

CHAPTER 110

(SB 9)

AN ACT relating to hazing.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 508 IS CREATED TO READ AS FOLLOWS:

As used in Sections 1 to 4 of this Act, unless the context requires otherwise:

- (1) *"Hazing" means a direct action which substantially endangers the physical health of a minor or student for the purpose of recruitment, initiation into, affiliation with, or enhancing or maintaining membership or status within any organization, including but not limited to actions which coerce or force a minor or a student to:*
 - (a) *Violate federal or state criminal law;*
 - (b) *Consume any food, liquid, alcoholic liquid, drug, tobacco product, or other controlled substance which subjects the minor or student to a risk of serious physical injury;*
 - (c) *Endure brutality of a physical nature, including whipping, beating or paddling, branding, or exposure to the elements;*
 - (d) *Endure brutality of a sexual nature; or*
 - (e) *Endure any other activity that creates a reasonable likelihood of serious physical injury to the minor or student;*
- (2) *"Organization":*
 - (a) *Means a number of persons who are associated with a school or postsecondary education institution and each other, including a student organization, fraternity, sorority, association, corporation, order, society, corps, club, or similar group; and*
 - (b) *Includes any student organization registered pursuant to the policies of the school or postsecondary education institution at any time during the previous five (5) years; and*
- (3) *"Student" means an individual enrolled in a public or private school or postsecondary program of study.*

➔SECTION 2. A NEW SECTION OF KRS CHAPTER 508 IS CREATED TO READ AS FOLLOWS:

- (1) *A person is guilty of hazing in the first degree when he or she intentionally or wantonly engages in an act of hazing that results in serious physical injury or death to a minor or student.*
- (2) *It shall be a defense under this section that the act was part of reasonable and customary:*
 - (a) *Interscholastic or intercollegiate athletic practices, competitions, or events;*
 - (b) *Law enforcement training; or*
 - (c) *Military training.*
- (3) *Hazing in the first degree is a Class D felony. Any sentence imposed on a defendant under this section shall run concurrently with any sentence imposed under KRS 508.060 or 508.070 arising from the same act or occurrence.*

➔SECTION 3. A NEW SECTION OF KRS CHAPTER 508 IS CREATED TO READ AS FOLLOWS:

- (1) *A person is guilty of hazing in the second degree when he or she recklessly engages in an act of hazing.*
- (2) *It shall be a defense under this section that the act was part of reasonable and customary:*
 - (a) *Interscholastic or intercollegiate athletic practices, competitions, or events;*
 - (b) *Law enforcement training; or*
 - (c) *Military training.*

- (3) *Hazing in the second degree is a Class A misdemeanor. Any sentence imposed on a defendant under this section shall run concurrently with any sentence imposed under KRS 508.060 or 508.070 arising from the same act or occurrence.*

➔SECTION 4. A NEW SECTION OF KRS CHAPTER 508 IS CREATED TO READ AS FOLLOWS:

Nothing in Sections 1 to 4 of this Act shall be construed to create or imply a new cause of action against any educational institution.

➔Section 5. This Act may be cited as Lofton's Law.

Signed by Governor March 27, 2023.