HB 1469 - AS INTRODUCED

2020 SESSION

HOUSE BILL 1469

AN ACT relative to hazing at educational institutions.


COMMITTEE: Education

ANALYSIS

This bill establishes prohibitions and reporting procedures for hazing at secondary and postsecondary educational institutions.

Explanation: Matter added to current law appears in bold italics. Matter removed from current law appears [in brackets and struckthrough.] Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.
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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty

AN ACT relative to hazing at educational institutions.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 Assault and Related Offenses; Student Hazing. RSA 631:7 is repealed and reenacted to read as follows:

   631:7 Definitions. In this section:

   I. "Alcoholic liquid" means any substance containing liquor, spirit, wine, beer, malt or brewed beverage, or any combination thereof.

   II. "Educational institution" means any secondary or postsecondary educational institution as defined in this section, including any degree granting institution authorized to operate in this state.

   III. "Hazing" means any intentional, knowing, or reckless act committed by a person, whether individually or in concert with other persons, against a minor or student of an educational institution, whether or not committed on the education institutions campus or property, for the purpose of recruiting, joining, pledging, initiating, admitting, affiliating, or for the purpose of continuing or enhancing status in an organization which causes, coerces, or forces a minor or student to:

      (a) Violate federal or state law.

      (b) Consume any food, liquid, alcoholic liquid, drug or other substance in any non-customary manner which subjects the minor or student to a substantial risk of emotional or physical harm which includes sickness, vomiting, intoxication or unconsciousness.

      (c) Endure brutality of a physical nature, including whipping, beating, paddling, branding, dangerous physical activity or exposure to elements or endure threats of such conduct that results in medically verifiable mental or physical harm.

      (d) Endure brutality of a mental nature, including activity adversely affecting the mental health or dignity of the individual, sleep deprivation, exclusion from social contact or conduct that could result in extreme embarrassment or endure threats of such conduct that results in medically verifiable mental or physical harm.

      (e) Endure any other activity which adversely affects the health and safety of the individual.

   IV. "Local organization" means an organization that is not chartered nor recognized by a national organization.

   V. Local affiliate organization" means an organization that is chartered or recognized by a national organization and may include students or non-students.
VI. "Minor" means an individual less than 18 years of age.

VII. "National organization" means an organization, as defined in this section, that is separate from a local affiliate organization, and may charter or recognize local affiliate organizations at multiple educational institutions.

VIII. "Organization" means a club, association, corporation, order, society, corps, private club, fraternity, sorority, varsity or club athletic team, or service, social, or similar group, whose members are primarily students or alumni of one or more educational institutions.

IX. "Postsecondary educational institution" means any public or private institution within the state authorized to grant an associate degree or higher academic degree.

X. "Secondary educational institution" means any public or private school within the state providing instruction in grades 9-12 or any combination of those grades.

XI. "Serious bodily injury" shall have the same meaning as in RSA 625:11, VI.

XII. "Student" means any person who is registered in or in attendance at an educational institution or has been accepted for admission at the educational institution at which the hazing occurs.

631:7-a Personal Hazing.

I. A person commits the offense of hazing if the person requests, authorizes, commands, encourages, or participates in hazing, or knowingly aids, assists or conspires with any other person in hazing. A person who violates this section shall be guilty of a class A misdemeanor, if no serious bodily injury or death results.

II. A person is guilty of a class A felony for aggravated hazing if serious bodily injury or death results. Serious bodily injury shall include incapacitation caused by the consumption of alcohol that results in a hazing victim requiring emergency medical attention or having a blood alcohol content of 0.25 or greater.

631:7-b Organizational Hazing.

I. A local organization or local affiliate organization shall be guilty of a class A misdemeanor if the elected leadership of the local organization or local affiliate organization had specific, credible knowledge its members were participating, aiding, or assisting in any act of hazing and did not attempt to intervene to stop the hazing or report it to the local law enforcement or educational institution officials.

II. A national organization shall be guilty of a class A misdemeanor if an employee of the national organization or member of the national organization's governing board of directors knowingly directed, supervised, or actively participated in any act of hazing.

III. A post-secondary educational institution shall be guilty of a class A misdemeanor if an employee of the postsecondary educational institution or member of the educational institution's governing board of trustees knowingly directed, supervised, or actively participated in any act of hazing.
631:7-c Prohibited Defenses.

I. The implied or express consent of the person or person against whom the hazing was directed shall not be a defense to any action brought under this section.

II. The fact that the conduct was sanctioned or approved by the institution, secondary school or organization or was traditional or customary shall not be defense to any action brought under this section.

631:7-d Immunity from Prosecution or Civil Liability.

I. A student, organization, local affiliate organization or national organization who in good faith reports or participates in reporting an allegation of hazing to local law enforcement or the educational institution in advance of hazing that causes injury to a person, and who takes reasonable steps to prevent hazing in the future is not subject to any civil or criminal liability arising from the reported hazing.

II. A person acting in good faith and in a timely manner shall be immune from prosecution for the criminal offenses related to alcohol possession, consumption or distribution if:

   (a) A law enforcement officer has contact with the person because the person:

       (1) Requests emergency medical assistance for himself or herself or another person;

       (2) Acts in concert with another person who requests emergency medical assistance;

       or

       (3) Appears to be in need of emergency medical assistance and is the individual for whom the request is made; or

   (b) The request is made for an individual who reasonably appears to need medical assistance due to alcohol consumption; or

   (c) The person described in subparagraph (a) of this section, if physically capable:

       (1) Provides his or her own full name if requested by emergency medical assistance personnel or law enforcement officers;

       (2) Provides any other relevant information requested by the law enforcement officer that is known to such person;

       (3) Remains with, or is, the individual who reasonably appears to need medical assistance due to alcohol consumption until professional emergency medical assistance is provided; and

       (4) Cooperates with emergency medical assistance personnel and law enforcement officers.

631:7-e Failure to Seek Assistance. A person who actively directs or engages in an act of hazing which results in the injury of another person, shall, to the extent that the person can do so without danger or peril to self or others, give reasonable assistance to the injured person. Reasonable assistance includes immediately seeking or reporting the need for medical assistance to the local emergency medical service provider or 911. Any person who violates this section shall be guilty of a
class A misdemeanor, if no serious bodily injury or death occurs or a class B felony, if serious bodily
injury or death occurs.

631:7-f Hazing Adjudication Requirements for Educational Institutions. Upon learning of any
alleged act of hazing that is not covered under the immunity from prosecution provision, educational
institutions are required to use their standard campus disciplinary process to investigate individual
students alleged to be involved in the hazing.

631:7-g Educational Programs at Educational Institutions.

I. The board of trustees for the university system of New Hampshire and the community
college system of New Hampshire, the higher education commission, and state board of education
shall develop a statewide educational plan for preventing hazing at educational institutions in this
state and shall provide students with an educational program on hazing, which shall include
information on hazing awareness, prevention, intervention, and the institution's policies on hazing.
The educational program may be conducted in-person or online. The educational institution shall
responsible for verifying attendance at the educational program. A student who does not complete
the educational program within 30 days of enrollment shall not be permitted to participate in the
educational institution or affiliated organizations until the program is completed.

II. An educational institution shall provide all staff and volunteers that advise or coach
student organizations with a mandatory educational program on hazing, which shall include
information on hazing awareness, hazing prevention, and the institution's policies on hazing.

III. A national organization shall provide separate and supplemental anti-hazing education
for their local affiliate chapters operating within the state.

631:7-h Institutional Reports of Certain Violations.

I. Beginning with the 2020-2021 academic year, each educational institution shall maintain
and publicly report actual findings of violations, by any student organization, of the educational
institution's code of conduct or federal or state laws relating to hazing that are reported to campus
authorities, local law enforcement, national organizations or any organization formally affiliated
with the educational institution.

II. The report shall include:

(a) The name of the organization.

(b) When the organization was charged with misconduct;

(c) The dates on which the citation was issued or the event occurred;

(d) The date the investigation was initiated;

(e) A general description of the incident, the charges, findings, and sanctions placed on
the organization;

(f) The date on which the investigation ended with a finding that a violation occurred.

III. Investigations that do not result in a finding of formal violations of the student code of
conduct shall not be included in the report. The report shall include no personal identifying
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information of the individual student members and shall be subject to the requirements of the
Family Education Rights and Privacy Act (FERPA), 20 U.S.C. section 1232g.

IV. Each educational institution shall update this report at least 10 calendar days before the
start of the fall and spring academic semesters.

V. Each educational institution shall make reports required under this section available on
its Internet website in a prominent location. The webpage that contains the reports shall include a
statement notifying the public of the availability of additional information related to findings,
sanctions, and organizational sanction completion; where a member of the public may obtain the
additional information that is not protected under the Family Education Rights and Privacy Act, 20
U.S.C. section 1232g; and that the educational institution is required to provide this additional
information pursuant to RSA 91-A.

VI. Each educational institution shall furnish a printed notice of the nature and availability
of this report and the website address where it can be found to attendees at student orientation.

VII. Each educational institution shall maintain reports as they are updated for 5 years.

VIII. Each educational institution shall report to local authorities within 72 hours any
hazing allegation that involved a significant risk of serious bodily injury or serious bodily injury.

2 Effective Date. This act shall take effect January 1, 2021.