



ARIZONA STATE SENATE
Fifty-Fifth Legislature, Second Regular Session

AMENDED
FACT SHEET FOR H.B. 2322

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

Purpose

Establishes the criminal offenses of *hazing* and *hazing planning or organizing* and outlines exemptions and immunizing circumstances. Redefines *hazing*, for the purposes of educational institution hazing prevention policies, to mean an act in violation of the criminal classifications.

Background

Every public educational institution in Arizona must adopt, post and enforce a hazing prevention policy that includes: 1) the statutory definition of *hazing*; 2) statements prohibiting hazing, solicitation to engage in hazing and aiding and abetting hazing; 3) a statement that a hazing victim's consent or acquiescence is not a defense to hazing; 4) a statement that all students, teachers and staff must take reasonable measures to prevent hazing; 5) a description of procedures for reporting and the circumstances under which hazing must be reported to a law enforcement agency; 6) procedures to investigate hazing reports and complaints; and 7) a description of penalties, sanctions and appeal mechanisms for persons and organizations that violate the policy, including the revocation or suspension of organizations and the disciplinary action of teachers or staff who knowingly allow, authorize or condone hazing.

Hazing is any intentional, knowing or reckless act committed by a student, whether individually or in concert with other persons, against another student, and in connection with an initiation into, an affiliation with or the maintenance of membership in any organization affiliated with an educational institution that contributes to a substantial risk of potential physical injury, mental harm or degradation or causes physical injury, mental harm or personal degradation ([A.R.S. § 15-2301](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

Hazing

1. Establishes the criminal offense of *hazing* and states that a person commits *hazing* by intentionally, knowingly or recklessly causing, coercing or forcing a minor or student to engage in or endure any of the following, for the purpose of pre-initiation activities, pledging, initiating, holding office, admitting or affiliating a minor or student into or with an organization or for the purpose of continuing, reinstating or enhancing a minor's or student's membership or status in an organization:
 - a) sexual humiliation or brutality, including forced nudity or an act of sexual penetration or both;

- b) conduct or conditions, including physical or psychological tactics, that are reasonably calculated to cause severe mental distress to the minor or student, including activities that are reasonably calculated to cause the minor or student to harm themselves or others;
 - c) the consumption of any food, nonalcoholic or alcoholic liquid, drug or other substance that poses a substantial risk of death, physical injury or emotional harm;
 - d) an act of restraint, confinement in a small space or significant sleep deprivation;
 - e) conduct or conditions that violate a federal or state criminal law and pose a substantial risk of death or physical injury; or
 - f) physical brutality or any other conduct or conditions that pose a substantial risk of death or physical injury, including whipping, beating, paddling, branding, electric shocking, placing harmful substances on the body, excessive exercise or calisthenics, or unhealthy exposure to the elements.
2. Classifies *hazing* as a class 1 misdemeanor, or if the hazing results in a person's death, as a class 4 felony.
 3. Excludes, from the criminal classification of *hazing*, reasonable and customary athletic, law enforcement or military training, contests, competitions or events.
 4. Immunizes a person from being charged with or prosecuted for hazing or a crime arising out of hazing, if the evidence for the violation was gained solely as a result of the person:
 - a) transporting the minor or student experiencing a medical emergency to a law enforcement agency, campus security office or health care facility; or
 - b) promptly and in good faith, reporting a medical event caused by hazing to a law enforcement officer, 911 or E911 service, campus security officer or emergency services personnel and the person reasonably believed that the minor or student needed immediate medical attention that was necessary to prevent the death of or serious physical injury to the minor or student.
 5. Limits the immunity of a person who reports a medical event caused by hazing to apply only if the person:
 - a) is physically capable, provides their name and the location of the minor or student;
 - b) remains with the minor or student until a law enforcement officer, campus security officer or emergency services personnel arrives; and
 - c) cooperates with law enforcement, campus security or emergency services personnel.
 6. Specifies that the immunization of a person who transports a hazing victim or reports a medical event caused by hazing does not prohibit:
 - a) charging or prosecuting a person if law enforcement obtains evidence of the violation before, or independent of, the person's act of seeking or obtaining medical assistance; or
 - b) the admissibility of evidence in connection with an investigation and prosecution of a hazing violation against another person who is not immune from prosecution.
 7. Specifies that the following are not a defense to hazing:
 - a) the victim or person against whom the hazing was directed, acquiesced or consented, whether implied or expressed, to the conduct; or
 - b) the conduct was sanctioned or approved by the organization or educational institution, or the conduct was traditional and customary, or both.

8. Defines *organization* as any official fraternity, sorority, association, corporation, order, society, corps, cooperative, club, service group, social group, band, spirit group, athletic team or similar group whose members are primarily students at, or former students of, a high school or postsecondary institution.

Hazing Planning or Organizing

9. Establishes the criminal offense of *hazing planning or organizing* and states that a person commits *hazing planning or organizing* by:
 - a) with the intent to promote or aid the commission of hazing, agreeing with one or more persons that at least one of them or another person will engage in hazing and one of the parties commits an overt act in furtherance of hazing;
 - b) intentionally or knowingly engaging in conduct that would constitute *hazing* if the attendant circumstances were as the person believes them to be;
 - c) intentionally or knowingly doing anything that, under the circumstances as the person believes them to be, is any step in a course of conduct planned to culminate in committing hazing; or
 - d) intentionally or knowingly engaging in conduct that is intended to aid another to commit hazing, although the hazing is not committed or attempted by the other person, if the person's conduct would establish the person's complicity as a party to the offense and the hazing was committed or attempted by the other person.
10. Classifies, as a class 2 misdemeanor, a violation of *hazing planning or organizing*.
11. Immunizes a person from being charged with or prosecuted for hazing planning or organizing if the person:
 - a) transmits, in writing, to the others involved in the hazing or hazing planning or organizing a complete and voluntary renunciation of the person's criminal intent; or
 - b) takes active steps to thwart the planned hazing from occurring.

Miscellaneous

12. Redefines *hazing*, relating to public educational institution hazing prevention policies, as an act in violation of *hazing* or *hazing planning or organizing* criminal classifications.
13. Makes technical and conforming changes.
14. Becomes effective on the general effective date.

Amendments Adopted by Committee

1. Removes, from the criminal offense of *hazing planning or organizing*, intentionally or knowingly omitting to do anything that is a step in a course of conduct planned to culminate in *hazing*.
2. Makes technical changes.

Amendments Adopted by Committee of the Whole

1. Removes, from the criminal classification of *hazing*, causing, coercing or forcing a minor or student, for the specified purposes, to:
 - a) violate a federal or state criminal law;
 - b) endure mental brutality, including an act that adversely affects the mental health or dignity of the minor or student, endure exclusion from social contact or conduct that could result in extreme embarrassment; and
 - c) endure any activity that creates a reasonable likelihood that the minor or student will be physically injured.
2. Adds, to the criminal classification of *hazing*, causing, coercing or forcing a minor or student, for the specified purposes, to:
 - a) engage in or endure conduct or conditions that violate a federal or state criminal law and pose a substantial risk of death or physical injury;
 - b) engage in or endure conduct or conditions, including physical or psychological tactics, that are reasonably calculated to cause severe mental distress to the minor or student, including causing the minor or student to harm themselves or others;
 - c) engage in or endure conduct or conditions that pose a substantial risk of death or physical injury;
 - d) engage in or endure an act of restraint;
 - e) engage in physical brutality; and
 - f) engage in sexual humiliation or brutality.
3. Specifies that, for classification as *hazing*, causing, coercing or forcing a minor or student to consume a substance for the specified purposes must pose a substantial risk of death, physical injury or emotional harm, rather than subject the minor or student to a risk of emotional or physical harm.
4. Modifies the list of actions included in physical brutality classified as *hazing* by:
 - a) removing striking;
 - b) adding excessive exercise; and
 - c) specifying that, for classification as physical brutality, calisthenics must be excessive and exposure to the elements must be unhealthy.
5. Specifies that, for classification as *hazing*, sleep deprivation must be significant.
6. Immunizes a person from being charged with or prosecuted for hazing planning or organizing if the person:
 - a) transmits, in writing, to the others involved in the hazing or hazing planning or organizing a complete and voluntary renunciation of the person's criminal intent; or
 - b) takes active steps to thwart the planned hazing from occurring.
7. Immunizes a person from being charged with or prosecuted for a crime arising out of hazing, rather than for a preparatory offense, if the evidence was gained solely as a result of transporting a hazing victim or reporting a medical event as outlined.

8. Specifies that a person's good faith report of a medical event caused by hazing must be made promptly, rather than in a timely manner, to qualify for immunization.
9. Makes conforming changes.

House Action

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3rd Read 2/15/22 52-7-1

Senate Action

ED 3/15/22 DPA 7-1-0

Prepared by Senate Research

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LB/KJA/slp