

SENATE, No. 2093

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED MARCH 16, 2020

Sponsored by:

Senator TROY SINGLETON

District 7 (Burlington)

Senator THOMAS H. KEAN, JR.

District 21 (Morris, Somerset and Union)

Co-Sponsored by:

Senator Pou

SYNOPSIS

Expands scope of activities constituting hazing; increases penalties for hazing resulting in injury; requires institutions of higher education, and public and nonpublic high schools and middle schools to adopt anti-hazing policies.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/11/2020)

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. Section 1 of P.L.1980, c.169 (C.2C:40-3) is amended to read
9 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 commits an act prohibited in subsection
38 a. of this section which results in serious bodily injury to another
39 person.

40 c. A student or fraternal organization described in subsection a.
41 of this section, or an institution of higher education, that knowingly
42 or recklessly promotes or facilitates a person to commit an act of
43 hazing or aggravated hazing prohibited in this section is subject to a
44 fine of not more than \$5,000 for each violation of subsection a. of
45 this section, and a fine of not more than \$15,000 for each violation
46 of subsection b. of this section.

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

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

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

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

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

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

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

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

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

36
37 2. Section 2 of P.L.1980, c.169 (C.2C:40-4) is amended to read
38 as follows:

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

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

46
47 3. (New section) As used in sections 4 through 6 of
48 P.L. , c. (C.) (pending before the Legislature as this bill):

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

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

8
9 4. (New section) Each public and independent institution of
10 higher education shall adopt a written policy against hazing and,
11 pursuant to that policy, adopt rules prohibiting students or other
12 persons associated with an organization operating under the
13 sanction of, or recognized as, an organization by the institution
14 from engaging in hazing. The institution of higher education shall
15 post the policy at a publicly accessible location on the institution’s
16 Internet website and shall provide a copy of the policy, including
17 the institution’s rules, penalties, and program of enforcement, to
18 each organization within the institution.

19
20 5. (New section) a. Each public and independent institution of
21 higher education shall provide a program for the enforcement of the
22 policy against hazing required under section 4 of P.L. , c. (C.)
23 (pending before the Legislature as this bill) and shall adopt
24 appropriate penalties for violations of the policy to be administered
25 by the individual or agency at the institution responsible for the
26 sanctioning or recognition of the organization covered by the policy
27 or by such other individual or agency deemed appropriate by the
28 institution.

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

30 (1) imposition of fines;

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

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

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

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

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

45
46 6. (New section) a. Each public and independent institution of
47 higher education shall maintain a report which shall include
48 information on all violations of the institution’s anti-hazing policy

1 and federal and State laws related to hazing that are reported to the
2 institution. Information on a reported violation shall be retained by
3 the institution for five years.

4 b. The report shall include:

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

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

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

11 c. An institution shall post the initial report at a publicly
12 accessible location on the institution's Internet website by January
13 15, 2021. The initial report shall include information concerning
14 violations that have been reported to the institution for the five
15 consecutive years prior to the effective date of P.L. , c. (C.)
16 (pending before the Legislature as this bill), to the extent the
17 institution has retained information concerning the violations. An
18 institution shall post an updated report annually on January 1.

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

21
22 7. (New section) a. Each board of education of a school
23 district with a high school or middle school and the governing board
24 or chief school administrator of a nonpublic high school or middle
25 school shall adopt a written policy against hazing.

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

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

33
34 8. (New section) a. Each board of education of a school
35 district with a high school or middle school and the governing board
36 or chief school administrator of a nonpublic high school or middle
37 school shall provide a program for the enforcement of the policy
38 against hazing required under section 7 of P.L. , c. (C.)
39 (pending before the Legislature as this bill) and shall adopt
40 appropriate penalties for violations of the policy.

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

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

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

1 (3) 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 school district or
5 nonpublic school rule to which the violator may be subject.

6 d. A policy adopted under section 7 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 9. Sections 1 and 2 of this act shall take effect immediately, and
12 the remaining sections shall take effect on the first day of the seventh
13 month next following the date of enactment, except the Secretary of
14 Higher Education, Commissioner of Education, and the Attorney
15 General may take such anticipatory administrative action in advance as
16 shall be necessary for the implementation of those sections.

17

18

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STATEMENT

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21 This bill, concerning hazing, would (1) expand the scope of
22 hazing activities deemed unlawful and increase the penalties for any
23 hazing incidents that result in injury, and (2) require institutions of
24 higher education, and public and nonpublic high schools and middle
25 schools to adopt anti-hazing policies.

26 Regarding unlawful hazing activities, the bill's provisions
27 broaden the types of activities which would be considered hazing to
28 include any conduct that causes, coerces, or forces another person
29 to:

30 (1) violate federal or state criminal law;

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

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

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

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

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

43 Under current law, hazing is a disorderly persons offense,
44 punishable by a term of imprisonment of up to six months, a fine of
45 up to \$1,000, or both. An act is considered aggravated hazing, a
46 crime of the fourth degree punishable by a term of imprisonment of
47 up to 18 months, a fine of up to \$10,000, or both, if serious bodily
48 injury results; "serious bodily injury" is defined as "bodily injury

1 which creates a substantial risk of death or which causes serious,
2 permanent disfigurement, or protracted loss or impairment of the
3 function of any bodily member or organ.” N.J.S.2C:11-1,
4 subsection b.

5 The bill leaves in place a disorderly persons hazing offense if no
6 bodily injury occurred, and upgrades it to a fourth-degree crime if it
7 does occur. Aggravated hazing involving serious bodily injury would
8 be upgraded from a fourth-degree to a third-degree crime. A crime of
9 the third degree is punishable by a term of imprisonment of three to
10 five years, a fine of up to \$15,000, or both.

11 The bill also sets forth liability for any student or fraternal
12 organization, or institution of higher education, which knowingly or
13 recklessly promotes or facilitates a person to commit an act of
14 hazing. The entity would be subject to a fine of not more than
15 \$5,000 for each hazing violation and \$15,000 for each aggravating
16 hazing violation.

17 Immunity from prosecution for any hazing activities would be
18 offered to any person, student or fraternal organization, or
19 institution of higher education, as well as another person acting in
20 concert with the person, organization, or institution if 9-1-1 is
21 called or other emergency services contacted. In order for this
22 immunity to apply, the caller and, if applicable, person acting in
23 concert with the caller would have to remain on the scene with a
24 person injured as a result of hazing and cooperate with emergency
25 services upon their arrival.

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

36 Additionally, for the institutions of higher education, they would
37 be required to maintain a report which includes information on all
38 violations of the institution’s anti-hazing policy and federal and
39 State laws related to hazing that are reported to the institution. The
40 institution would be required to post the report on the institution’s
41 website. The first report posted after the effective date of the bill
42 would include information concerning violations that were reported
43 to the institution for the five consecutive years prior to the bill’s
44 effective date, to the extent the institution has retained that
45 information. Thereafter, the report would be updated annually on
46 each January 1.