

CHAPTER 208
(CORRECTED COPY)

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

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

C.18A:3-27.1 Definitions relative to hazing.

1. As used in sections 2 through 4 of P.L.2021, c.208 (C.18A:3-27.2 through C.18A:3-27.4):

“Hazing” means conduct in connection with an initiation of applicants to or members of a student or fraternal organization as described in section 1 of P.L.1980, c.169 (C.2C:40-3).

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

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

C.18A:3-27.2 Adoption of written policy against hazing.

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

C.18A:3-27.3 Program for enforcement of policy against hazing.

3. a. Each public and independent institution of higher education shall provide a program for the enforcement of the policy against hazing required under section 2 of P.L.2021, c.208 (C.18A:3-27.2) and shall adopt appropriate penalties for violations of the policy to be administered by the individual or agency at the institution responsible for the sanctioning or recognition of the organization covered by the policy or by such other individual or agency deemed appropriate by the institution.

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

(1) imposition of fines;

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

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

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

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

d. A policy adopted under section 2 of P.L.2021, c.208 (C.18A:3-27.2) shall apply to each act conducted on or off campus if the acts are deemed to constitute hazing.

C.18A:3-27.4 Report on violations.

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

b. The report shall include:

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

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

(3) the date the matter was resolved.

c. An institution shall post the initial report at a publicly accessible location on the institution's Internet website by January 15, 2022. The initial report shall include information concerning violations that have been reported to the institution for the five consecutive years prior to the effective date of this act, to the extent the institution has retained information concerning the violations. An institution shall post an updated report biannually on January 1 and August 1.

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

C.18A:37-32.2 Policy against hazing for district with high school, middle school.

5. a. Each board of education of a school district with a high school or middle school and the governing board or chief school administrator of a nonpublic high school or middle school shall adopt a written policy against hazing.

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

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

C.18A:37-32.3 Program for enforcement of policy against hazing.

6. a. Each board of education of a school district with a high school or middle school and the governing board or chief school administrator of a nonpublic high school or middle school shall provide a program for the enforcement of the policy against hazing required under section 5 of P.L.2021, c.208 (C.18A:37-32.2) and shall adopt appropriate penalties for violation of the policy.

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

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

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

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

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

d. A policy adopted under section 5 of P.L.2021, c.208 (C.18A:37-32.2) shall apply to each act conducted on or off campus if the acts are deemed to constitute hazing.

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

1. a. A person is guilty of hazing, if, in connection with initiation of applicants to or members of a student or fraternal organization, whose membership is primarily students or alumni of the organization or an institution of higher education, the person knowingly or recklessly:

(1) causes, coerces, or otherwise induces another person to commit an act that violates federal or State criminal law;

(2) causes, coerces, or otherwise induces another person to consume any food, liquid, alcoholic liquid, drug or other substance which subjects the person to a risk of emotional or physical harm or is otherwise deleterious to the person's health;

(3) subjects another person to abuse, mistreatment, harassment, or degradation of a physical nature, including, but not limited to, whipping, beating, branding, excessive calisthenics, or exposure to the elements;

(4) subjects another person to abuse, mistreatment, harassment, or degradation of a mental or emotional nature, including, but not limited to, activity adversely affecting the mental or emotional health or dignity of the individual, sleep deprivation, exclusion from social contact, or conduct that could result in extreme embarrassment;

(5) subjects another person to abuse, mistreatment, harassment, or degradation of a sexual nature; or

(6) subjects another person to any other activity that creates a reasonable likelihood of bodily injury to the person.

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

b. Hazing is a crime of the third degree if an actor commits an act prohibited in subsection a. of this section which results in death or serious bodily injury to another person and is a crime of the fourth degree if the actor commits an act prohibited in subsection a. of this section which results in bodily injury to another person. Otherwise, hazing is a disorderly persons offense.

c. In addition to any other sanctions or penalties that may be imposed, a student or fraternal organization described in subsection a. of this section, or an institution of higher education, that knowingly or recklessly promotes or facilitates a person to commit an act of hazing prohibited in this section shall be subject to a fine of not less than \$1,000 or more than \$5,000 for an initial violation of subsection a. of this section, and a fine of not less than \$5,000 or more than \$15,000 for each subsequent violation.

d. (1) A person, student or fraternal organization, or institution of higher education, and another person acting in concert with the person, organization, or institution, shall be immune from prosecution under this section if the person, or an employee, officer, or other agent acting on behalf of the organization or institution, as the case may be:

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

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

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

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

(2) In addition to any other applicable immunity or limitation on civil liability, a law enforcement officer or other official empowered to act as an officer for the arrest of offenders against the laws of this State, or a prosecutor, who, acting in good faith, arrested or charged a person who is thereafter determined to be entitled to immunity from prosecution under this subsection shall not be subject to any civil liability for the wrongful arrest or charge.

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

C.2C:40-4 Consent, sanction not available as defense.

2. a. Notwithstanding any other provision of Title 2C of the New Jersey Statutes to the contrary, consent shall not be available as a defense to a prosecution under section 1 of P.L.1980, c.169 (C.2C:40-3).

b. It shall not be an affirmative defense to a prosecution under section 1 of P.L.1980, c.169 (C.2C:40-3) that the conduct in which the actor engaged was sanctioned or approved by a student or fraternal organization or an institution of higher education.

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

Approved August 24, 2021.