

[Second Reprint]

SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE, Nos. 84 and 2093**

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**STATE OF NEW JERSEY**  
**219th LEGISLATURE**

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ADOPTED MARCH 19, 2020

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**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 amended by the General Assembly on June 21, 2021.

**(Sponsorship Updated As Of: 6/24/2021)**

1 AN ACT concerning hazing <sup>1</sup>[and designated as Timothy J. Piazza's  
2 Law]<sup>1</sup>, amending P.L.1980, c.169, and supplementing chapters 3  
3 and 37 of Title 18A of the New Jersey Statutes.

4  
5 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
6 *of New Jersey:*

7  
8 <sup>1</sup>[1. Section 1 of P.L.1980, c.169 (C.2C:40-3) is amended to  
9 read as follows:

10 1. Hazing. a. A person is guilty of hazing, a disorderly  
11 persons offense, or a crime of the fourth degree if the act of hazing  
12 results in bodily injury, if, in connection with initiation of  
13 applicants to or members of a student or fraternal organization,  
14 whose membership is primarily students or alumni of the  
15 organization or an institution of higher education, [he] the person  
16 knowingly or recklessly [organizes, promotes, facilitates or engages  
17 in any conduct, other than competitive athletic events, which places  
18 or may place another person in danger of bodily injury] causes,  
19 coerces, or forces another person to do any of the following:

- 20 (1) violate federal or state criminal law;  
21 (2) consume any food, liquid, alcoholic liquid, drug or other  
22 substance which subjects the other person to a risk of emotional or  
23 physical harm;  
24 (3) endure brutality of a physical nature, including whipping,  
25 beating, branding, calisthenics, or exposure to the elements;  
26 (4) endure brutality of a mental nature, including activity  
27 adversely affecting the mental health or dignity of the individual,  
28 sleep deprivation, exclusion from social contact, or conduct that  
29 could result in extreme embarrassment;  
30 (5) endure brutality of a sexual nature; or  
31 (6) endure any other activity that creates a reasonable likelihood  
32 of bodily injury to the person.

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

36 b. A person is guilty of aggravated hazing, a crime of the  
37 [fourth] third degree, if [he] the person commits an act prohibited  
38 in subsection a. of this section which results in serious bodily injury  
39 to another person.

40 c. A student or fraternal organization, or an institution of  
41 higher education, that knowingly or recklessly promotes or  
42 facilitates a person to commit an act of hazing or aggravated hazing  
43 prohibited in this section is subject to a fine of not more than  
44 \$5,000 for each violation of subsection a. of this section, and a fine

**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.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Assembly AAP committee amendments adopted June 16, 2021.

<sup>2</sup>Assembly floor amendments adopted June 21, 2021.

1 of not more than \$15,000 for each violation of subsection b. of this  
2 section.

3 d. Any property which has been, or is intended to be, utilized in  
4 furtherance of any unlawful hazing activity set forth in this section  
5 by a person, student or fraternal organization, or institution of  
6 higher education, as well as any proceeds derived from the unlawful  
7 activity, shall be subject to forfeiture pursuant to chapter 64 of Title  
8 2C of the New Jersey Statutes.

9 e. (1) A person, student or fraternal organization, or institution  
10 of higher education, and another person acting in concert with the  
11 person, organization, or institution, shall be immune from  
12 prosecution under this section if the person, or employee, officer, or  
13 other agent for the organization or institution:

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

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

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

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

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

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

37 (cf: P.L.1980, c.169, s.1)]<sup>1</sup>

38  
39 <sup>1</sup>[2. Section 2 of P.L.1980, c.169 (C.2C:40-4) is amended to  
40 read as follows:

41 2. Notwithstanding any other provision of Title 2C of the New  
42 Jersey Statutes to the contrary, consent, or the fact that the act of  
43 hazing as described in section 1 of P.L.1980, c.169 (C.2C:40-3) was  
44 sanctioned or approved by a student or fraternal organization or an  
45 institution of higher education, shall not be available as a defense to  
46 a prosecution under this Act.

47 (cf: P.L.1980, c.169, s.2)]<sup>1</sup>

1       <sup>1</sup>3. (New section) As used in sections 4 through 6 of  
2 P.L. , c. (C. ) (pending before the Legislature as this bill):

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

8       “Student” means an individual who attends or has applied to  
9 attend or has been admitted to an institution of higher education. **1**<sup>1</sup>

10

11       <sup>1</sup>4. (New section) Each public and independent institution of  
12 higher education shall adopt a written policy against hazing and,  
13 pursuant to that policy, adopt rules prohibiting students or other  
14 persons associated with an organization operating under the  
15 sanction of, or recognized as, an organization by the institution  
16 from engaging in hazing. The institution of higher education shall  
17 post the policy at a publicly accessible location on the institution’s  
18 Internet website and shall provide a copy of the policy, including  
19 the institution’s rules, penalties, and program of enforcement, to  
20 each organization within the institution. **1**<sup>1</sup>

21

22       <sup>1</sup>5. (New section) a. Each public and independent institution  
23 of higher education shall provide a program for the enforcement of  
24 the policy against hazing required under section 4 of P.L. ,  
25 c. (C. ) (pending before the Legislature as this bill) and shall  
26 adopt appropriate penalties for violations of the policy to be  
27 administered by the individual or agency at the institution  
28 responsible for the sanctioning or recognition of the organization  
29 covered by the policy or by such other individual or agency deemed  
30 appropriate by the institution.

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

32       (1) imposition of fines;

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

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

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

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

43       d. A policy adopted under section 4 of P.L. , c. (C. )  
44 (pending before the Legislature as this bill) shall apply to each act  
45 conducted on or off campus if the acts are deemed to constitute  
46 hazing. **1**<sup>1</sup>

1 <sup>1</sup>6. (New section) a. Each public and independent institution  
2 of higher education shall maintain a report which shall include  
3 information on all violations of the institution's anti-hazing policy  
4 and federal and State laws related to hazing that are reported to the  
5 institution. Information on a reported violation shall be retained by  
6 the institution for five years.

7 b. The report shall include:

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

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

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

14 c. An institution shall post the initial report at a publicly  
15 accessible location on the institution's Internet website by January  
16 15, 2021. The initial report shall include information concerning  
17 violations that have been reported to the institution for the five  
18 consecutive years prior to the effective date of P.L. , c. (C. )  
19 (pending before the Legislature as this bill), to the extent the  
20 institution has retained information concerning those violations. An  
21 institution shall post an updated report annually on January 1.

22 d. The report shall not include the personal identifying  
23 information of an individual. <sup>1</sup>

24  
25 <sup>1</sup>7. (New section) a. Each board of education of a school  
26 district with a high school or middle school and the governing board  
27 or chief school administrator of a nonpublic high school or middle  
28 school shall adopt a written policy against hazing.

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

33 c. The board of education and governing board or chief school  
34 administrator shall post the policy on the district's or nonpublic  
35 school's publicly accessible Internet website. <sup>1</sup>

36  
37 <sup>1</sup>8. (New section) a. Each board of education of a school  
38 district with a high school or middle school and the governing board  
39 or chief school administrator of a nonpublic high school or middle  
40 school shall provide a program for the enforcement of the policy  
41 against hazing required under section 7 of P.L. , c. (C. )  
42 (pending before the Legislature as this bill) and shall adopt  
43 appropriate penalties for violations of the policy.

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

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

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

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

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

11 d. A policy adopted under section 7 of P.L. , c. (C. )  
12 (pending before the Legislature as this bill) shall apply to each act  
13 conducted on or off campus if the acts are deemed to constitute  
14 hazing.】<sup>1</sup>

15

16 <sup>1</sup>【9. Sections 1 and 2 of this act shall take effect immediately,  
17 and the remaining sections shall take effect on the first day of the  
18 seventh month next following the date of enactment, except the  
19 Secretary of Higher Education, Commissioner of Education, and the  
20 Attorney General may take such anticipatory administrative action in  
21 advance as shall be necessary for the implementation of those  
22 sections.】<sup>1</sup>

23

24 <sup>1</sup>1. (New section) As used in sections 2 through 4 of P.L. ,  
25 c. (C. ) (pending before the Legislature as this bill):

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

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

34 “Student” means an individual who attends or has applied to  
35 attend or has been admitted to an institution of higher education.<sup>1</sup>

36

37 <sup>1</sup>2. (New section) Each public and independent institution of  
38 higher education shall adopt a written policy against hazing and,  
39 pursuant to that policy, adopt rules prohibiting students or other  
40 persons associated with an organization operating under the  
41 sanction of, or recognized as, an organization by the institution  
42 from engaging in hazing. The institution of higher education shall  
43 post the policy at a publicly accessible location on the institution’s  
44 Internet website and shall provide a copy of the policy, including  
45 the institution’s rules, penalties, and program of enforcement, to  
46 each organization within the institution.<sup>1</sup>

1       <sup>13.</sup> (New section) a. Each public and independent institution of  
2 higher education shall provide a program for the enforcement of the  
3 policy against hazing required under section 2 of P.L. , c. (C. )  
4 (pending before the Legislature as this bill) and shall adopt  
5 appropriate penalties for violations of the policy to be administered  
6 by the individual or agency at the institution responsible for the  
7 sanctioning or recognition of the organization covered by the policy  
8 or by such other individual or agency deemed appropriate by the  
9 institution.

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

11       (1) imposition of fines;

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

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

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

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

22       d. A policy adopted under section 2 of P.L. , c. (C. )  
23 (pending before the Legislature as this bill) shall apply to each act  
24 conducted on or off campus if the acts are deemed to constitute  
25 hazing.<sup>1</sup>

26  
27       <sup>14.</sup> (New section) a. Each public and independent institution of  
28 higher education shall maintain a report which shall include  
29 information on all violations of the institution's anti-hazing policy  
30 and federal and State laws related to hazing that are reported to the  
31 institution. Information on a reported violation shall be retained by  
32 the institution for five years.

33       b. The report shall include:

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

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

39       (3) the date the matter was resolved.

40       c. An institution shall post the initial report at a publicly  
41 accessible location on the institution's Internet website by January  
42 15, 2022. The initial report shall include information concerning  
43 violations that have been reported to the institution for the five  
44 consecutive years prior to the effective date of this act, to the extent  
45 the institution has retained information concerning the violations.  
46 An institution shall post an updated report biannually on January 1  
47 and August 1.

1 d. The report shall not include the personal identifying  
2 information of an individual.<sup>1</sup>

3  
4 <sup>15.</sup> (New section) a. Each board of education of a school  
5 district with a high school or middle school and the governing board  
6 or chief school administrator of a nonpublic high school or middle  
7 school shall adopt a written policy against hazing.

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

12 c. The board of education and governing board or chief school  
13 administrator shall post the policy on the district's or nonpublic  
14 school's publicly accessible Internet website.<sup>1</sup>

15  
16 <sup>16.</sup> (New section) a. Each board of education of a school  
17 district with a high school or middle school and the governing board  
18 or chief school administrator of a nonpublic high school or middle  
19 school shall provide a program for the enforcement of the policy  
20 against hazing required under section 5 of P.L. , c. (C. )  
21 (pending before the Legislature as this bill) and shall adopt  
22 appropriate penalties for violation of the policy.

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

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

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

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

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

36 d. A policy adopted under section 5 of P.L. , c. (C. )  
37 (pending before the Legislature as this bill) shall apply to each act  
38 conducted on or off campus if the acts are deemed to constitute  
39 hazing.<sup>1</sup>

40  
41 <sup>17.</sup> Section 1 of P.L.1980, c.169 (C.2C:40-3) is amended to read as  
42 follows:

43 1. a. A person is guilty of hazing, <sup>2</sup>**[a]**<sup>2</sup> **[disorderly persons**  
44 **offense]** <sup>2</sup>**[crime of the fourth degree,]**<sup>2</sup> if, in connection with  
45 initiation of applicants to or members of a student or fraternal  
46 organization, whose membership is primarily students or alumni of the  
47 organization or an institution of higher education, <sup>2</sup>**[he]** the person<sup>2</sup>

1 knowingly or recklessly **[organizes, promotes, facilitates or engages in**  
2 any conduct, other than competitive athletic events, which places or  
3 may place another person in danger of bodily injury] **<sup>2</sup>[causes,**  
4 coerces, or forces another person to do any of the following]<sup>2</sup> :

5 (1) **<sup>2</sup>[violate]** causes, coerces, or otherwise induces another  
6 person to commit an act that violates<sup>2</sup> federal or State criminal law;

7 (2) **<sup>2</sup>causes, coerces, or otherwise induces another person to<sup>2</sup>**  
8 consume any food, liquid, alcoholic liquid, drug or other substance  
9 which subjects the **<sup>2</sup>[other]**<sup>2</sup> person to a risk of emotional or physical  
10 harm <sup>2</sup>or is otherwise deleterious to the person's health<sup>2</sup> ;

11 (3) **<sup>2</sup>[endure brutality]** subjects another person to abuse,  
12 mistreatment, harassment, or degradation<sup>2</sup> of a physical nature,  
13 including <sup>2</sup>, but not limited to,<sup>2</sup> whipping, beating, branding,  
14 <sup>2</sup>excessive<sup>2</sup> calisthenics, or exposure to the elements;

15 (4) **<sup>2</sup>[endure brutality]** subjects another person to abuse,  
16 mistreatment, harassment, or degradation<sup>2</sup> of a mental <sup>2</sup>or emotional<sup>2</sup>  
17 nature, including <sup>2</sup>, but not limited to,<sup>2</sup> activity adversely affecting the  
18 mental <sup>2</sup>or emotional<sup>2</sup> health or dignity of the individual, sleep  
19 deprivation, exclusion from social contact, or conduct that could result  
20 in extreme embarrassment;

21  
22 (5) **<sup>2</sup>[endure brutality]** subjects another person to abuse,  
23 mistreatment, harassment, or degradation<sup>2</sup> of a sexual nature; or

24 (6) **<sup>2</sup>[endure]** subjects another person to<sup>2</sup> any other activity that  
25 creates a reasonable likelihood of bodily injury to the person.

26 **<sup>2</sup>[If an act of hazing prohibited in this subsection results in bodily**  
27 injury, it is a crime of the third degree.]<sup>2</sup>

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

31 b. **<sup>2</sup>[A person is guilty of aggravated hazing,] Hazing is<sup>2</sup> a crime**  
32 **of the **[fourth] third degree <sup>2</sup>[,]<sup>2</sup> if <sup>2</sup>[he] an actor<sup>2</sup> commits an act**  
33 **prohibited in subsection a. of this section which results in <sup>2</sup>death or<sup>2</sup>**  
34 **serious bodily injury to another person <sup>2</sup>and is a crime of the fourth**  
35 **degree if the actor commits an act prohibited in subsection a. of this**  
36 **section which results in bodily injury to another person. Otherwise,**  
37 **hazing is a disorderly persons offense<sup>2</sup> .****

38 c. **<sup>2</sup>[A]** In addition to any other sanctions or penalties that may  
39 be imposed, a<sup>2</sup> student or fraternal organization described in  
40 subsection a. of this section, or an institution of higher education, that  
41 knowingly or recklessly promotes or facilitates a person to commit an  
42 act of hazing **<sup>2</sup>[or aggravated hazing]**<sup>2</sup> prohibited in this section **<sup>2</sup>[is]**  
43 shall be<sup>2</sup> subject to a fine of not <sup>2</sup>less than \$1,000 or<sup>2</sup> more than  
44 \$5,000 for **<sup>2</sup>[each]** an initial<sup>2</sup> violation of subsection a. of this section,

1 and a fine of not <sup>2</sup>less than \$5,000 or<sup>2</sup> more than \$15,000 for each  
2 <sup>2</sup>subsequent<sup>2</sup> violation <sup>2</sup>[of subsection b. of this section]<sup>2</sup> .

3 d. (1) A person, student or fraternal organization, or institution of  
4 higher education, and another person acting in concert with the person,  
5 organization, or institution, shall be immune from prosecution under  
6 this section if the person, or <sup>2</sup>an<sup>2</sup> employee, officer, or other agent  
7 <sup>2</sup>[for] acting on behalf of<sup>2</sup> the organization or institution <sup>2</sup>, as the case  
8 may be<sup>2</sup> :

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

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

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

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

21 (2) <sup>2</sup>[The person who received medical assistance as a result of the  
22 call placed pursuant to paragraph (1) of this subsection shall also be  
23 immune from prosecution under this section.

24 (3)<sup>2</sup> In addition to any other applicable immunity or limitation on  
25 civil liability, a law enforcement officer or other official empowered to  
26 act as an officer for the arrest of offenders against the laws of this  
27 State, or a prosecutor, who, acting in good faith, arrested or charged a  
28 person who is thereafter determined to be entitled to immunity from  
29 prosecution under this subsection shall not be subject to any civil  
30 liability for the wrongful arrest or charge.<sup>1</sup>

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

32  
33 <sup>1</sup>8. Section 2 of P.L.1980, c.169 (C.2C:40-4) is amended to read as  
34 follows:

35 2. <sup>2</sup>a.<sup>2</sup> Notwithstanding any other provision of Title 2C of the  
36 New Jersey Statutes to the contrary, consent <sup>2</sup>[or the fact that the act  
37 of hazing as described in section 1 of P.L.1980, c.169 (C.2C:40-3) was  
38 sanctioned or approved by the student or fraternal organization or the  
39 institution of higher education]<sup>2</sup> shall not be available as a defense to  
40 a prosecution under [this Act] section 1 of P.L.1980, c.169 (C.2C:40-  
41 3).<sup>1</sup>

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

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

1       <sup>19</sup>. This act shall take effect on the first day of the seventh  
2 month next following the date of enactment, except the  
3 Commissioner of Education and the Attorney General may take  
4 such anticipatory administrative action in advance as shall be  
5 necessary for the implementation of this act.<sup>1</sup>