

2019 Regular Session

HOUSE BILL NO. 443

BY REPRESENTATIVE NANCY LANDRY

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CRIME: Provides relative to hazing

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20

AN ACT

To amend and reenact R.S. 14:40.8(B) and R.S. 17:1801(C), 1801.1(C), and 1805(A)(3), (B), and (D)(2) and to enact R.S. 17:1801.1(B)(3), relative to criminal hazing; to require immediate reporting to law enforcement by an education institution or representative of a national or parent organization that receives a report of an alleged act of hazing; to provide relative to a national or parent organization's investigation and reporting of alleged acts of hazing; to provide relative to penalties for failure to report; to require the Board of Regents to develop a standardized form for reporting and documenting alleged acts of hazing and a policy relative to making certain documented information available to the public; to require that parents be provided hazing educational information under certain circumstances; to require organizations to adopt certain policies as a condition of operating at an institution and provide education relative to such policies; to apply requirements relative to hazing prevention education to an organization's employees and volunteers; to provide relative to the authority of university and college police officers with regard to criminal hazing; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:40.8(B) is hereby amended and reenacted to read as follows:

§40.8. Criminal hazing

* * *

1 B.(1)(a) If any person serving as a representative or officer of an
2 organization, including any representative, director, trustee, or officer of any national
3 or parent organization of which any of the underlying entities provided for in
4 Paragraph (C)(3) of this Section is a sanctioned or recognized member at the time
5 of the hazing, knew and failed to immediately report to law enforcement that one or
6 more of the organization's members were hazing another person, the organization
7 may be subject to the following:

8 ~~(a)~~(i) Payment of a fine of up to ten thousand dollars.

9 ~~(b)~~(ii) Forfeiture of any public funds received by the organization.

10 ~~(c)~~(iii) Forfeiture of all rights and privileges of being an organization that is
11 organized and operating at the education institution for a specific period of time as
12 determined by the court. If the hazing results in the serious bodily injury or death
13 of the victim, or results in the victim having a blood alcohol concentration of at least
14 0.30 percent by weight based on grams of alcohol per one hundred cubic centimeters
15 of blood, the period of time shall be for not less than four years.

16 ~~(2) A national or parent organization that receives a report alleging the~~
17 ~~commission of an act or acts of hazing may conduct a timely and efficient~~
18 ~~investigation to substantiate or determine the veracity of the allegations prior to~~
19 ~~making a report to law enforcement. The investigation shall be completed no later~~
20 ~~than fourteen days after the date on which the report was received alleging the~~
21 ~~commission of an act or acts of hazing.~~

22 (b) Information reported to law enforcement as provided in Subparagraph
23 (a) of this Paragraph shall include all details received by the organization relative to
24 the alleged incident, with no information being redacted, including the name of all
25 individuals alleged to have committed the act or acts of hazing.

26 (2) An employee of an education institution who receives a report alleging
27 the commission of an act or acts of hazing by one or more members of an
28 organization that is organized and operating at the education institution shall
29 immediately report the alleged act or acts to the law enforcement agency having

1 jurisdiction in the place where the alleged act or acts of hazing occurred. The
 2 information reported to law enforcement as required by this Paragraph shall include
 3 all details received by the institution relative to the alleged incident, with no
 4 information being redacted, including the name of all individuals alleged to have
 5 committed the act or acts of hazing. Any education institution who fails to comply
 6 with the provisions of this Paragraph may be subject to a fine of up to ten thousand
 7 dollars.

* * *

9 Section 2. R.S. 17:1801(C), 1801.1(C), and 1805(A)(3), (B), and (D)(2) are hereby
 10 amended and reenacted and R.S. 17:1801.1(B)(3) is hereby enacted to read as follows:

11 §1801. Hazing prohibited; reporting; documentation

* * *

13 C.(1) If an organization has taken disciplinary action against one of its
 14 members for hazing or has reason to believe that any member of the organization has
 15 participated in an incident of hazing, the organization shall report the incident to the
 16 institution with which it is affiliated. If an organization or any of its members has
 17 been disciplined by a parent organization for hazing, the organization shall report the
 18 hazing for which the organization was disciplined to the institution with which it is
 19 affiliated.

20 (2) When the institution receives a report of an alleged incident of hazing
 21 pursuant to the provisions of Paragraph (1) of this Subsection, the institution shall
 22 do both of the following:

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

28 (b) Document in writing all actions taken with regard to the report including
 29 but not limited to the date the report was received, reports made to law enforcement

1 as provided in R.S. 14:40.8, and any other information relative to the institution's
2 investigation, processing, and resolution of the incident.

3 (3) The Board of Regents, in consultation with the public postsecondary
4 education management boards, shall develop the following forms:

5 (a) A standardized form that organizations shall use in making the reports
6 required by Paragraph (1) of this Subsection.

7 (b) A standardized form that institutions shall use to document such reports,
8 reports made to law enforcement as provided in R.S. 14:40.8, and the manner in
9 which each hazing incident is handled and resolved at the institution level.

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

12 * * *

13 §1801.1. Hazing education; policies; new student orientation; organizations

14 * * *

15 B.

16 * * *

17 (3) If the student receiving the information required by Paragraphs (1) and
18 (2) of this Subsection is a minor, the information shall also be provided to his parent
19 or legal guardian.

20 C. Each organization as defined in R.S. 17:1801 shall, as a condition of
21 operating at an institution, adopt the hazing prevention policy that the institution has
22 adopted pursuant to Subsection A of this Section and a policy that prohibits hazing.
23 Each organization shall provide annually at least one hour of hazing prevention
24 education that includes education relative to such policies to all members, and
25 prospective members, and anyone who is employed by or volunteers with the
26 organization. The education may be provided in person, electronically, or both. Each
27 organization shall submit a report annually to the institution with which it is
28 affiliated relative to the students, employees, and volunteers receiving such

1 education evidenced by an attestation of ~~the student~~ such individuals receiving the
2 education.

3 * * *

4 §1805. Authority of university or college police officer

5 A.

6 * * *

7 (3) While in or out of uniform, these police officers shall have the right to
8 carry concealed weapons and to exercise the power of arrest when discharging their
9 duties on their respective campuses and on all streets, roads, and rights-of-way to the
10 extent they are within or contiguous to the perimeter of such campuses. In the
11 discharge of their duties on campus and while in hot pursuit on or off the campus,
12 each university or college police officer may exercise the power of arrest. For
13 purposes of R.S. 14:40.8, the right of university or college police officers to carry a
14 concealed weapon and to exercise the power of arrest when discharging their duties
15 shall extend to alleged acts of hazing committed by members of an organization that
16 is organized and operating at the university or college for which the police officer
17 is commissioned regardless of the location where the alleged acts occurred.

18 * * *

19 B. Any person arrested by a college or university police officer, in the
20 exercise of the power ~~hereinabove~~ granted pursuant to Paragraph (A)(3) of this
21 Section, shall be immediately transferred by such officer to the custody of the sheriff
22 or city police wherein the arrest occurs.

23 * * *

24 D. Upon authorization by the chief administrative officer of the educational
25 institution, a college or university police officer shall have authority to discharge his
26 duties off campus as follows:

27 * * *

28 (2) When investigating a crime committed on campus or when investigating
29 the crime of criminal hazing committed off campus by members of an organization

1 that is organized and operating at the college or university for which the police
2 officer is commissioned.

3 * * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 443 Engrossed

2019 Regular Session

Nancy Landry

Abstract: Relative to criminal hazing, revises provisions relative to reporting and investigation and provides relative to the authority of university and college police officers.

Criminal hazing

Present law provides that it shall be unlawful for any person to commit an act of hazing and provides for penalties. Proposed law retains present law.

Investigation and reporting of hazing at the organization level

Present law provides that if any representative or officer of an organization knows of an act of hazing and fails to report it to law enforcement, the organization may be subject to certain penalties. Proposed law specifies that failure to make such report *immediately* may subject the organization to such penalties. Requires that the report include all details received by the organization relative to the alleged incident, with no redactions, including the name of all individuals alleged to have committed the act of hazing.

Present law authorizes a national or parent organization that receives a report alleging an act hazing to conduct an investigation prior to reporting it to law enforcement and requires investigation completion by 14 days after report receipt. Proposed law removes present law.

Investigation and reporting of hazing at the institution level

Proposed law requires an employee of an education institution that receives a report alleging an act of hazing by one or more members of an organization at the institution to immediately report it to the law enforcement agency having jurisdiction in the place where it allegedly occurred. Requires this report to include all details received by the institution relative to the alleged incident, with no redactions, including the name of all individuals alleged to have committed the act of hazing. Provides that any institution that fails to comply with proposed law may be subject to a fine of up to \$10,000.

Present law provides that university or college police officers have the right to carry a concealed weapon and exercise the power of arrest when discharging their duties on their respective campuses and authorizes them to exercise this power on campus and while in hot pursuit on or off the campus. Proposed law retains present law and adds that for purposes of criminal hazing, these rights and authorities extend to an alleged act of hazing committed by members of an organization at the institution for which the police officer is commissioned regardless of the location where it occurs.

Present law requires an organization to report to an institution under both of these circumstances:

- (1) If an organization has taken disciplinary action against one of its members for hazing or has reason to believe that any member has participated in hazing.
- (2) If an organization or any of its members has been disciplined by a parent organization for hazing.

Proposed law retains present law and further requires an institution that receives a report of an alleged act of hazing to do both of the following:

- (1) Immediately report it to law enforcement.
- (2) Document in writing all actions taken with regard to the report, including but not limited to the date the report was received, reports made to law enforcement, and any other information relative to the institution's investigation, processing, and resolution of the incident.

Forms, policies, and education

Proposed law requires the Bd. of Regents, in consultation with the public postsecondary education management boards, to develop:

- (1) A standardized form that organizations shall use in making reports to institutions.
- (2) A standardized form that institutions shall use to document reports received from organizations, reports made to law enforcement, and the manner in which each such hazing incident is handled and resolved at the institution level.
- (3) A policy relative to making available to the public certain information relative to hazing that is documented pursuant to proposed law.

Present law requires the Bd. of Regents to adopt a uniform hazing prevention policy and each institution to adopt this policy; authorizes institutions to expand the definition of hazing to address behaviors it deems dangerous. Proposed law requires an organization, as a condition of operation at an institution, to adopt the hazing prevention policy that the institution has adopted pursuant to present law and a policy that prohibits hazing.

Present law requires each new student to be provided with educational information on the dangers of and prohibition on hazing during the new student orientation process. Proposed law adds that if such student is a minor, the information shall also be provided to his parent or legal guardian.

Present law requires each organization to provide annually at least one hour of hazing prevention education to all members and prospective members. Proposed law requires such education to include education on policies and broadens present law application to include organization employees and volunteers.

(Amends R.S. 14:40.8(B) and R.S. 17:1801(C), 1801.1(C), and 1805(A)(3), (B), and (D)(2); Adds R.S. 17:1801.1(B)(3))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Education to the original bill:

1. Add that as a condition of operating at an institution, an organization shall adopt a policy prohibiting hazing and the hazing prevention policy adopted by the institution pursuant to present law and add that the education each organization provides pursuant to present law shall include education relative to such policies.

2. Remove present law and proposed law relative to the authority of a national parent organization to investigate a report of alleged hazing prior to reporting to law enforcement.