



February 18, 2019

HOUSE BILL No. 1526

DIGEST OF HB 1526 (Updated February 18, 2019 9:18 am - DI 116)

Citations Affected: IC 21-27; IC 35-31.5; IC 35-42.

Synopsis: Hazing. Provides that a postsecondary educational institution must develop an educational plan on hazing. Requires a postsecondary educational institution to report incidents of hazing on the postsecondary educational institution's Internet web site. Amends the elements and penalty levels for the offense of hazing. Provides that any person who actively directs or engages in an act of hazing which results in the injury of another person, shall, to the extent that the person can do so without danger or peril to self or others, give reasonable assistance to the injured person. Provides that failure to seek assistance, in no serious bodily injury, is a Class B misdemeanor. Provides that failure to seek assistance results in serious bodily injury the offense is a Level 6 felony. Provides that certain arguments are not a defense to hazing or contributory hazing.

Effective: July 1, 2019.

Austin, Clere

January 17, 2019, read first time and referred to Committee on Education.
February 18, 2019, amended, reported — Do Pass.

HB 1526—LS 7442/DI 131



February 18, 2019

First Regular Session of the 121st General Assembly (2019)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2018 Regular and Special Session of the General Assembly.

HOUSE BILL No. 1526

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 21-27-11 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2019]:

4 **Chapter 11. Anti-hazing Program**

5 **Sec. 1. The definitions set forth in IC 35-42-2-2.5(a) apply**
6 **throughout this chapter.**

7 **Sec. 2. (a) This section does not apply to Ivy Tech Community**
8 **College.**

9 **(b) Each postsecondary educational institution shall provide**
10 **students with an educational program on hazing based on research**
11 **and best practices, which shall include information on:**

12 **(1) hazing awareness;**

13 **(2) hazing prevention;**

14 **(3) the postsecondary educational institution's policies on**
15 **hazing; and**

16 **(4) hazing intervention and the legal and institutional**
17 **consequences of hazing.**

HB 1526—LS 7442/DI 131



(c) Each postsecondary educational institution shall provide all staff who advise or coach student organizations with a mandatory educational program on hazing based on research and best practices, which shall include information on:

- (1) hazing awareness;
- (2) hazing prevention;
- (3) the postsecondary educational institution's policies on hazing; and
- (4) hazing intervention and the legal and institutional consequences of hazing.

(d) Each postsecondary educational institution shall develop a process for ensuring that all new students participate in the program described in subsection (b).

(e) A program described in subsection (b) or (c) may be conducted in person, online, or by another electronic means.

(f) National organizations shall provide separate and supplemental anti-hazing education for their local affiliate chapters operating within Indiana.

(g) A postsecondary educational institution may seek assistance and resources from additional entities in fulfillment of the requirements of this chapter.

Sec. 3. (a) Beginning in the academic school year beginning in 2020, and subject to subsection (b), a postsecondary educational institution shall maintain a report of all hazing violations of the postsecondary educational institution's disciplinary rules or violations of state or federal law and post a copy of the report on the postsecondary educational institution's Internet web site. The report shall include:

- (1) the name of the organization;
- (2) when the organization was charged with misconduct;
- (3) the date on which the citation was issued or the incident occurred;
- (4) the date the investigation was initiated; and
- (5) a general description of the incident, and the charges, findings, and sanctions placed on the organization.

Investigations that do not result in a finding of formal violations of the student code of conduct shall not be included in the report.

(b) The report may not include any personal identifying information of individual student members and shall be subject to the requirements of the federal Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g.

(c) Each postsecondary educational institution shall update the



report at least ten (10) calendar days before the start of the fall and spring academic semesters.

(d) Each postsecondary educational institution must make reports required under this section available on its Internet web site in a prominent location. The web page that contains the reports must include a statement notifying the public concerning where a member of the public may obtain the additional information that is not protected under the federal Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g.

(e) Each postsecondary educational institution shall maintain reports required under this chapter for five (5) years. In addition, nothing in this chapter may be construed to prohibit additional information being provided under IC 5-14-3. Each postsecondary educational institution shall furnish a printed notice of the nature and availability of this report and the Internet web site address where it can be found to attendees at student orientation.

(f) Each postsecondary educational institution is required to report to a law enforcement agency within seventy-two (72) hours any hazing allegation that involves serious bodily injury or a significant risk of serious bodily injury.

Sec. 4. Upon learning of any alleged act of hazing subject to IC 35-42-2-2.5, a postsecondary educational institution is required to use its standard campus disciplinary process to investigate individual students alleged to be involved in the hazing.

SECTION 2. IC 35-31.5-2-63.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 63.5. "Contributory hazing" means an offense described in IC 35-42-2-2.6.

SECTION 3. IC 35-31.5-2-151, AS AMENDED BY P.L.86-2018, SECTION 331, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 151. "Hazing", for purposes of IC 35-42-2-2.5, has the meaning set forth is described in IC 35-42-2-2.5(a); IC 35-42-2-2.5(a)(2).

SECTION 4. IC 35-42-2-2.5, AS ADDED BY P.L.158-2013, SECTION 424, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2.5. (a) As used in this section, "hazing" means forcing or requiring another person:

- (1) with or without the consent of the other person; and
- (2) as a condition of association with a group or organization; to perform an act that creates a substantial risk of bodily injury.

(a) The following definitions apply throughout this section:

- (1) "Educational institution" means any postsecondary



educational institution.

(2) "Hazing" means any intentional, knowing, or reckless act committed by a person, whether individually or in concert with other persons, against a minor or student of an educational institution (whether or not committed on the educational institution's campus or property) for the purpose of recruiting to, joining, pledging to, initiating in, admitting to, or affiliating with, or for the purpose of continuing or enhancing status in, an organization that causes a minor or student to do any of the following:

(A) Be coerced to violate federal or state law.

(B) Be coerced to consume any food, liquid, alcoholic liquid, drug, or other substance in any noncustomary manner that subjects the minor or student to a substantial risk of emotional or physical harm that includes sickness, vomiting, intoxication, or unconsciousness.

(C) Endure brutality of a physical nature, including whipping, beating, paddling, branding, dangerous physical activity, or exposure to elements, or endure threats of such conduct that results in medically verifiable mental or physical harm.

(D) Endure brutality of a mental nature that subjects the individual to extreme mental distress, including sleep deprivation, exclusion from social contact, conduct that could result in extreme embarrassment, or other forced activity that results in medically verifiable mental or physical harm.

The term does not include reasonable and customary athletic, law enforcement or military training, contests, competitions or events.

(3) "Local affiliate organization" means an organization that is chartered or recognized by a national organization and may include students or nonstudents.

(4) "National organization" means an organization that is separate from a local affiliate organization and may charter or recognize local affiliate organizations at multiple educational institutions.

(5) "Organization" means:

(A) a club;

(B) an association;

(C) a corporation;

(D) an order;



(E) a society;

(F) a corps;

(G) a private club;

(H) a fraternity;

(I) a sorority;

(J) a varsity or club athletic team; or

(K) a service, social, or similar group whose members are primarily students or alumni of one (1) or more educational institutions.

(6) "Postsecondary educational institution" means any public or private institution within Indiana authorized to grant an associate degree or higher academic degree.

(b) A person who knowingly or intentionally performs hazing commits a ~~Class B~~ **Class A** misdemeanor. However, the offense is a ~~Level 6~~ **Level 5** felony if it results in:

(1) serious bodily injury; to

(2) a blood alcohol content of at least twenty-five hundredths (0.25) grams of alcohol per:

(A) one hundred (100) milliliters of the person's blood; or

(B) two hundred ten (210) liters of the person's breath; or

(3) death;

of another person. and a ~~Level 5~~ felony if it is committed by means of a ~~deadly weapon~~.

(c) A person, **local affiliate organization, national organization, or organization**, other than a person who has committed an offense under this section or a delinquent act that would be an offense under this section if the violator were an adult, ~~who:~~ **that:**

(1) makes a report of hazing in good faith;

(2) participates in good faith in a judicial proceeding resulting from a report of hazing;

(3) employs a reporting or participating person described in subdivision (1) or (2); or

(4) supervises a reporting or participating person described in subdivision (1) or (2);

is not liable for civil damages or criminal penalties that might otherwise be imposed because of the report or participation.

(d) A person **or entity** described in subsection (c)(1) or (c)(2) is presumed to act in good faith.

(e) A person **or entity** described in subsection (c)(1) or (c)(2) may not be treated as acting in bad faith solely because the person **or entity** did not have probable cause to believe that a person committed:

(1) an offense under this section; or



(2) a delinquent act that would be an offense under this section if the offender were an adult.

(f) The implied or expressed consent of the person or persons against whom the hazing was directed shall not be a defense to any action brought under this section.

(g) The argument that the conduct was sanctioned or approved by the educational institution, secondary school, or organization or was traditional or customary shall not be a defense to any action brought under this section.

SECTION 5. IC 35-42-2-2.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 2.6. (a) The definitions set forth in section 2.5 of this chapter apply throughout this section.**

(b) Any person who actively directs or engages in an act of hazing which results in the injury of another person, shall, to the extent that the person can do so without danger or peril to self or others, give reasonable assistance to the injured person. Reasonable assistance includes immediately seeking or reporting the need for medical assistance to the local emergency medical service provider or 911 service. Failure to seek assistance, in no serious bodily injury, is a Class B misdemeanor. However, if failure to seek assistance results in serious bodily injury the offense is a Level 6 felony.

(c) Section 2.5(f) and 2.5(g) of this chapter apply to this section.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1526, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill do pass.

(Reference is to HB 1526 as introduced.)

BEHNING

Committee Vote: yeas 13, nays 0.

