

ACT No. 382

2019 Regular Session

HOUSE BILL NO. 443

BY REPRESENTATIVE NANCY LANDRY

1 AN ACT

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

17 Be it enacted by the Legislature of Louisiana:

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

19 §40.8. Criminal hazing

20 * * *

21 B.(1)(a) If any person serving as a representative or officer of an
22 organization, including any representative, director, trustee, or officer of any national

1 or parent organization of which any of the underlying entities provided for in
2 Paragraph (C)(3) of this Section is a sanctioned or recognized member at the time
3 of the hazing, knew and failed to report, as soon as practicable under the
4 circumstances, to law enforcement that one or more of the organization's members
5 were hazing another person, the organization may be subject to the following:

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

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

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

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

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

24 (2) An education institution that receives a report alleging the commission
25 of an act or acts of hazing by one or more members of an organization that is
26 organized and operating at the education institution shall report, as soon as
27 practicable under the circumstances, the alleged act or acts to the law enforcement
28 agency having jurisdiction in the place where the alleged act or acts of hazing
29 occurred. The information reported to law enforcement as required by this
30 Paragraph shall include all details received by the institution relative to the alleged

1 incident, with no information being redacted, including the name of all individuals
 2 alleged to have committed the act or acts of hazing. Any education institution who
 3 fails to comply with the provisions of this Paragraph may be subject to a fine of up
 4 to ten thousand dollars.

5 * * *

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

8 §1801. Hazing prohibited; reporting; documentation

9 * * *

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

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

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

25 (b) Document in writing all actions taken with regard to the report including
 26 but not limited to the date the report was received, reports made to law enforcement
 27 as provided in R.S. 14:40.8, and any other information relative to the institution's
 28 investigation, processing, and resolution of the incident.

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

1 §1805. Authority of university or college police officer

2 A.

3 * * *

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

15 * * *

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

20 * * *

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

24 * * *

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

