

FINAL BILL REPORT

HB 1002

C 196 L 23
Synopsis as Enacted

Brief Description: Increasing the penalty for hazing.

Sponsors: Representatives Leavitt, Thai, Ryu, Berry, Reed, Lekanoff, Senn, Doglio, Reeves, Bronoske, Kloba and Riccelli.

House Committee on Community Safety, Justice, & Reentry
Senate Committee on Law & Justice

Background:

I. Hazing.

Hazing is defined to include any act committed or pastime engaged in as part of a person's recruitment, initiation, pledging, admission into, or affiliation with a student organization, athletic team, or living group that causes, or is likely to cause, bodily danger or physical harm, or serious psychological or emotional harm, to any student or other person attending a public or private institution of higher education or other postsecondary educational institution in this state. The definition specifies that causing, directing, coercing, or forcing a person to consume any food, liquid, alcohol, drug, or other substance that subjects the person to risk of such harm, regardless of the person's willingness to participate is considered hazing. "Hazing" does not include customary athletic events or other similar contests or competitions.

It is a misdemeanor for any student or other person in attendance at any public or private institution of higher education to engage in or conspire to engage in hazing. Additionally, any organization, association, or student living group that knowingly permits hazing is strictly liable for any resulting harm to persons or property. If the entity is a corporation, the individual directors of the corporation may be held individually liable for damages.

II. Sentencing.

Crimes are classified as misdemeanors, gross misdemeanors, or felonies. The classification of a crime generally determines the maximum term of confinement and/or fine for an

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offense. For each classification, the maximum terms of confinement and maximum fines are as follows:

Classification	Maximum Confinement	Maximum Fine
Misdemeanor	90 days	\$1,000
Gross Misdemeanor	364 days	\$5,000
Class C Felony	5 years	\$10,000
Class B Felony	10 years	\$20,000
Class A Felony	Life	\$50,000

When a person is convicted of a felony, the Sentencing Reform Act (SRA) applies and determines a sentence range within the statutory maximum. Sentence ranges are determined by reference to a sentencing grid that provides a standard range of months for the sentence based on both the severity, or "seriousness level," of the offense and the convicted person's "offender score," which is based on the offender's criminal history. Seriousness levels range from I to XVI. Offender scores can range from zero to nine or more points. A higher seriousness level or offender score results in a longer sentence.

III. Crimes Against Persons.

Crimes designated as crimes against persons are subject to certain guidelines and restrictions. For example, the guidelines for when prosecution should be pursued suggest that charges for a crime against persons should be brought whenever sufficient admissible evidence exists, that, when considered with the most plausible, reasonably foreseeable defense, would justify conviction by a reasonable and objective factfinder. Heightened victim notification standards also apply when the crime at issue is a crime against persons.

Additionally, upon conviction of a crime against persons, the court must order one year of community custody if the person is receiving a prison sentence and may order community custody for up to one year if the person is receiving a jail sentence. Community custody is a portion of a criminal sentence that follows the term of confinement and is served in the community subject to controls placed on a person's movement and activities by the court and the Department of Corrections (DOC). The DOC is required to supervise any person ordered to community custody who is assessed as a high risk for re-offense.

IV. Crimes of Harassment.

Certain crimes are designated as crimes of harassment, which has a variety of consequences. For example, certain harassment-related gross misdemeanor offenses become class C felonies when the defendant has a prior conviction of a crime of harassment. Additionally, the DOC is required to send written notice to certain persons regarding the parole, release, community custody, work release placement, furlough, or escape of any person convicted of a crime of harassment. Also, when criminal charges are pending or when a person is convicted of a crime of harassment, the court is authorized to

enter a no-contact order preventing the accused or convicted person from contacting or interfering with the victim. Violation of such order is a gross misdemeanor.

Summary:

The offense of Hazing is modified to provide that no student may intentionally haze another. Hazing is reclassified from a misdemeanor to a gross misdemeanor and hazing that causes substantial bodily harm is reclassified as a class C felony. "Substantial bodily harm" includes bodily injury that: involves a temporary but substantial disfigurement; causes a temporary but substantial loss or impairment of the function of any body part or organ; or causes a fracture of any body part. Felony Hazing is ranked as a seriousness level III offense.

Any student organization, association, or student living group that permits hazing is strictly liable for damages caused to persons or property resulting from hazing, and if the student organization, association, or student living group is a for profit or nonprofit corporation, the individual directors of that corporation may be held individually liable for damages.

Felony Hazing is also designated as a crime against persons and a crime of harassment.

Votes on Final Passage:

House	96	0	
Senate	48	0	(Senate amended)
House	96	0	(House concurred)

Effective: July 23, 2023