

SENATE JUDICIARY COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR SENATE, Nos. 84 and 2093

STATE OF NEW JERSEY

DATED: MARCH 19, 2020

The Senate Judiciary Committee reports favorably a Senate Committee Substitute for Senate Bill Nos. 84 and 2093.

This substitute bill, concerning hazing and designated “Timothy J. Piazza’s Law” for a victim, and former New Jersey resident, who died after a fraternity hazing incident in February 2017, would (1) expand the scope of hazing activities deemed unlawful and increase the penalties for any hazing incidents that result in injury, and (2) require institutions of higher education, and public and nonpublic high schools and middle schools to adopt anti-hazing policies.

Regarding unlawful hazing activities, the bill’s provisions broaden the types of activities which would be considered hazing to include any conduct that causes, coerces, or forces another person to:

- (1) violate federal or state criminal law;
- (2) consume any food, liquid, alcoholic liquid, drug or other substance which subjects the other person to a risk of emotional or physical harm;
- (3) endure brutality of a physical nature, including whipping, beating, branding, calisthenics, or exposure to the elements;
- (4) 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;
- (5) endure brutality of a sexual nature; or
- (6) endure any other activity that creates a reasonable likelihood of bodily injury to the person.

Under current law, hazing is a disorderly persons offense, punishable by a term of imprisonment of up to six months, a fine of up to \$1,000, or both. An act is considered aggravated hazing, a crime of the fourth degree punishable by a term of imprisonment of up to 18 months, a fine of up to \$10,000, or both, if serious bodily injury results; “serious bodily injury” is defined as “bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.” N.J.S.2C:11-1, subsection b.

The bill leaves in place a disorderly persons hazing offense if no bodily injury occurred, and upgrades it to a fourth-degree crime if any bodily injury does occur. Aggravated hazing involving *serious* bodily injury would be upgraded from a fourth-degree to a third-degree crime. A crime of the third degree is punishable by a term of imprisonment of three to five years, a fine of up to \$15,000, or both.

Further, the bill sets forth liability for any student or fraternal organization, or institution of higher education, which knowingly or recklessly promotes or facilitates a person to commit an act of hazing. The entity would be subject to a fine of not more than \$5,000 for each hazing violation and \$15,000 for each aggravating hazing violation.

Immunity from prosecution for any hazing activities would be offered to any person, student or fraternal organization, or institution of higher education, as well as another person acting in concert with the person, organization, or institution if 9-1-1 is called or other emergency services contacted. In order for this immunity to apply, the caller and, if applicable, person acting in concert with the caller would have to remain on the scene with a person injured as a result of hazing and cooperate with emergency services upon their arrival.

The bill also requires institutions of higher education, boards of education of school districts with a high school or middle school, and the governing board or chief school administrator of a nonpublic high school or middle school, to adopt a written anti-hazing policy. The institutions and schools would be required to provide a program for the enforcement of the anti-hazing policy and adopt penalties for violations of the policy. The bill provides that the penalties could include the withholding of diplomas or transcripts pending compliance with the rules, and the imposition of probation, suspension, dismissal, or expulsion.

Additionally, for the institutions of higher education, they would be required to maintain a report which includes information on all violations of the institution's anti-hazing policy and federal and State laws related to hazing that are reported to the institution. The institution would be required to post the report on the institution's website. The first report posted after the effective date of the bill would include information concerning violations that were reported to the institution for the five consecutive years prior to the bill's effective date, to the extent the institution has retained that information. Thereafter, the report would be updated annually on each January 1.