

ASSEMBLY, No. 3176

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED FEBRUARY 24, 2020

Sponsored by:

Assemblywoman CAROL A. MURPHY

District 7 (Burlington)

Assemblyman ROBERT J. KARABINCHAK

District 18 (Middlesex)

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

SYNOPSIS

Requires institutions of higher education and public and nonpublic high schools and middle schools to adopt anti-hazing policies; expands activities encompassing criminal hazing and upgrades penalties for engaging in these activities.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/18/2020)

1 AN ACT concerning hazing, amending P.L.1980, c.169, and
2 supplementing chapters 3 and 37 of Title 18A of the New Jersey
3 Statutes.

4

5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*

7

8 1. (New section) As used in sections 2 through 4 of P.L. ,
9 c. (C.) (pending before the Legislature as this bill):

10 “Organization” means a fraternity, sorority, association,
11 corporation, order, society, corps, club or service, social or similar
12 group, whose members are primarily minors, students, or alumni of
13 the organization or an institution of higher education; or a national
14 or international organization with which such a group is affiliated.

15 “Student” means an individual who attends or has applied to
16 attend or has been admitted to an institution of higher education.

17

18 2. (New section) Each public and independent institution of
19 higher education shall adopt a written policy against hazing and,
20 pursuant to that policy, adopt rules prohibiting students or other
21 persons associated with an organization operating under the
22 sanction of, or recognized as, an organization by the institution
23 from engaging in hazing. The institution of higher education shall
24 post the policy at a publicly accessible location on the institution’s
25 Internet website and shall provide a copy of the policy, including
26 the institution’s rules, penalties, and program of enforcement, to
27 each organization within the institution.

28

29 3. (New section) a. Each public and independent institution of
30 higher education shall provide a program for the enforcement of the
31 policy against hazing required under section 2 of P.L. , c. (C.)
32 (pending before the Legislature as this bill) and shall adopt
33 appropriate penalties for violations of the policy to be administered
34 by the individual or agency at the institution responsible for the
35 sanctioning or recognition of the organization covered by the policy
36 or by such other individual or agency deemed appropriate by the
37 institution.

38 b. The penalties for violations of the policy may include:

39 (1) imposition of fines;

40 (2) the withholding of diplomas or transcripts pending
41 compliance with the rules or payment of fines;

42 (3) the rescission of permission for the organization to operate
43 on campus or to otherwise operate under the sanction or recognition
44 of the institution; and

**EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is
not enacted and is intended to be omitted in the law.**

Matter underlined thus is new matter.

1 (4) the imposition of probation, suspension, dismissal, or
2 expulsion.

3 c. A penalty imposed under this section shall be in addition to
4 a penalty imposed for a violation of any other institutional rule to
5 which the violator may be subject.

6 d. A policy adopted under section 2 of P.L. , c. (C.)
7 (pending before the Legislature as this bill) shall apply to each act
8 conducted on or off campus if the acts are deemed to constitute
9 hazing.

10

11 4. (New section) a. Each public and independent institution of
12 higher education shall maintain a report which shall include
13 information on all violations of the institution's anti-hazing policy
14 and federal and State laws related to hazing that are reported to the
15 institution. Information on a reported violation shall be retained by
16 the institution for five years.

17 b. The report shall include:

18 (1) the date when the subject was charged with a violation of the
19 institution's anti-hazing policy or a federal or State law related to
20 hazing;

21 (2) a general description of the violation, any investigation and
22 findings by the institution and, if applicable, penalties imposed; and

23 (3) the date on which the matter was resolved.

24 c. An institution shall post the initial report at a publicly
25 accessible location on the institution's Internet website by January
26 15, 2021. The initial report shall include information concerning
27 violations that have been reported to the institution for the five
28 consecutive years prior to the effective date of this act, to the extent
29 the institution has retained information concerning the violations.
30 An institution shall post an updated report biannually on January 1
31 and August 1.

32 d. The report shall not include the personal identifying
33 information of an individual.

34

35 5. (New section) a. Each board of education of a school
36 district with a high school or middle school and the governing board
37 or chief school administrator of a nonpublic high school or middle
38 school shall adopt a written policy against hazing.

39 b. The board of education and governing board or chief school
40 administrator shall ensure that students are informed of the anti-
41 hazing policy, including the rules, penalties, and program of
42 enforcement under the policy.

43 c. The board of education and governing board or chief school
44 administrator shall post the policy on the district's or nonpublic
45 school's publicly accessible Internet website.

46

47 6. (New section) a. Each board of education of a school
48 district with a high school or middle school and the governing board

1 or chief school administrator of a nonpublic high school or middle
2 school shall provide a program for the enforcement of the policy
3 against hazing required under section 5 of P.L. , c. (C.)
4 (pending before the Legislature as this bill) and shall adopt
5 appropriate penalties for violation of the policy.

6 b. The penalties for violations of the policy may include:

7 (1) the withholding of diplomas or transcripts pending
8 compliance with the rules;

9 (2) the rescission of permission for the organization or group,
10 whose student members are being penalized under the anti-hazing
11 policy, to operate on campus or school property or to otherwise
12 operate under the sanction or recognition of the school district or
13 nonpublic school; and

14 (3) the imposition of probation, suspension, dismissal or
15 expulsion.

16 c. A penalty imposed under this section shall be in addition to
17 a penalty imposed for violation of any other school district or
18 nonpublic school rule to which the violator may be subject.

19 d. A policy adopted under section 5 of P.L. , c. (C.)
20 (pending before the Legislature as this bill) shall apply to each act
21 conducted on or off campus if the acts are deemed to constitute
22 hazing.

23
24 7. Section 1 of P.L.1980, c.169 (C.2C:40-3) is amended to read
25 as follows:

26 1. a. A person is guilty of hazing, a disorderly persons offense,
27 if, in connection with initiation of applicants to or members of a
28 student or fraternal organization, whose membership is primarily
29 students or alumni of the organization or an institution of higher
30 education, he knowingly or recklessly **【**organizes, promotes,
31 facilitates or engages in any conduct, other than competitive athletic
32 events, which places or may place another person in danger of
33 **】** bodily injury **】** causes, coerces, or forces another person to do any of
34 the following:

35 (1) violate federal or state criminal law;

36 (2) consume any food, liquid, alcoholic liquid, drug or other
37 substance which subjects the other person to a risk of emotional or
38 physical harm;

39 (3) endure brutality of a physical nature, including whipping,
40 beating, branding, calisthenics, or exposure to the elements;

41 (4) endure brutality of a mental nature, including activity
42 adversely affecting the mental health or dignity of the individual,
43 sleep deprivation, exclusion from social contact, or conduct that
44 could result in extreme embarrassment;

45 (5) endure brutality of a sexual nature; or

46 (6) endure any other activity that creates a reasonable likelihood
47 of bodily injury to the person.

1 If an act of hazing prohibited in this subsection results in bodily
2 injury, it is a crime of the fourth degree.

3 Hazing shall not include any reasonable and customary athletic,
4 law enforcement, or military training, contests, competitions, or
5 events.

6 b. A person is guilty of aggravated hazing, a crime of the
7 **【fourth】** third degree, if he commits an act prohibited in subsection
8 a. of this section which results in serious bodily injury to another
9 person.

10 c. A student or fraternal organization described in subsection a.
11 of this section, or an institution of higher education, that knowingly
12 or recklessly promotes or facilitates a person to commit an act of
13 hazing or aggravated hazing prohibited in this section is subject to a
14 fine of not more than \$5,000 for each violation of subsection a. of
15 this section, and a fine of not more than \$15,000 for each violation
16 of subsection b. of this section.

17 d. Any property which has been, or is intended to be, utilized in
18 furtherance of any unlawful hazing activity set forth in this section
19 by a person, student or fraternal organization, or institution of
20 higher education, as well as any proceeds derived from the unlawful
21 activity, shall be subject to forfeiture pursuant to chapter 62 of Title
22 2C of the New Jersey Statutes.

23 e. (1) A person, student or fraternal organization, or institution
24 of higher education, and another person acting in concert with the
25 person, organization, or institution, shall be immune from
26 prosecution under this section if the person, or employee, officer, or
27 other agent for the organization or institution:

28 (a) called 9-1-1, or otherwise contacted campus security, police,
29 or emergency services, and reported that a person was in need of
30 medical assistance due to an act of hazing as described in this
31 section;

32 (b) the caller provided the caller's name and, if applicable, the
33 name of the person acting in concert with the caller to the 9-1-1
34 operator or other recipient of the emergency contact;

35 (c) the caller was the first to make the 9-1-1 report or other
36 emergency report; and

37 (d) the caller and, if applicable, the person acting in concert
38 with the caller remained on the scene with the person in need of
39 medical assistance until assistance arrived and cooperated with the
40 emergency services on the scene.

41 (2) The person who received medical assistance as a result of the
42 call placed pursuant to paragraph (1) of this subsection shall also be
43 immune from prosecution under this section.

44 (3) In addition to any other applicable immunity or limitation on
45 civil liability, a law enforcement officer or other official
46 empowered to act as an officer for the arrest of offenders against the
47 laws of this State, or a prosecutor, who, acting in good faith,
48 arrested or charged a person who is thereafter determined to be

1 entitled to immunity from prosecution under this subsection shall
2 not be subject to any civil liability for the wrongful arrest or charge.

3 (cf: P.L.1980, c.169, s.1)

4
5 8. Section 2 of P.L.1980, c.169 (C.2C:40-4) is amended to read
6 as follows:

7 2. Notwithstanding any other provision of Title 2C of the New
8 Jersey Statutes to the contrary, consent or the fact that the act of
9 hazing as described in section 1 of P.L.1980, c.169 (C.2C:40-4) was
10 sanctioned or approved by the student or fraternal organization or
11 the institution of higher education shall not be available as a
12 defense to a prosecution under this Act.

13 (cf: P.L.1980, c.169, s.2)

14
15 9. This act shall take effect on the first day of the seventh
16 month next following the date of enactment, except the
17 Commissioner of Education and the Attorney General may take
18 such anticipatory administrative action in advance as shall be
19 necessary for the implementation of this act.

20 21 22 STATEMENT

23
24 This bill requires institutions of higher education, boards of
25 education of school districts with a high school or middle school,
26 and the governing board or chief school administrator of a
27 nonpublic school with a high school or middle school, to adopt a
28 written anti-hazing policy. The institutions and schools are required
29 to provide a program for the enforcement of the anti-hazing policy
30 and adopt penalties for violations of the policy. The bill provides
31 that the penalties may include the withholding of diplomas or
32 transcripts pending compliance with the rules and the imposition of
33 probation, suspension, dismissal, or expulsion.

34 Under the bill, an institution of higher education is required to
35 maintain a report which will include information on all violations of
36 the institution's anti-hazing policy and federal and State laws
37 related to hazing, for violations reported to the institution. The
38 institution is required to post the report on the institution's website.
39 The first report posted after the effective date of the bill will include
40 information concerning violations that were reported to the
41 institution for the five consecutive years prior to the effective date
42 of the bill, to the extent the institution has retained that information.
43 The report will be updated biannually on January 1 and August 1.

44 The bill also amends the State's Criminal Code in regard to
45 hazing activities. Under section 1 of P.L.1980, c.169 (C.2C:40-3),
46 "hazing" is generally described as "conduct, other than competitive
47 athletic events, which places or may place another person in danger
48 of bodily injury." The bill's provisions broaden the types of

1 activities which would be considered hazing to include any conduct
2 that causes, coerces, or forces another person to:

- 3 (1) violate federal or state criminal law;
4 (2) consume any food, liquid, alcoholic liquid, drug or other
5 substance which subjects the other person to a risk of emotional or
6 physical harm;
7 (3) endure brutality of a physical nature, including whipping,
8 beating, branding, calisthenics, or exposure to the elements;
9 (4) endure brutality of a mental nature, including activity
10 adversely affecting the mental health or dignity of the individual,
11 sleep deprivation, exclusion from social contact or conduct that
12 could result in extreme embarrassment;
13 (5) endure brutality of a sexual nature; or
14 (6) endure any other activity that creates a reasonable likelihood
15 of bodily injury to the person.

16 Under current law, hazing is a disorderly persons offense unless
17 the act results in serious bodily injury to another person, in which
18 case the act is classified as aggravated hazing and graded a crime of
19 the fourth degree. Under the bill, hazing would continue to be a
20 disorderly persons offense, unless the hazing results in bodily injury
21 which would make it a crime of the fourth degree. The bill
22 upgrades aggravated hazing from a crime of the fourth degree to a
23 crime of the third degree.

24 The bill also sets forth liability for any student or fraternal
25 organization, or institution of higher education, which knowingly or
26 recklessly promotes or facilitates a person to commit an act of
27 hazing. The entity would be subject to a fine of not more than
28 \$5,000 for each hazing violation and \$15,000 for each violation of
29 aggravated hazing.

30 Immunity from prosecution for hazing would be offered to any
31 person, student or fraternal organization, or institution of higher
32 education, as well as another person acting in concert with the
33 person, organization, or institution if 9-1-1 is called or other
34 emergency services contacted. In order for this immunity to apply,
35 the caller and, if applicable, person acting in concert with the caller
36 would have to remain on the scene with a person injured as a result
37 of hazing and cooperate with emergency services upon their arrival.