

By: Representative Powell

To: Judiciary B

HOUSE BILL NO. 237

1 AN ACT TO CLARIFY THE DEFINITION OF HAZING; TO PROVIDE
 2 PENALTIES FOR ORGANIZATIONS THAT FAIL TO REPORT HAZING; TO PROVIDE
 3 GUIDELINES FOR INVESTIGATIONS OF HAZING; TO AMEND SECTION
 4 97-3-105, MISSISSIPPI CODE OF 1972, TO ADD PENALTIES FOR HAZING
 5 THAT INCLUDES FORCED CONSUMPTION OF ALCOHOL; AND FOR RELATED
 6 PURPOSES.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

8 **SECTION 1.** (1) For purposes of this act, the following
 9 words shall have the meanings ascribed herein, unless the context
 10 clearly requires otherwise:

11 (a) "Education institution" means any elementary or
 12 secondary school, junior or community college, institution of
 13 higher learning or any postsecondary education institution in this
 14 state, and includes, but is not limited to, any other educational
 15 institution.

16 (b) (i) "Hazing" means any intentional or reckless act
 17 by a person acting alone or acting with others that is directed
 18 against another when both of the following apply:



19 1. The person knew or should have known that
20 the act endangers the physical health or safety of the other
21 person or causes severe emotional distress; and

22 2. The act was done as a result of pledging,
23 intake, being initiated into, affiliating with, participating in,
24 holding office in, or obtaining, maintaining membership or
25 obtaining or maintaining a certain status as a member of in any
26 organization.

27 (ii) "Hazing" includes, but is not limited to, any
28 of the following acts associated with pledging, intake, being
29 initiated into, affiliating with, participating in, holding office
30 in, or obtaining, maintaining membership or obtaining or
31 maintaining a certain status as a member of in any organization:

32 1. Physical brutality, such as whipping,
33 beating, paddling, striking, branding, electronic shocking,
34 placing of a harmful substance on the body, or similar activity.

35 2. Physical activity, such as sleep
36 deprivation, exposure to the elements, confinement in a small
37 space, or calisthenics, that subjects the other person to an
38 unreasonable risk of harm or that endangers the physical or mental
39 health or safety of the individual.

40 3. Activity involving consumption of food,
41 liquid, or any other substance, including, but not limited to, an
42 alcoholic beverage or drug, that subjects the individual to an



43 unreasonable risk of harm or that endangers the physical or mental
44 health or safety of the individual.

45 4. Activity that induces, causes, or requires
46 an individual to perform a duty or task that involves the
47 commission of a crime or an act of hazing.

48 5. Activity that coerces current or
49 prospective members to use technological applications to transfer
50 monies to another person for personal use, except for official
51 organization requirements.

52 6. Activity that would subject forced
53 prolonged exclusion from social contact, forced conduct which
54 could result in extreme embarrassment, or any other forced
55 activity which could adversely affect the mental health or dignity
56 of the individual.

57 7. "Hazing" does not mean a physical or
58 mental activity that is normal, customary, and reasonable for a
59 person's training or participation in any band, athletic, physical
60 education, military training, or similar program sanctioned by the
61 education institution or that institution's athletics regulatory
62 body or conference.

63 (c) "Organization" means a fraternity, sorority,
64 association, corporation, order, society, corps, cooperative,
65 club, service group, social group, band, spirit group, athletic
66 team, or similar group whose members are primarily students at, or
67 former students of, an education institution. "Organization" also



68 includes the local, national or parent organization of which any
69 of the underlying entities provided for in this paragraph is a
70 sanctioned or recognized member at the time of the hazing.
71 "Organization" does not mean or include the educational
72 institution.

73 (d) "Pledging," also known as "recruitment," "intake"
74 or "rushing," means any action or activity related to becoming a
75 member of, holding office in, maintaining membership in or
76 obtaining a certain level of respect of the organization.

77 (2) If any person serving as a representative or officer of
78 an organization, including any representative, director, trustee
79 or officer of any local, national or parent organization has
80 knowledge of an act or acts of hazing, but fails to report to law
81 enforcement that one or more of the organization's members were
82 hazing another person, the organization may be subject to one or
83 more of the following penalties:

84 (a) Payment of a fine of up to Ten Thousand Dollars
85 (\$10,000.00);

86 (b) Forfeiture of any public funds received by the
87 organization; or

88 (c) Forfeiture of all rights and privileges of being an
89 organization that is organized and operating at the education
90 institution for a specific period of time as determined by the
91 court, if the hazing results in the serious bodily injury or death
92 of the victim, or results in the victim having a blood alcohol



93 concentration of at least thirty percent (30%) by weight based on
94 grams of alcohol per one hundred (100) cubic centimeters of blood,
95 the period of time shall be for not less than four (4) years.

96 (3) A local, national or parent organization that receives a
97 report alleging the commission of an act or acts of hazing shall
98 immediately contact the administration of the education
99 institution in accordance with the institution's policy for
100 reporting such incidents. The local, national or parent
101 organization, whichever is applicable, shall conduct a timely and
102 efficient investigation to substantiate or determine the veracity
103 of the allegations; a process which may be undertaken in concert
104 with the institution depending on the institution's policies and
105 procedures. The local, national or parent organization's
106 investigation does not preclude the institutions from conducting
107 its own investigation. The investigation shall begin no later
108 than five (5) days after the date on which the report alleging the
109 commission of an act or acts of hazing was received.

110 (4) It shall not be a defense to prosecution for a violation
111 of this act that the person against whom the hazing was directed
112 consented to or acquiesced in the hazing.

113 (5) The provisions of this act shall not be applied to the
114 person who is the subject of the hazing, regardless of whether the
115 person voluntarily allowed himself or herself to be hazed.

116 (6) The penalties provided in this act may be imposed in
117 addition to any other penalty that may be imposed for any other



118 criminal offense arising from the same incident or activity, and
119 in addition to any penalty imposed by the organization or
120 education institution pursuant to its bylaws, rules, or policies
121 regarding hazing.

122 (7) Nothing in this act precludes any civil remedy provided
123 by law for any injury, incident or activity arising from violation
124 of this act.

125 **SECTION 2.** Section 97-3-105, Mississippi Code of 1972, is
126 amended as follows:

127 97-3-105. (1) A person is guilty of hazing in the first
128 degree when, in the course of another person's pledging, intake,
129 initiation into, participation in, holding office in, or obtaining
130 or maintaining membership in, or obtaining or maintaining a
131 certain status as a member of or affiliation with any
132 organization, he or she intentionally or recklessly engages in
133 conduct which creates a substantial risk of physical injury to
134 such other person or a third person and thereby causes such
135 injury.

136 * * * Any person violating the provisions of this subsection
137 (1) * * * shall be guilty of a misdemeanor and, upon conviction
138 thereof, shall be punished by a fine of not more than Two Thousand
139 Dollars (\$2,000.00) or imprisonment in the county jail for not
140 more than six (6) months, or both.

141 (* * *2) A person is guilty of hazing in the second degree
142 when, in the course of another person's pledging, intake,



143 initiation into participation in, holding office in, or obtaining
144 or maintaining membership in, or obtaining or maintaining a
145 certain status as a member of or affiliation with any
146 organization, he or she intentionally or recklessly engages in
147 conduct which creates a substantial risk of physical injury to
148 such other person or a third person.

149 * * * Any person violating the provisions of this
150 subsection * * * (2) shall be guilty of a misdemeanor and, upon
151 conviction thereof, shall be punished by a fine of not more than
152 One Thousand Dollars (\$1,000.00).

153 (3) A person is guilty of hazing in the third degree, when,
154 in the course of another person's pledging, intake, initiation
155 into, participation in, holding office in, or obtaining or
156 maintaining membership in, or obtaining or maintaining a certain
157 status as a member of or affiliation with any organization,
158 serious bodily injury or death of the victim occurs, or the hazing
159 involves forced or coerced alcohol consumption that results in the
160 victim having a blood alcohol concentration of at least thirty
161 percent (30%) by weight based on grams of alcohol per one hundred
162 (100) cubic centimeters of blood. Any person violating the
163 provisions of this subsection (3) shall be guilty of a felony and,
164 upon conviction thereof, be punished by a fine up to Ten Thousand
165 Dollars (\$10,000.00) and imprisoned up to five (5) years, or both.



166 (4) For purposes of this act, the terms "hazing,"
167 "pledging," "intake" and "organization" mean the same as they are
168 defined in Section 1 of this act.

169 (5) The provisions of this section shall be in addition to
170 other criminal laws, and actions taken pursuant to this section
171 shall not bar prosecutions for other violations of criminal law.

172 (6) Nothing in this act precludes any civil remedy provided
173 by law for any injury, incident or activity arising from violation
174 of this act.

175 **SECTION 3.** This act shall take effect and be in force from
176 and after July 1, 2022.

