

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 3149

STATE OF NEW JERSEY
219th LEGISLATURE

ADOPTED JUNE 16, 2021

Sponsored by:

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District 7 (Burlington)

Assemblyman LOUIS D. GREENWALD

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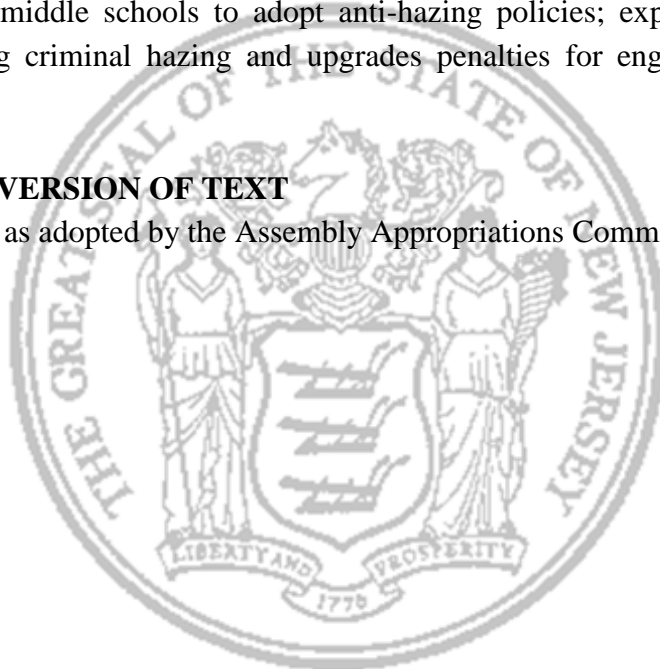
**Assemblywoman Vainieri Huttie, Assemblymen Verrelli, Karabinchak and
McKeon**

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

Substitute as adopted by the Assembly Appropriations Committee.



(Sponsorship Updated As Of: 6/21/2021)

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 P.L. ,
9 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.

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 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 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

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

3 If an act of hazing prohibited in this subsection results in bodily
4 injury, it is a crime of the third degree.

5 Hazing shall not include any reasonable and customary athletic,
6 law enforcement, or military training; contests; competitions; or
7 events.

8 b. A person is guilty of aggravated hazing, a crime of the
9 **【fourth】** third degree, if he commits an act prohibited in subsection
10 a. of this section which results in serious bodily injury to another
11 person.

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

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

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

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

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

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

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

40 (3) In addition to any other applicable immunity or limitation on
41 civil liability, a law enforcement officer or other official
42 empowered to act as an officer for the arrest of offenders against the
43 laws of this State, or a prosecutor, who, acting in good faith,
44 arrested or charged a person who is thereafter determined to be
45 entitled to immunity from prosecution under this subsection shall
46 not be subject to any civil liability for the wrongful arrest or charge.

47 (cf: P.L.1980, c.169, s.1)

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

3 2. Notwithstanding any other provision of Title 2C of the New
4 Jersey Statutes to the contrary, consent or the fact that the act of
5 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
7 the institution of higher education shall not be available as a
8 defense to a prosecution under **【this Act】** section 1 of P.L.1980,
9 c.169 (C.2C:40-3).
10 (cf: P.L.1980, c.169, s.2)
11

12 9. This act shall take effect on the first day of the seventh
13 month next following the date of enactment, except the
14 Commissioner of Education and the Attorney General may take
15 such anticipatory administrative action in advance as shall be
16 necessary for the implementation of this act.