

Senate Engrossed House Bill

~~hazing; hazing paraphernalia; offense~~
(now: hazing; classification; offense)

State of Arizona
House of Representatives
Fifty-fifth Legislature
Second Regular Session
2022

CHAPTER 202
HOUSE BILL 2322

AN ACT

AMENDING TITLE 13, CHAPTER 12, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 13-1215 AND 13-1216; AMENDING SECTION 15-2301, ARIZONA REVISED STATUTES; RELATING TO ASSAULTS AND RELATED OFFENSES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 13, chapter 12, Arizona Revised Statutes, is
3 amended by adding sections 13-1215 and 13-1216, to read:

4 13-1215. Hazing; classification; definition

5 A. A PERSON COMMITS HAZING BY INTENTIONALLY, KNOWINGLY OR
6 RECKLESSLY, FOR THE PURPOSE OF PRE-INITIATION ACTIVITIES, PLEDGING,
7 INITIATING, HOLDING OFFICE, ADMITTING OR AFFILIATING A MINOR OR STUDENT
8 INTO OR WITH AN ORGANIZATION OR FOR THE PURPOSE OF CONTINUING, REINSTATING
9 OR ENHANCING A MINOR'S OR STUDENT'S MEMBERSHIP OR STATUS IN AN
10 ORGANIZATION, CAUSES, COERCES OR FORCES A MINOR OR STUDENT TO ENGAGE IN OR
11 ENDURE ANY OF THE FOLLOWING:

12 1. SEXUAL HUMILIATION OR BRUTALITY, INCLUDING FORCED NUDITY OR AN
13 ACT OF SEXUAL PENETRATION, OR BOTH.

14 2. CONDUCT OR CONDITIONS, INCLUDING PHYSICAL OR PSYCHOLOGICAL
15 TACTICS, THAT ARE REASONABLY CALCULATED TO CAUSE SEVERE MENTAL DISTRESS TO
16 THE MINOR OR STUDENT, INCLUDING ACTIVITIES THAT ARE REASONABLY CALCULATED
17 TO CAUSE THE MINOR OR STUDENT TO HARM THEMSELVES OR OTHERS.

18 3. THE CONSUMPTION OF ANY FOOD, NONALCOHOLIC LIQUID, ALCOHOLIC
19 LIQUID, DRUG OR OTHER SUBSTANCE THAT POSES A SUBSTANTIAL RISK OF DEATH,
20 PHYSICAL INJURY OR EMOTIONAL HARM.

21 4. AN ACT OF RESTRAINT, CONFINEMENT IN A SMALL SPACE OR SIGNIFICANT
22 SLEEP DEPRIVATION.

23 5. CONDUCT OR CONDITIONS THAT VIOLATE A FEDERAL OR STATE CRIMINAL
24 LAW AND THAT POSE A SUBSTANTIAL RISK OF DEATH OR PHYSICAL INJURY.

25 6. PHYSICAL BRUTALITY OR ANY OTHER CONDUCT OR CONDITIONS THAT POSE
26 A SUBSTANTIAL RISK OF DEATH OR PHYSICAL INJURY, INCLUDING WHIPPING,
27 BEATING, PADDLING, BRANDING, ELECTRIC SHOCKING, PLACING HARMFUL SUBSTANCES
28 ON THE BODY, EXCESSIVE EXERCISE OR CALISTHENICS OR UNHEALTHY EXPOSURE TO
29 THE ELEMENTS.

30 B. THIS SECTION DOES NOT APPLY TO REASONABLE AND CUSTOMARY
31 ATHLETIC, LAW ENFORCEMENT OR MILITARY TRAINING, CONTESTS, COMPETITIONS OR
32 EVENTS.

33 C. A PERSON MAY NOT BE CHARGED WITH OR PROSECUTED FOR HAZING OR FOR
34 A CRIME ARISING OUT OF HAZING IF THE EVIDENCE FOR THE VIOLATION WAS GAINED
35 SOLELY AS A RESULT OF EITHER OF THE FOLLOWING:

36 1. THE PERSON TRANSPORTED THE MINOR OR STUDENT WHO WAS EXPERIENCING
37 A MEDICAL EMERGENCY TO A LAW ENFORCEMENT AGENCY, CAMPUS SECURITY OFFICE OR
38 HEALTH CARE FACILITY.

39 2. THE PERSON, PROMPTLY AND IN GOOD FAITH, REPORTED THE MEDICAL
40 EVENT CAUSED BY THE HAZING TO A LAW ENFORCEMENT OFFICER, 911 OR E911
41 SERVICE, CAMPUS SECURITY OFFICER OR EMERGENCY SERVICES PERSONNEL AND THE
42 PERSON REASONABLY BELIEVED THAT THE MINOR OR STUDENT NEEDED IMMEDIATE
43 MEDICAL ATTENTION THAT WAS NECESSARY TO PREVENT THE DEATH OF OR SERIOUS
44 PHYSICAL INJURY TO THE MINOR OR STUDENT. THIS PARAGRAPH APPLIES ONLY TO A
45 PERSON TO WHOM ALL OF THE FOLLOWING APPLY:

1 (a) IF PHYSICALLY CAPABLE, THE PERSON PROVIDED THE PERSON'S NAME
2 AND THE LOCATION OF THE MINOR OR STUDENT WHO WAS IN NEED OF MEDICAL
3 ATTENTION.

4 (b) THE PERSON REMAINED WITH THE MINOR OR STUDENT UNTIL A LAW
5 ENFORCEMENT OFFICER, CAMPUS SECURITY OFFICER OR EMERGENCY SERVICES
6 PERSONNEL ARRIVED.

7 (c) THE PERSON COOPERATED WITH LAW ENFORCEMENT, CAMPUS SECURITY OR
8 EMERGENCY SERVICES PERSONNEL.

9 D. SUBSECTION C OF THIS SECTION DOES NOT DO ANY OF THE FOLLOWING:

10 1. PROHIBIT CHARGING OR PROSECUTING A PERSON FOR A VIOLATION OF
11 THIS SECTION IF LAW ENFORCEMENT OBTAINS EVIDENCE OF THE VIOLATION BEFORE
12 OR INDEPENDENT OF THE PERSON'S ACT OF SEEKING OR OBTAINING MEDICAL
13 ASSISTANCE PURSUANT TO SUBSECTION C OF THIS SECTION.

14 2. PROHIBIT THE ADMISSIBILITY OF EVIDENCE IN CONNECTION WITH AN
15 INVESTIGATION AND PROSECUTION FOR ANY OTHER CRIME THAT IS NOT PROHIBITED
16 BY SUBSECTION C OF THIS SECTION.

17 3. PROHIBIT THE ADMISSIBILITY OF EVIDENCE IN CONNECTION WITH THE
18 INVESTIGATION AND PROSECUTION OF A VIOLATION OF THIS SECTION AGAINST
19 ANOTHER PERSON WHO IS NOT IMMUNE FROM PROSECUTION PURSUANT TO SUBSECTION C
20 OF THIS SECTION.

21 E. IT IS NOT A DEFENSE TO HAZING IF EITHER OF THE FOLLOWING
22 APPLIES:

23 1. THE VICTIM OR PERSON AGAINST WHOM THE HAZING WAS DIRECTED,
24 ACQUIESCED OR CONSENTED, WHETHER IMPLIED OR EXPRESSED, TO THE CONDUCT.

25 2. THE CONDUCT WAS SANCTIONED OR APPROVED BY THE ORGANIZATION OR
26 THE EDUCATIONAL INSTITUTION OR THE CONDUCT WAS TRADITIONAL AND CUSTOMARY,
27 OR BOTH.

28 F. HAZING IS A CLASS 1 MISDEMEANOR, EXCEPT THAT IF THE HAZING
29 RESULTS IN A PERSON'S DEATH IT IS A CLASS 4 FELONY.

30 G. FOR THE PURPOSES OF THIS SECTION, "ORGANIZATION" MEANS ANY
31 OFFICIAL FRATERNITY, SORORITY, ASSOCIATION, CORPORATION, ORDER, SOCIETY,
32 CORPS, COOPERATIVE, CLUB, SERVICE GROUP, SOCIAL GROUP, BAND, SPIRIT GROUP,
33 ATHLETIC TEAM OR SIMILAR GROUP WHOSE MEMBERS ARE PRIMARILY STUDENTS AT, OR
34 FORMER STUDENTS OF, A HIGH SCHOOL OR POSTSECONDARY INSTITUTION.

35 13-1216. Hazing planning or organizing; classification

36 A. A PERSON COMMITS HAZING PLANNING OR ORGANIZING BY DOING ANY OF
37 THE FOLLOWING:

38 1. WITH THE INTENT TO PROMOTE OR AID THE COMMISSION OF HAZING, THE
39 PERSON AGREES WITH ONE OR MORE PERSONS THAT AT LEAST ONE OF THEM OR
40 ANOTHER PERSON WILL ENGAGE IN HAZING AND ONE OF THE PARTIES COMMITS AN
41 OVERT ACT IN FURTHERANCE OF HAZING.

42 2. INTENTIONALLY OR KNOWINGLY ENGAGES IN CONDUCT THAT WOULD
43 CONSTITUTE HAZING IF THE ATTENDANT CIRCUMSTANCES WERE AS THE PERSON
44 BELIEVES THEM TO BE.

1 3. INTENTIONALLY OR KNOWINGLY DOES ANYTHING THAT, UNDER THE
2 CIRCUMSTANCES AS THE PERSON BELIEVES THEM TO BE, IS ANY STEP IN A COURSE
3 OF CONDUCT PLANNED TO CULMINATE IN COMMITTING HAZING.

4 4. INTENTIONALLY OR KNOWINGLY ENGAGES IN CONDUCT THAT IS INTENDED
5 TO AID ANOTHER TO COMMIT HAZING, ALTHOUGH THE HAZING IS NOT COMMITTED OR
6 ATTEMPTED BY THE OTHER PERSON, IF THE PERSON'S CONDUCT WOULD ESTABLISH THE
7 PERSON'S COMPLICITY UNDER CHAPTER 3 OF THIS TITLE AND THE HAZING WAS
8 COMMITTED OR ATTEMPTED BY THE OTHER PERSON.

9 B. A PERSON MAY NOT BE CHARGED WITH OR PROSECUTED FOR A VIOLATION
10 OF THIS SECTION IF THE PERSON, IN WRITING, TRANSMITS TO THE OTHERS
11 INVOLVED IN THE HAZING OR HAZING PLANNING OR ORGANIZING A COMPLETE AND
12 VOLUNTARY RENUNCIATION OF THE PERSON'S CRIMINAL INTENT OR TAKES ACTIVE
13 STEPS TO THWART THE PLANNED HAZING FROM OCCURRING.

14 C. A VIOLATION OF THIS SECTION IS A CLASS 2 MISDEMEANOR.

15 Sec. 2. Section 15-2301, Arizona Revised Statutes, is amended to
16 read:

17 15-2301. Hazing prevention policies; definitions

18 A. Every public educational institution in this state shall adopt,
19 post and enforce a hazing prevention policy. The hazing prevention policy
20 shall be printed in every student handbook for distribution to parents and
21 students. Each hazing prevention policy shall include:

22 1. A definition of hazing pursuant to subsection C, paragraph 2 of
23 this section.

24 2. A statement that hazing is prohibited.

25 3. A statement that any solicitation to engage in hazing is
26 prohibited.

27 4. A statement that aiding and abetting another person who is
28 engaged in hazing is prohibited.

29 5. A statement that it is not a defense to a violation of the
30 hazing prevention policy if the hazing victim consented to or acquiesced
31 in the hazing activity.

32 6. A statement that all students, teachers and staff shall take
33 reasonable measures within the scope of their individual authority to
34 prevent violations of the hazing prevention policy.

35 7. A description of the procedures for students, teachers and staff
36 to report violations of the hazing prevention policy and the procedures to
37 file a complaint for a violation of the hazing prevention policy.

38 8. Procedures to investigate reports of violations of the hazing
39 prevention policy and to investigate complaints for a violation of the
40 hazing prevention policy.

41 9. A description of the circumstances under which a violation of
42 the hazing prevention policy shall be reported to the appropriate law
43 enforcement agency.

1 10. A description of appropriate penalties, sanctions and appeals
2 mechanisms for persons and organizations that violate the hazing
3 prevention policy. The sanctions shall include the revocation or
4 suspension of an organization's permission to conduct operations at the
5 educational institution if the organization knowingly ~~permitted~~ ALLOWED,
6 authorized or condoned the hazing activity. Any teacher or staff who
7 knowingly ~~permitted~~ ALLOWED, authorized or condoned the hazing activity is
8 subject to disciplinary action by the educational institution.

9 B. Violations of hazing prevention policies adopted pursuant to
10 this section do not include either of the following:

11 1. Customary athletic events, contests or competitions that are
12 sponsored by an educational institution.

13 2. Any activity or conduct that furthers the goals of a legitimate
14 educational curriculum, a legitimate extracurricular program or a
15 legitimate military training program.

16 C. For purposes of this section:

17 1. "Educational institution" means any of the following:

18 (a) A public school that provides instruction to pupils in any
19 combination of kindergarten programs and grades one through twelve.

20 (b) A public community college or a vocational education program
21 that provides academic instruction or training not exceeding two years'
22 duration in the arts, sciences and humanities beyond the twelfth grade of
23 the public or private high school course of study.

24 (c) Any public college or university that provides academic
25 instruction beyond the twelfth grade of the public or private high school
26 course of study and that offers any combination of baccalaureate, master's
27 or doctoral degrees to students that complete specified academic
28 requirements.

29 2. "Hazing" means ~~any intentional, knowing or reckless act~~
30 ~~committed by a student, whether individually or in concert with other~~
31 ~~persons, against another student, and in which both of the following~~
32 ~~apply:~~

33 ~~(a) The act was committed in connection with an initiation into, an~~
34 ~~affiliation with or the maintenance of membership in any organization that~~
35 ~~is affiliated with an educational institution.~~

36 ~~(b) The act contributes to a substantial risk of potential physical~~
37 ~~injury, mental harm or degradation or causes physical injury, mental harm~~
38 ~~or personal degradation~~ AN ACT IN VIOLATION OF SECTION 13-1215 OR 13-1216.

39 3. "Organization" means an athletic team, association, order,
40 society, corps, cooperative, club or other similar group that is
41 affiliated with an educational institution and whose membership consists
42 primarily of students enrolled at that educational institution.

1 4. "Student" means any person who is enrolled at an educational
2 institution, any person who has been promoted or accepted for enrollment
3 at an educational institution or any person who intends to enroll at or be
4 promoted to an educational institution within the next twelve calendar
5 months. The hazing prevention policy of the educational institution where
6 a person has been accepted for or promoted to enrollment, or where a
7 person intends to enroll or be promoted to within the next twelve calendar
8 months, shall be the effective policy. A person who meets the definition
9 of a student for purposes of this paragraph shall continue to be defined
10 as a student for purposes of this section until the person graduates,
11 transfers, is promoted or withdraws from the educational institution.

APPROVED BY THE GOVERNOR APRIL 29, 2022.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 29, 2022.