

HOUSE BILL NO. 516

INTRODUCED BY A. BUCKLEY, E. KERR-CARPENTER

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO HAZING; PROVIDING A CRIMINAL OFFENSE OF HAZING; PROVIDING PENALTIES; AND PROVIDING A DEFINITION."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. **Section 1. Hazing -- penalty -- definition.** (1) A person, student, or member of a

fraternity, sorority, or other living or social student group or organization organized or operating on or near a school, college, or university campus may not purposely or knowingly haze or conspire to haze any person, member, potential member, person pledged to be a member of the group or organization, or person exploring the possibility of membership as a condition or precondition of attaining membership in the group or organization, attaining any office or status in the group or organization, or for any other reason.

(2) Acceptance of or acquiescence to any activity does not affect a determination of whether the activity constitutes hazing. The defense of consent does not apply.

(3) A person, student, or member of a fraternity, sorority, or other organization who is convicted of hazing shall be ordered to complete community service of not less than 40 hours or more than 200 hours.

(4) As used in this section, the following definition applies:

(a) "haze" means:

(i) to subject a person to bodily danger or physical harm or a likelihood of bodily danger or physical harm;

(ii) any assignment or direction that if followed would constitute a violation of law; or

(iii) conduct by an individual or group, or method of initiation, admission, or condition of continued membership in any student organization or group which intentionally subjects another to a situation or action that a reasonable person would foresee as causing mental or physical discomfort, embarrassment, injury, or ridicule, or which may demean, disgrace, or degrade any person.

(b) The term "hazing" does not include customary athletic events or similar contests or

1 competitions.

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3 NEW SECTION. Section 2. Codification instruction. [Section 1] is intended to be codified as an
4 integral part of Title 45, chapter 5, and the provisions of Title 45, chapter 5, apply to [section 1].

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