (xv) Any similar group.

21 (b) "Organization" includes any national, regional, or parent organization of  
 22 which an entity listed in this Paragraph is a sanctioned, recognized, or affiliated  
 23 member at the time an incident of hazing occurs.

24 (4) "Pledging" means any action or activity related to becoming a member  
 25 of an organization, including recruitment, rushing, and initiation-related activities.

26 (5) "Postsecondary education institution", "education institution", and  
 27 "institution" mean any postsecondary education institution in this state supported  
 28 wholly or in part by public funds.

29 (6) "Student organizational advisor" means an individual who is a faculty or  
 30 staff member at an institution, or other adult who is designated by an institution or

1 by a student organization, to provide guidance, support, and advice to a student  
 2 organization relative to conducting the organization's activities, programs, and  
 3 meetings.

4 B. Hazing prohibited; education; resources. (1) Hazing in any form, or the  
 5 use of any method of initiation into organizations in any education institution  
 6 supported wholly or in part by public funds, which is likely to cause bodily danger  
 7 or physical punishment to any student or other of any person attending any such an  
 8 education institution is prohibited.

9 B. (2) Whoever violates the provisions of this Section shall be expelled,  
 10 suspended, or dismissed from the education institution and not permitted to return  
 11 for at least one semester, quarter, or comparable academic period. In addition, the  
 12 person violating the provisions of this Section may also be subject to the provisions  
 13 of R.S. 14:40.8 which provides penalties for certain hazing activities.

14 (3)(a) Beginning in the fall semester of 2027, and annually thereafter, each  
 15 student shall be provided education information on the dangers of and prohibition  
 16 on hazing either in-person or electronically.

17 (b) In addition to the requirement in Subparagraph (a) of this Paragraph, each  
 18 new student shall be provided educational information on the dangers of and  
 19 prohibition on hazing during the new student orientation process either in-person or  
 20 electronically.

21 (c) If a student is a minor, the information shall be provided to his parent or  
 22 legal guardian.

23 (4)(a) Each institution and organization shall make available and provide  
 24 information about resources to a student who is an alleged victim of hazing,  
 25 including information on how to access medical and reporting resources and  
 26 counseling that the institution or community offers.

27 (b) Each institution shall incorporate the requirements of this Section into  
 28 its hazing prevention policies as required by Subsection D of this Section.

29 C. Reporting; data publication. (1) If an organization has taken disciplinary  
 30 action against one of its ~~members~~ members, representatives, or officers for hazing

1 or has reason to believe that any member of the organization has participated in an  
2 incident of hazing, the organization shall report the incident to law enforcement in  
3 accordance with R.S. 14:40.8 and the institution with which it is affiliated.

4 (2) If an organization or any of its ~~members~~ members, representatives, or  
5 officers has been disciplined by a parent organization for hazing, the organization  
6 shall report the hazing for which the organization was disciplined to the institution  
7 with which it is affiliated.

8 (3) If an organization fails to report an incident of hazing as required by this  
9 Section, the institution shall impose a disciplinary action against the organization in  
10 accordance with institutional policies.

11 (2) (4) When the institution receives a report of an alleged incident of  
12 hazing pursuant to the provisions of Paragraph (1) of this Subsection, the institution  
13 shall do both of the following:

14 (a) Report to law enforcement as required by R.S. 14:40.8. The information  
15 reported to law enforcement shall include all information and details received by the  
16 institution relative to the alleged incident, with no information being redacted,  
17 including the name of all individuals alleged to have committed the act or acts of  
18 hazing identified in the report.

19 (b) Document in writing all actions taken with regard to the report including  
20 but not limited to the date the report was received, reports made to law enforcement  
21 as provided in R.S. 14:40.8, and any other information relative to the institution's  
22 investigation, processing, and resolution of the incident.

23 (3) (5) ~~The Board of Regents, in consultation with the public postsecondary~~  
24 ~~education management boards, in consultation with the Board of Regents,~~ shall  
25 develop the following:

26 (a) A standardized form that organizations ~~shall~~ may use in making the  
27 reports required by Paragraph (1) of this Subsection.

28 (b) A standardized form that institutions ~~shall~~ may use to document such  
29 reports, reports made to law enforcement as provided in R.S. 14:40.8, and the

1 manner in which each hazing incident is handled and resolved at the institution level.  
 2 However, an institution may use third party reporting software in lieu of such form.

3 ~~(c) A policy relative to making available to the public certain information~~  
 4 ~~relative to hazing that is documented pursuant to this Paragraph.~~

5 ~~D. For purposes of this Section and R.S. 17:1801.1:~~

6 ~~(1)(a) "Hazing" means any intentional, knowing, or reckless act by a person~~  
 7 ~~acting alone or acting with others that is directed against another when both of the~~  
 8 ~~following apply:~~

9 ~~(i) The person knew or should have known that such an act endangers the~~  
 10 ~~physical health or safety of the other person or causes severe emotional distress.~~

11 ~~(ii) The act was associated with pledging, being initiated into, affiliating~~  
 12 ~~with, participating in, holding office in, or maintaining membership in any~~  
 13 ~~organization.~~

14 ~~(b) "Hazing" includes but is not limited to any of the following acts~~  
 15 ~~associated with pledging, being initiated into, affiliating with, participating in,~~  
 16 ~~holding office in, or maintaining membership in any organization:~~

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

19 ~~(ii) Physical activity, such as sleep deprivation, exposure to the elements,~~  
 20 ~~confinement in a small space, or calisthenics, that subjects the other person to an~~  
 21 ~~unreasonable risk of harm or that adversely affects the physical health or safety of~~  
 22 ~~the individual or causes severe emotional distress.~~

23 ~~(iii) Activity involving consumption of food, liquid, or any other substance,~~  
 24 ~~including but not limited to an alcoholic beverage or drug, that subjects the~~  
 25 ~~individual to an unreasonable risk of harm or that adversely affects the physical~~  
 26 ~~health or safety of the individual or causes severe emotional distress.~~

27 ~~(iv) Activity that induces, causes, or requires an individual to perform a duty~~  
 28 ~~or task that involves the commission of a crime or an act of hazing.~~

29 ~~(c) A physical activity that is normal, customary, and necessary for a~~  
 30 ~~person's training and participation in an athletic, physical education, military~~

1 training, or similar program sanctioned by the postsecondary education institution  
2 is not considered "hazing" for purposes of this Section.

3 (2) ~~"Organization" means a fraternity, sorority, association, corporation,~~  
4 ~~order, society, corps, cooperative, club, service group, social group, band, spirit~~  
5 ~~group, athletic team, or similar group whose members are primarily students at, or~~  
6 ~~former students of, a postsecondary education institution. "Organization" includes~~  
7 ~~the national or parent organization of which any of the underlying entities provided~~  
8 ~~for in this Paragraph is a sanctioned or recognized member at the time of the hazing.~~

9 (3) ~~"Pledging" means any action or activity related to becoming a member~~  
10 ~~of an organization, including recruitment and rushing.~~

11 (4) ~~"Postsecondary education institution", "education institution", and~~  
12 ~~"institution" mean any postsecondary education institution in this state supported~~  
13 ~~wholly or in part by public funds.~~

14 (6) Online publication. (a) Each institution shall maintain a publicly  
15 accessible website that discloses conduct findings and disciplinary sanctions imposed  
16 on organizations recognized or affiliated with the institution, provided that  
17 personally identifiable information of individuals shall be redacted pursuant to  
18 Subparagraph (e) of this Paragraph.

19 (b) At a minimum, for each organization that the institution found  
20 responsible for a policy or code violation, the website shall include the following:

21 (i) The name of the organization.

22 (ii) Each specific policy listed in the institutional student code of conduct  
23 that the organization violated.

24 (iii) A brief description of the violation, presented in a manner that protects  
25 individual privacy.

26 (iv) The date on or academic term in which the organization violated policy.

27 (v) The disciplinary sanctions the institution imposed on the organization.

28 (vi) The current disciplinary status of the organization.

29 (c) The institution shall update the information on the website required by  
30 this Section at least once per academic semester no later than April tenth and October

1 tenth and additionally as new violations are adjudicated or sanctions are modified or  
2 imposed.

3 (d) Each institution shall determine a minimum period of time for which  
4 disciplinary records and status information shall remain publicly available. This  
5 period of time shall not be shorter than the duration of the sanction and any  
6 probationary period.

7 (e) Privacy Protections. The information that the institution posts on the  
8 publicly accessible website shall exclude the names and personally identifiable  
9 information of individual students and shall comply with all applicable state and  
10 federal privacy laws.

11 (f) Applicability. This Paragraph applies to all organizations as defined in  
12 this Section.

13 (g) The management boards shall send an annual systemwide summary  
14 report of the information contained in this Paragraph to the Board of Regents by  
15 January thirtieth.

16 (h) The Board of Regents shall submit a report of a summary of the  
17 information in Subparagraph (b) of this Paragraph to the House and Senate  
18 committees on education, the House Committee on the Administration of Criminal  
19 Justice, the House Committee on Civil Law and Procedure, and the House and  
20 Senate select committees on women and children by February twenty-eighth  
21 annually. The report shall also include any recommendations for legislation. The  
22 Board of Regents shall publish the report on its website.

23 D. Hazing prevention policy. (1) The Board of Regents, in consultation  
24 with each postsecondary management board, shall establish uniform policies and  
25 best practices to implement measures to address the reporting of hazing on  
26 institutional campuses and the prevention of hazing.

27 (2) Each postsecondary education management board shall institute policies  
28 incorporating the policies and best practices prescribed by the Board of Regents  
29 regarding the prevention of and reporting of hazing committed by or against students  
30 of an institution. The policies, at a minimum, shall provide for the following:

1           (a) Online reporting. Each institution shall provide an online reporting  
2           system permitting third-party reporting, allowing any individual to submit a  
3           confidential or anonymous report of a witnessed or known incident of hazing,  
4           regardless of whether the reporting individual is the person directly impacted.

5           (b) Immunities. A person acting in good faith who reports or assists in the  
6           investigation of a report of an incident of hazing, or who testifies or otherwise  
7           participates in a disciplinary process or judicial proceeding arising from such a  
8           report, shall not be subjected to any disciplinary action by the institution in which the  
9           person is enrolled or employed for any violation of the institution's code of conduct  
10          that is reasonably related to the incident, provided that suspension or expulsion from  
11          the institution is not a possible punishment for the violation. This Subparagraph  
12          shall not apply to a person who perpetrates or assists in the perpetration of a reported  
13          hazing incident.

14          (c) False reporting. An individual who is determined by the institution's  
15          disciplinary procedures to have knowingly, with the intent to harm or deceive, made  
16          a report that is knowingly false shall be sanctioned in accordance with the  
17          institution's code of conduct or any other applicable institutional policies.

18          (d) Amnesty policy. The institution shall provide amnesty to any student  
19          who reports hazing to the institution in good faith. Such student shall not be  
20          sanctioned by the institution for a nonviolent student conduct violation, such as  
21          underage drinking, that is revealed in the course of such a report.

22          (e) Training. (i) Each organization shall do the following:

23                 (aa) Annually complete at least two hours of hazing prevention education  
24                 training, in person, electronically, or both, that includes education relative to such  
25                 policies to all members and anyone who is employed by or volunteers at the  
26                 organization.

27                 (bb) Submit a training completion report annually to the institution with  
28                 which it is affiliated identifying the students, employees, and volunteers who  
29                 received the education, evidenced by an attestation of such individuals receiving the  
30                 education.

1                    (cc) The institution shall deactivate the organization's operation on campus  
2                    if it fails to comply with the provisions of this Subsection.

3                    (ii)(aa) Student organizational advisors. Each individual designated by an  
4                    institution or organization to serve as an advisor shall annually complete, at a  
5                    minimum, one hour of hazing prevention education training prior to serving as an  
6                    advisor or in an advisory capacity.

7                    (bb) The training specific to organizational advisors shall include, at a  
8                    minimum, an overview of applicable hazing laws and institutional policies, reporting  
9                    obligations, and advisor responsibilities related to the prevention of hazing.

10                  (cc) Organizational advisors shall submit a training completion report to the  
11                  institution evidenced by an attestation of such individuals receiving the education.

12                  (iii) Hearing Panel. (aa) Each individual serving on an institutional hearing  
13                  panel or disciplinary body responsible for adjudicating alleged hazing violations  
14                  shall annually complete hazing prevention education training prior to service on the  
15                  panel.

16                  (bb) The training shall be a minimum of one hour in duration and shall  
17                  include instruction on hazing definitions and indicators, applicable laws and policies,  
18                  trauma-informed practices, due process considerations, and sanctioning standards.

19                  (cc) Hearing panelists shall submit a training completion report to the  
20                  institution evidenced by an attestation of such individuals receiving the education.

21                  (3) Each institution shall adopt a hazing prevention policy and the policy  
22                  shall be published on the institution's website.

23                  (4) Each organization shall, as a condition of operating at an institution,  
24                  adopt the hazing prevention policy that the institution has adopted pursuant to  
25                  Paragraph (3) of this Subsection and shall provide a copy of the policy, either  
26                  electronically or in writing, to each member and prospective member prior to  
27                  initiation, acceptance, or participation in organizational activities.

28                  E. Penalties for noncompliance. (1) The penalties for noncompliance with  
29                  the provisions of this Section are as follows:

1           (a) Institutions. An institution's failure to comply with the provisions of this  
 2           Section shall result in a prohibition, for a period of two years following notice of  
 3           such noncompliance, on the State Bond Commission authorizing the institution to  
 4           incur any debt subject to the commission's approval.

5           (b) Organizations. (i) If an organization is in violation of this Section, it  
 6           shall be subject to disciplinary action by the institution, which may include  
 7           suspension, expulsion, deactivation, loss of recognition, or other sanctions deemed  
 8           appropriate.

9           (ii) If a violation by an organization of this Section results in the death of a  
 10          person, the institution shall banish the organization and prohibit re-chartering, re-  
 11          establishing, or operating under any name, alias, or affiliated organization.

12          Section 3. R.S. 17:1801.1 is hereby repealed in its entirety.

\_\_\_\_\_  
 SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
 PRESIDENT OF THE SENATE

\_\_\_\_\_  
 GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_