

[First Reprint]

ASSEMBLY COMMITTEE SUBSTITUTE FOR  
**ASSEMBLY, No. 3149**

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**STATE OF NEW JERSEY**  
**219th LEGISLATURE**

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ADOPTED JUNE 16, 2021

**Sponsored by:**

**Assemblywoman CAROL A. MURPHY**

**District 7 (Burlington)**

**Assemblyman LOUIS D. GREENWALD**

**District 6 (Burlington and Camden)**

**Assemblyman ROY FREIMAN**

**District 16 (Hunterdon, Mercer, Middlesex and Somerset)**

**Co-Sponsored by:**

**Assemblywoman Vainieri Huttie, Assemblymen Verrelli, Karabinchak,  
McKeon, Assemblywoman Lopez, Assemblyman Houghtaling,  
Assemblywoman Swain and Assemblyman Tully**

**SYNOPSIS**

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

**CURRENT VERSION OF TEXT**

As amended by the General Assembly on June 21, 2021.

(Sponsorship Updated As Of: 6/24/2021)

1 AN ACT concerning hazing, amending P.L.1980, c.169, and  
2 supplementing chapters 3 and 37 of Title 18A of the New Jersey  
3 Statutes.

4  
5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:

7  
8 1. (New section) As used in sections 2 through 4 of  
9 P.L. , c. (C. ) (pending before the Legislature as this bill):

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

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

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

20  
21 2. (New section) Each public and independent institution of  
22 higher education shall adopt a written policy against hazing and,  
23 pursuant to that policy, adopt rules prohibiting students or other  
24 persons associated with an organization operating under the  
25 sanction of, or recognized as, an organization by the institution  
26 from engaging in hazing. The institution of higher education shall  
27 post the policy at a publicly accessible location on the institution’s  
28 Internet website and shall provide a copy of the policy, including  
29 the institution’s rules, penalties, and program of enforcement, to  
30 each organization within the institution.

31  
32 3. (New section) a. Each public and independent institution of  
33 higher education shall provide a program for the enforcement of the  
34 policy against hazing required under section 2 of P.L. , c. (C. )  
35 (pending before the Legislature as this bill) and shall adopt  
36 appropriate penalties for violations of the policy to be administered  
37 by the individual or agency at the institution responsible for the  
38 sanctioning or recognition of the organization covered by the policy  
39 or by such other individual or agency deemed appropriate by the  
40 institution.

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

42 (1) imposition of fines;

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

**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:

<sup>1</sup>Assembly floor amendments adopted June 21, 2021.

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 2 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.

13  
14 4. (New section) a. Each public and independent institution of  
15 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 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, 2022. 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 this act, to the extent  
32 the institution has retained information concerning the violations.  
33 An institution shall post an updated report biannually on January 1  
34 and August 1.

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

37  
38 5. (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.

46 c. The board of education and governing board or chief school  
47 administrator shall post the policy on the district's or nonpublic  
48 school's publicly accessible Internet website.

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

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

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

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

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

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

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

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

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

(1) **'[violate] causes, coerces, or otherwise induces another person to commit an act that violates'** federal or State criminal law;

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

(3) **'[endure brutality] subjects another person to abuse, mistreatment, harassment, or degradation'** of a physical nature,

1 including <sup>1</sup>, but not limited to,<sup>1</sup> whipping, beating, branding,  
2 <sup>1</sup>excessive<sup>1</sup> calisthenics, or exposure to the elements;

3 (4) <sup>1</sup>【endure brutality】 subjects another person to abuse,  
4 mistreatment, harassment, or degradation<sup>1</sup> of a mental <sup>1</sup>or  
5 emotional<sup>1</sup> nature, including <sup>1</sup>, but not limited to,<sup>1</sup> activity  
6 adversely affecting the mental <sup>1</sup>or emotional<sup>1</sup> health or dignity of  
7 the individual, sleep deprivation, exclusion from social contact, or  
8 conduct that could result in extreme embarrassment;

9 (5) <sup>1</sup>【endure brutality】 subjects another person to abuse,  
10 mistreatment, harassment, or degradation<sup>1</sup> of a sexual nature; or

11 (6) <sup>1</sup>【endure】 subjects another person to<sup>1</sup> any other activity that  
12 creates a reasonable likelihood of bodily injury to the person.

13 <sup>1</sup>【If an act of hazing prohibited in this subsection results in  
14 bodily injury, it is a crime of the third degree.】<sup>1</sup>

15 Hazing shall not include any reasonable and customary athletic,  
16 law enforcement, or military training; contests; competitions; or  
17 events.

18 b. <sup>1</sup>【A person is guilty of aggravated hazing,】 Hazing is<sup>1</sup> a  
19 crime of the ~~fourth~~ <sup>third</sup> degree <sup>1</sup>【,】<sup>1</sup> if <sup>1</sup>【he】 ~~an actor~~<sup>1</sup> commits  
20 an act prohibited in subsection a. of this section which results in  
21 <sup>1</sup>death or<sup>1</sup> serious bodily injury to another person <sup>1</sup>and is a crime of  
22 the fourth degree if the actor commits an act prohibited in  
23 subsection a. of this section which results in bodily injury to  
24 another person. Otherwise, hazing is a disorderly persons offense<sup>1</sup> .

25 c. <sup>1</sup>【A】 In addition to any other sanctions or penalties that may  
26 be imposed, a<sup>1</sup> student or fraternal organization described in  
27 subsection a. of this section, or an institution of higher education,  
28 that knowingly or recklessly promotes or facilitates a person to  
29 commit an act of hazing <sup>1</sup>【or aggravated hazing】<sup>1</sup> prohibited in this  
30 section <sup>1</sup>【is】 shall be<sup>1</sup> subject to a fine of not <sup>1</sup>less than \$1,000 or<sup>1</sup>  
31 more than \$5,000 for <sup>1</sup>【each】 an initial<sup>1</sup> violation of subsection a.  
32 of this section, and a fine of not <sup>1</sup>less than \$5,000 or<sup>1</sup> more than  
33 \$15,000 for each <sup>1</sup>subsequent<sup>1</sup> violation <sup>1</sup>【of subsection b. of this  
34 section】<sup>1</sup> .

35 d. (1) A person, student or fraternal organization, or institution  
36 of higher education, and another person acting in concert with the  
37 person, organization, or institution, shall be immune from  
38 prosecution under this section if the person, or <sup>1</sup>an<sup>1</sup> employee,  
39 officer, or other agent <sup>1</sup>【for】 acting on behalf of<sup>1</sup> the organization  
40 or institution <sup>1</sup>, as the case may be<sup>1</sup> ;

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

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

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

6     (d) the caller and, if applicable, the person acting in concert  
7     with the caller remained on the scene with the person in need of  
8     medical assistance until assistance arrived and cooperated with the  
9     emergency services on the scene.

10    (2) <sup>1</sup> [The person who received medical assistance as a result of  
11    the call placed pursuant to paragraph (1) of this subsection shall  
12    also be immune from prosecution under this section.

13    (3) <sup>1</sup> In addition to any other applicable immunity or limitation  
14    on civil liability, a law enforcement officer or other official  
15    empowered to act as an officer for the arrest of offenders against the  
16    laws of this State, or a prosecutor, who, acting in good faith,  
17    arrested or charged a person who is thereafter determined to be  
18    entitled to immunity from prosecution under this subsection shall  
19    not be subject to any civil liability for the wrongful arrest or charge.

20    (cf: P.L.1980, c.169, s.1)

21  
22    8. Section 2 of P.L.1980, c.169 (C.2C:40-4) is amended to read  
23    as follows:

24    2. <sup>1</sup>a. <sup>1</sup> Notwithstanding any other provision of Title 2C of the  
25    New Jersey Statutes to the contrary, consent <sup>1</sup> [or the fact that the  
26    act of hazing as described in section 1 of P.L.1980, c.169 (C.2C:40-  
27    3) was sanctioned or approved by the student or fraternal  
28    organization or the institution of higher education] <sup>1</sup> shall not be  
29    available as a defense to a prosecution under [this Act] section 1 of  
30    P.L.1980, c.169 (C.2C:40-3).

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

35    (cf: P.L.1980, c.169, s.2)

36  
37    9. This act shall take effect on the first day of the seventh  
38    month next following the date of enactment, except the  
39    Commissioner of Education and the Attorney General may take  
40    such anticipatory administrative action in advance as shall be  
41    necessary for the implementation of this act.