

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR ASSEMBLY, No. 3149

STATE OF NEW JERSEY

DATED: JUNE 16, 2021

The Assembly Appropriations Committee reports favorably an Assembly Committee Substitute for Assembly Bill No. 3149.

The Assembly Committee Substitute for Assembly Bill No. 3149 (1R) requires institutions of higher education and public and nonpublic high schools and middle schools to adopt anti-hazing policies; expands the activities that encompass criminal hazing; and upgrades the penalties for engaging in these activities.

The committee substitute 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 school with a high school or middle school, to adopt a written anti-hazing policy. The institutions and schools are required to provide a program for the enforcement of the anti-hazing policy and adopt penalties for violations of the policy. The committee substitute provides that the penalties may include the withholding of diplomas or transcripts pending compliance with the rules and the imposition of probation, suspension, dismissal, or expulsion.

Under the committee substitute, an institution of higher education is required to maintain a report for violations reported to the institution, which includes information on all violations of the institution's anti-hazing policy and federal and State laws related to hazing. The institution is required to post the report on the institution's website. The first report posted after the effective date of the committee substitute is required to include information concerning violations that were reported to the institution for the five consecutive years prior to the effective date of the committee substitute, to the extent the institution has retained that information. The report is to be updated biannually on January 1 and August 1.

The committee substitute also amends the State's Criminal Code in regard to hazing activities. Currently, a person commits the disorderly persons offense of hazing if, in connection with initiation of applicants to or members of a student or fraternal organization, 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. A disorderly persons offense is punishable by a term of imprisonment of up to

six months, a fine of up to \$1,000, or both. A person is guilty of aggravated hazing, a crime of the fourth degree, if serious bodily injury results. A crime of the fourth degree is punishable by a term of imprisonment of up to 18 months, a fine of up to \$10,000, or both.

The committee substitute upgrades hazing to a crime of the fourth degree and aggravated hazing to a crime of the third degree, punishable by a term of imprisonment of three to five years, a fine of up to \$15,000, or both. The committee substitute also 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 violation of aggravated hazing.

Under current law, “hazing” is generally described as “conduct, other than competitive athletic events, which places or may place another person in danger of bodily injury.” The provisions of the committee substitute 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.

Immunity from prosecution for hazing 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.

As reported by the committee, this committee substitute is identical to the Senate Committee Substitute for Senate Bill Nos. 84 and 2093 which was amended and also reported by the committee on this date.

FISCAL IMPACT:

The Office of Legislative Services (OLS) determines that this bill will increase annual State operating expenditures and revenues by an indeterminate amount by upgrading the act of hazing to a crime of the fourth degree. Currently, hazing is considered a disorderly persons offense and cases are adjudicated in municipal courts. The upgraded criminal offense means that the State would now incur costs to prosecute and adjudicate more cases and would receive an indeterminate amount of revenue from court fines and fees.

The upgrade of aggravated hazing to a crime of the third degree from a crime of the fourth degree is not expected to have any State expenditure impact as there is a presumption of non-incarceration for first-time offenders of crimes of the third degree. However, it is noted that the upgraded charge carries a higher potential fine, thereby resulting in a potential State revenue increase.

The OLS estimates that the bill may also result in indeterminate State revenue gains as student or fraternal organizations or institutions of higher education that are found to promote or facilitate a person to commit an act of hazing or aggravated hazing would be subject to fines created under the bill.

The OLS also finds that public institutions of higher education, independent institutions of higher education, boards of education of local school districts with a high school or middle school, and nonpublic high schools and middle schools may incur costs to provide a program for the enforcement of policies against hazing. Public and independent institutions of higher education may incur additional costs to maintain a report including information on all violations of the institution's anti-hazing policies and federal and State laws related to hazing that are reported to the institutions.