
DIGEST

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HB 443 Original

2019 Regular Session

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Abstract: Amends criminal hazing with respect to reporting requirements of education institutions and national or parent organizations, provides relative to the authority of university and college police officers with respect to hazing, and provides relative to the policies and duties of education institutions with respect to hazing.

Present law (R.S. 14:40.8) provides for criminal hazing which prohibits any person from engaging in or participating in the hazing of another person, regardless of whether the person voluntarily allowed himself to be hazed or consented to the hazing. Present law also provides that if any person serving as a representative or officer of an organization knew or should have known that one or more of the organization's members were engaging in or participating in the hazing of another person the organization may be subject to the following penalties:

- (1) Payment of a fine of up to \$100,000.
- (2) Forfeiture of any public funds received by the organization.
- (3) Forfeiture of all rights and privileges of being an organization that is organized and operating at the educational institution.

Present law authorizes the national or parent organization to conduct a timely and efficient investigation, of not longer than 14 days, to determine the veracity of an allegation of hazing prior to reporting the hazing to law enforcement.

Proposed law amends present law to do all of the following:

- (1) Require any person serving as a representative or officer of an organization, with knowledge that one or more of the organization's members were hazing another person, to immediately report such information to law enforcement. Further requires such information to include all details received by the organization relative to the alleged incident, with no information being redacted, including the name of all individuals alleged to have committed the act or acts of hazing.
- (2) Provide that any investigation by a national or parent organization may only be conducted after immediately reporting the alleged act or acts of hazing to law enforcement. The findings of the investigation shall be reported to law enforcement and to the district attorney for the parish in which the alleged act or acts occurred no later than 14 days from the date

the report of the alleged act was received by the national or parent organization.

- (3) Require an education institution that receives a report alleging the commission of an act or acts of hazing by one or more members of an organization that is organized and operating at the education institution to immediately report the allegations to the law enforcement agency having jurisdiction in the place where the alleged act or acts occurred. Further requires the information reported to law enforcement to include all details received by the institution relative to the alleged incident, with no information being redacted, including the name of all individuals alleged to have committed the act or acts of hazing. Provides that any education institution that fails to comply with these provisions of proposed law, may be subject to a fine of up to \$10,000 and forfeiture of public funds received by the education institution.

Present law (R.S. 17:1805) provides that university or college police officers have the right to carry a concealed weapon and to exercise the power of arrest when discharging their duties on their respective campuses and on all streets, roads, and rights-of-way to the extent they are within or contiguous to the perimeter of such campuses. In the discharge of their duties on campus and while in hot pursuit on or off the campus, present law provides that each university or college police officer may exercise the power of arrest.

Proposed law retains present law and provides that for purposes of criminal hazing, as defined by present law and proposed law, the right of university or college police officers to carry a concealed weapon and to exercise the power of arrest when discharging their duties shall extend to alleged acts of hazing committed by members of an organization that is organized and operating at the university or college for which the police officer is commissioned regardless of the location where the alleged acts occurred.

Present law (R.S. 17:1801) 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 incident of hazing to do both of the following:

- (1) Immediately report to law enforcement as required by present and proposed law. The information reported to law enforcement shall include all information and details received by the institution relative to the alleged incident, with no information being redacted, including the name of all individuals alleged to have committed the act or acts of hazing identified in the report.

- (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 the district attorney, and any other information relative to the institution's investigation, processing, and resolution of the incident.

In addition, proposed law requires the Board of Regents, in consultation with the public postsecondary education management boards, to develop:

- (1) A standardized form that organizations shall use in making such reports.
- (2) A standardized form that institutions shall use to document such reports, reports made to law enforcement and the district attorney as provided in present law and proposed law, 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 (R.S. 17:1801.1) 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 (R.S. 17:1801.1) requires each organization to provide annually at least one hour of hazing prevention education to all members and prospective members and to submit a report annually to the institution relative to the students receiving the education. Proposed law 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))