

§§1-4 -
C.18A:3-27.1 to
18A:3-27.4
§§5&6 -
C.18A:37-32.2 &
18A:37-32.3
§9 - Note

P.L. 2021, CHAPTER 208, *approved August 24, 2021*
Senate Committee Substitute (*Second Reprint*) for
Senate, Nos. 84 and 2093

1 AN ACT concerning hazing ¹and designated as Timothy J. Piazza's
2 Law¹, amending P.L.1980, c.169, and supplementing chapters 3
3 and 37 of Title 18A of the New Jersey Statutes.

4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7

8 ¹[1. Section 1 of P.L.1980, c.169 (C.2C:40-3) is amended to
9 read as follows:

10 1. Hazing. a. A person is guilty of hazing, a disorderly
11 persons offense, or a crime of the fourth degree if the act of hazing
12 results in bodily injury, if, in connection with initiation of
13 applicants to or members of a student or fraternal organization,
14 whose membership is primarily students or alumni of the
15 organization or an institution of higher education, [he] the person
16 knowingly or recklessly [organizes, promotes, facilitates or engages
17 in any conduct, other than competitive athletic events, which places
18 or may place another person in danger of bodily injury] causes,
19 coerces, or forces another person to do any of the following:

20 (1) violate federal or state criminal law;

21 (2) consume any food, liquid, alcoholic liquid, drug or other
22 substance which subjects the other person to a risk of emotional or
23 physical harm;

24 (3) endure brutality of a physical nature, including whipping,
25 beating, branding, calisthenics, or exposure to the elements;

26 (4) endure brutality of a mental nature, including activity
27 adversely affecting the mental health or dignity of the individual,
28 sleep deprivation, exclusion from social contact, or conduct that
29 could result in extreme embarrassment;

30 (5) endure brutality of a sexual nature; or

31 (6) endure any other activity that creates a reasonable likelihood
32 of bodily injury to the person.

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly AAP committee amendments adopted June 16, 2021.

²Assembly floor amendments adopted June 21, 2021.

1 Hazing shall not include any reasonable and customary athletic,
2 law enforcement, or military training, contests, competitions, or
3 events.

4 b. A person is guilty of aggravated hazing, a crime of the
5 **[fourth]** third degree, if **[he]** the person commits an act prohibited
6 in subsection a. of this section which results in serious bodily injury
7 to another person.

8 c. A student or fraternal organization, or an institution of
9 higher education, that knowingly or recklessly promotes or
10 facilitates a person to commit an act of hazing or aggravated hazing
11 prohibited in this section is subject to a fine of not more than
12 \$5,000 for each violation of subsection a. of this section, and a fine
13 of not more than \$15,000 for each violation of subsection b. of this
14 section.

15 d. Any property which has been, or is intended to be, utilized in
16 furtherance of any unlawful hazing activity set forth in this section
17 by a person, student or fraternal organization, or institution of
18 higher education, as well as any proceeds derived from the unlawful
19 activity, shall be subject to forfeiture pursuant to chapter 64 of Title
20 2C of the New Jersey Statutes.

21 e. (1) A person, student or fraternal organization, or institution
22 of higher education, and another person acting in concert with the
23 person, organization, or institution, shall be immune from
24 prosecution under this section if the person, or employee, officer, or
25 other agent for the organization or institution:

26 (a) called 9-1-1, or otherwise contacted campus security, police,
27 or emergency services, and reported that a person was in need of
28 medical assistance due to an act of hazing as described in this
29 section;

30 (b) the caller provided the caller's name and, if applicable, the
31 name of the person acting in concert with the caller to the 9-1-1
32 operator or other recipient of the emergency contact;

33 (c) the caller was the first to make the 9-1-1 report or other
34 emergency report; and

35 (d) the caller and, if applicable, the person acting in concert
36 with the caller remained on the scene with the person in need of
37 medical assistance until assistance arrived and cooperated with the
38 emergency services on the scene.

39 (2) The person who received medical assistance as a result of
40 the call placed pursuant to paragraph (1) of this subsection shall
41 also be immune from prosecution under this section.

42 (3) In addition to any other applicable immunity or limitation on
43 civil liability, a law enforcement officer or other official
44 empowered to act as an officer for the arrest of offenders against the
45 laws of this State, or a prosecutor, who, acting in good faith,
46 arrested or charged a person who is thereafter determined to be
47 entitled to immunity from prosecution under this subsection, shall

1 not be subject to any civil liability for the wrongful arrest or charge.
2 (cf: P.L.1980, c.169, s.1)]¹

3

4 ¹[2. Section 2 of P.L.1980, c.169 (C.2C:40-4) is amended to
5 read as follows:

6 2. Notwithstanding any other provision of Title 2C of the New
7 Jersey Statutes to the contrary, consent, or the fact that the act of
8 hazing as described in section 1 of P.L.1980, c.169 (C.2C:40-3) was
9 sanctioned or approved by a student or fraternal organization or an
10 institution of higher education, shall not be available as a defense to
11 a prosecution under this Act.

12 (cf: P.L.1980, c.169, s.2)]¹

13

14 ¹[3. (New section) As used in sections 4 through 6 of
15 P.L. , c. (C.) (pending before the Legislature as this bill):

16 “Organization” means a fraternity, sorority, association,
17 corporation, order, society, corps, club or service, social or similar
18 group, whose members are primarily minors, students, or alumni of
19 the organization or an institution of higher education; or a national
20 or international organization with which such a group is affiliated.

21 “Student” means an individual who attends or has applied to
22 attend or has been admitted to an institution of higher education.]¹

23

24 ¹[4. (New section) Each public and independent institution of
25 higher education shall adopt a written policy against hazing and,
26 pursuant to that policy, adopt rules prohibiting students or other
27 persons associated with an organization operating under the
28 sanction of, or recognized as, an organization by the institution
29 from engaging in hazing. The institution of higher education shall
30 post the policy at a publicly accessible location on the institution’s
31 Internet website and shall provide a copy of the policy, including
32 the institution’s rules, penalties, and program of enforcement, to
33 each organization within the institution.]¹

34

35 ¹[5. (New section) a. Each public and independent institution
36 of higher education shall provide a program for the enforcement of
37 the policy against hazing required under section 4 of P.L. ,
38 c. (C.) (pending before the Legislature as this bill) and shall
39 adopt appropriate penalties for violations of the policy to be
40 administered by the individual or agency at the institution
41 responsible for the sanctioning or recognition of the organization
42 covered by the policy or by such other individual or agency deemed
43 appropriate by the institution.

44 b. The penalties for violations of the policy may include:

45 (1) imposition of fines;

46 (2) the withholding of diplomas or transcripts pending
47 compliance with the rules or payment of fines;

1 (3) the rescission of permission for the organization to operate
2 on campus or to otherwise operate under the sanction or recognition
3 of the institution; and

4 (4) the imposition of probation, suspension, dismissal, or
5 expulsion.

6 c. A penalty imposed under this section shall be in addition to
7 a penalty imposed for a violation of any other institutional rule to
8 which the violator may be subject.

9 d. A policy adopted under section 4 of P.L. , c. (C.)
10 (pending before the Legislature as this bill) shall apply to each act
11 conducted on or off campus if the acts are deemed to constitute
12 hazing.】¹

13

14 ¹【6. (New section) a. Each public and independent institution
15 of higher education shall maintain a report which shall include
16 information on all violations of the institution's anti-hazing policy
17 and federal and State laws related to hazing that are reported to the
18 institution. Information on a reported violation shall be retained by
19 the institution for five years.

20 b. The report shall include:

21 (1) the date when the subject was charged with a violation of the
22 institution's anti-hazing policy or a federal or State law related to
23 hazing;

24 (2) a general description of the violation, any investigation and
25 findings by the institution and, if applicable, penalties imposed; and

26 (3) the date on which the matter was resolved.

27 c. An institution shall post the initial report at a publicly
28 accessible location on the institution's Internet website by January
29 15, 2021. The initial report shall include information concerning
30 violations that have been reported to the institution for the five
31 consecutive years prior to the effective date of P.L. , c. (C.)
32 (pending before the Legislature as this bill), to the extent the
33 institution has retained information concerning those violations. An
34 institution shall post an updated report annually on January 1.

35 d. The report shall not include the personal identifying
36 information of an individual.】¹

37

38 ¹【7. (New section) a. Each board of education of a school
39 district with a high school or middle school and the governing board
40 or chief school administrator of a nonpublic high school or middle
41 school shall adopt a written policy against hazing.

42 b. The board of education and governing board or chief school
43 administrator shall ensure that students are informed of the anti-
44 hazing policy, including the rules, penalties, and program of
45 enforcement under the policy.

1 c. The board of education and governing board or chief school
2 administrator shall post the policy on the district's or nonpublic
3 school's publicly accessible Internet website. **1**¹

4
5 **1**[8. (New section) a. Each board of education of a school
6 district with a high school or middle school and the governing board
7 or chief school administrator of a nonpublic high school or middle
8 school shall provide a program for the enforcement of the policy
9 against hazing required under section 7 of P.L. , c. (C.)
10 (pending before the Legislature as this bill) and shall adopt
11 appropriate penalties for violations of the policy.

12 b. The penalties for violations of the policy may include:

13 (1) the withholding of diplomas or transcripts pending
14 compliance with the rules;

15 (2) the rescission of permission for the organization or group,
16 whose student members are being penalized under the policy
17 against hazing, to operate on campus or school property or to
18 otherwise operate under the sanction or recognition of the school
19 district or nonpublic school; and

20 (3) the imposition of probation, suspension, dismissal or
21 expulsion.

22 c. A penalty imposed under this section shall be in addition to
23 a penalty imposed for a violation of any other school district or
24 nonpublic school rule to which the violator may be subject.

25 d. A policy adopted under section 7 of P.L. , c. (C.)
26 (pending before the Legislature as this bill) shall apply to each act
27 conducted on or off campus if the acts are deemed to constitute
28 hazing. **1**¹

29
30 **1**[9. Sections 1 and 2 of this act shall take effect immediately,
31 and the remaining sections shall take effect on the first day of the
32 seventh month next following the date of enactment, except the
33 Secretary of Higher Education, Commissioner of Education, and the
34 Attorney General may take such anticipatory administrative action in
35 advance as shall be necessary for the implementation of those
36 sections. **1**¹

37
38 **1**1. (New section) As used in sections 2 through 4 of P.L. ,
39 c. (C.) (pending before the Legislature as this bill):

40 “Hazing” means conduct in connection with an initiation of
41 applicants to or members of a student or fraternal organization as
42 described in section 1 of P.L.1980, c.169 (C.2C:40-3).

43 “Organization” means a fraternity, sorority, association,
44 corporation, order, society, corps, club or service, social or similar
45 group, whose members are primarily minors, students, or alumni of
46 the organization or an institution of higher education; or a national
47 or international organization with which such a group is affiliated.

1 “Student” means an individual who attends or has applied to
2 attend or has been admitted to an institution of higher education.¹

3
4 ¹2. (New section) Each public and independent institution of
5 higher education shall adopt a written policy against hazing and,
6 pursuant to that policy, adopt rules prohibiting students or other
7 persons associated with an organization operating under the
8 sanction of, or recognized as, an organization by the institution
9 from engaging in hazing. The institution of higher education shall
10 post the policy at a publicly accessible location on the institution’s
11 Internet website and shall provide a copy of the policy, including
12 the institution’s rules, penalties, and program of enforcement, to
13 each organization within the institution.¹

14
15 ¹3. (New section) a. Each public and independent institution of
16 higher education shall provide a program for the enforcement of the
17 policy against hazing required under section 2 of P.L. , c. (C.)
18 (pending before the Legislature as this bill) and shall adopt
19 appropriate penalties for violations of the policy to be administered
20 by the individual or agency at the institution responsible for the
21 sanctioning or recognition of the organization covered by the policy
22 or by such other individual or agency deemed appropriate by the
23 institution.

24 b. The penalties for violations of the policy may include:
25 (1) imposition of fines;
26 (2) the withholding of diplomas or transcripts pending
27 compliance with the rules or payment of fines;
28 (3) the rescission of permission for the organization to operate
29 on campus or to otherwise operate under the sanction or recognition
30 of the institution; and
31 (4) the imposition of probation, suspension, dismissal, or
32 expulsion.

33 c. A penalty imposed under this section shall be in addition to
34 a penalty imposed for a violation of any other institutional rule to
35 which the violator may be subject.

36 d. A policy adopted under section 2 of P.L. , c. (C.)
37 (pending before the Legislature as this bill) shall apply to each act
38 conducted on or off campus if the acts are deemed to constitute
39 hazing.¹

40
41 ¹4. (New section) a. Each public and independent institution of
42 higher education shall maintain a report which shall include
43 information on all violations of the institution’s anti-hazing policy
44 and federal and State laws related to hazing that are reported to the
45 institution. Information on a reported violation shall be retained by
46 the institution for five years.

47 b. The report shall include:

1 (1) the date when the subject was charged with a violation of the
2 institution's anti-hazing policy or a federal or State law related to
3 hazing;

4 (2) a general description of the violation, any investigation and
5 findings by the institution and, if applicable, penalties imposed; and

6 (3) the date the matter was resolved.

7 c. An institution shall post the initial report at a publicly
8 accessible location on the institution's Internet website by January
9 15, 2022. The initial report shall include information concerning
10 violations that have been reported to the institution for the five
11 consecutive years prior to the effective date of this act, to the extent
12 the institution has retained information concerning the violations.
13 An institution shall post an updated report biannually on January 1
14 and August 1.

15 d. The report shall not include the personal identifying
16 information of an individual.¹

17
18 ^{15.} (New section) a. Each board of education of a school
19 district with a high school or middle school and the governing board
20 or chief school administrator of a nonpublic high school or middle
21 school shall adopt a written policy against hazing.

22 b. The board of education and governing board or chief school
23 administrator shall ensure that students are informed of the anti-
24 hazing policy, including the rules, penalties, and program of
25 enforcement under the policy.

26 c. The board of education and governing board or chief school
27 administrator shall post the policy on the district's or nonpublic
28 school's publicly accessible Internet website.¹

29
30 ^{16.} (New section) a. Each board of education of a school
31 district with a high school or middle school and the governing board
32 or chief school administrator of a nonpublic high school or middle
33 school shall provide a program for the enforcement of the policy
34 against hazing required under section 5 of P.L. , c. (C.)
35 (pending before the Legislature as this bill) and shall adopt
36 appropriate penalties for violation of the policy.

37 b. The penalties for violations of the policy may include:

38 (1) the withholding of diplomas or transcripts pending
39 compliance with the rules;

40 (2) the rescission of permission for the organization or group,
41 whose student members are being penalized under the anti-hazing
42 policy, to operate on campus or school property or to otherwise
43 operate under the sanction or recognition of the school district or
44 nonpublic school; and

45 (3) the imposition of probation, suspension, dismissal, or
46 expulsion.

1 c. A penalty imposed under this section shall be in addition to
2 a penalty imposed for violation of any other school district or
3 nonpublic school rule to which the violator may be subject.

4 d. A policy adopted under section 5 of P.L. , c. (C.)
5 (pending before the Legislature as this bill) shall apply to each act
6 conducted on or off campus if the acts are deemed to constitute
7 hazing.¹

8
9 ^{17.} Section 1 of P.L.1980, c.169 (C.2C:40-3) is amended to read as
10 follows:

11 1. a. A person is guilty of hazing, ²[a]² [disorderly persons
12 offense] ²[crime of the fourth degree,]² if, in connection with
13 initiation of applicants to or members of a student or fraternal
14 organization, whose membership is primarily students or alumni of the
15 organization or an institution of higher education, ²[he] the person²
16 knowingly or recklessly [organizes, promotes, facilitates or engages in
17 any conduct, other than competitive athletic events, which places or
18 may place another person in danger of bodily injury] ²[causes,
19 coerces, or forces another person to do any of the following]² :

20 (1) ²[violate] causes, coerces, or otherwise induces another
21 person to commit an act that violates² federal or State criminal law;

22 (2) ²causes, coerces, or otherwise induces another person to²
23 consume any food, liquid, alcoholic liquid, drug or other substance
24 which subjects the ²[other]² person to a risk of emotional or physical
25 harm ²or is otherwise deleterious to the person's health² ;

26 (3) ²[endure brutality] subjects another person to abuse,
27 mistreatment, harassment, or degradation² of a physical nature,
28 including ², but not limited to,² whipping, beating, branding,
29 ²excessive² calisthenics, or exposure to the elements;

30 (4) ²[endure brutality] subjects another person to abuse,
31 mistreatment, harassment, or degradation² of a mental ²or emotional²
32 nature, including ², but not limited to,² activity adversely affecting the
33 mental ²or emotional² health or dignity of the individual, sleep
34 deprivation, exclusion from social contact, or conduct that could result
35 in extreme embarrassment;

36 (5) ²[endure brutality] subjects another person to abuse,
37 mistreatment, harassment, or degradation² of a sexual nature; or

38 (6) ²[endure] subjects another person to² any other activity that
39 creates a reasonable likelihood of bodily injury to the person.

40 ²[If an act of hazing prohibited in this subsection results in bodily
41 injury, it is a crime of the third degree.]²

42 Hazing shall not include any reasonable and customary athletic,
43 law enforcement, or military training; contests; competitions; or
44 events.

- 1 b. ²[A person is guilty of aggravated hazing,] Hazing is² a crime
2 of the [fourth] third degree ²[,]² if ²[he] an actor² commits an act
3 prohibited in subsection a. of this section which results in ²death or²
4 serious bodily injury to another person ²and is a crime of the fourth
5 degree if the actor commits an act prohibited in subsection a. of this
6 section which results in bodily injury to another person. Otherwise,
7 hazing is a disorderly persons offense² .
- 8 c. ²[A] In addition to any other sanctions or penalties that may
9 be imposed, a² student or fraternal organization described in
10 subsection a. of this section, or an institution of higher education, that
11 knowingly or recklessly promotes or facilitates a person to commit an
12 act of hazing ²[or aggravated hazing]² prohibited in this section ²[is]
13 shall be² subject to a fine of not ²less than \$1,000 or² more than
14 \$5,000 for ²[each] an initial² violation of subsection a. of this section,
15 and a fine of not ²less than \$5,000 or² more than \$15,000 for each
16 ²subsequent² violation ²[of subsection b. of this section]² .
- 17 d. (1) A person, student or fraternal organization, or institution of
18 higher education, and another person acting in concert with the person,
19 organization, or institution, shall be immune from prosecution under
20 this section if the person, or ²an² employee, officer, or other agent
21 ²[for] acting on behalf of² the organization or institution ², as the case
22 may be² :
- 23 (a) called 9-1-1, or otherwise contacted campus security, police, or
24 emergency services, and reported that a person was in need of medical
25 assistance due to an act of hazing as described in this section;
- 26 (b) the caller provided the caller's name and, if applicable, the
27 name of the person acting in concert with the caller to the 9-1-1
28 operator or other recipient of the emergency contact;
- 29 (c) the caller was the first to make the 9-1-1 report or other
30 emergency report; and
- 31 (d) the caller and, if applicable, the person acting in concert with
32 the caller remained on the scene with the person in need of medical
33 assistance until assistance arrived and cooperated with the emergency
34 services on the scene.
- 35 (2) ²[The person who received medical assistance as a result of the
36 call placed pursuant to paragraph (1) of this subsection shall also be
37 immune from prosecution under this section.
- 38 (3) ²[In addition to any other applicable immunity or limitation on
39 civil liability, a law enforcement officer or other official empowered to
40 act as an officer for the arrest of offenders against the laws of this
41 State, or a prosecutor, who, acting in good faith, arrested or charged a
42 person who is thereafter determined to be entitled to immunity from
43 prosecution under this subsection shall not be subject to any civil
44 liability for the wrongful arrest or charge.¹
- 45 (cf: P.L.1980, c.169, s.1)

1 ¹8. Section 2 of P.L.1980, c.169 (C.2C:40-4) is amended to read as
2 follows:

3 2. ²a.² Notwithstanding any other provision of Title 2C of the
4 New Jersey Statutes to the contrary, consent ²【or the fact that the act
5 of hazing as described in section 1 of P.L.1980, c.169 (C.2C:40-3) was
6 sanctioned or approved by the student or fraternal organization or the
7 institution of higher education】² shall not be available as a defense to
8 a prosecution under 【this Act】 section 1 of P.L.1980, c.169 (C.2C:40-
9 3).¹

10 ²b. It shall not be an affirmative defense to a prosecution under
11 section 1 of P.L.1980, c.169 (C.2C:40-3) that the conduct in which
12 the actor engaged was sanctioned or approved by a student or
13 fraternal organization or an institution of higher education.²

14 (cf: P.L.1980, c.169, s.2)

15

16 ¹9. This act shall take effect on the first day of the seventh
17 month next following the date of enactment, except the
18 Commissioner of Education and the Attorney General may take
19 such anticipatory administrative action in advance as shall be
20 necessary for the implementation of this act.¹

21

22

23

24

25 Requires institutions of higher education and public and
26 nonpublic high schools and middle schools to adopt anti-hazing
27 policies; expands activities encompassing criminal hazing and
28 upgrades penalties for engaging in these activities.