



Bill Number: H.B. 2322

Boyer Floor Amendment

Reference to: House engrossed bill

Amendment drafted by: Leg Council

FLOOR AMENDMENT EXPLANATION

1. Removes, from the criminal classification of *hazing*, causing, coercing or forcing a minor or student 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, 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 to:
 - a) engage in or endure conduct or conditions that violate a federal or state criminal law and that 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 activities that are reasonably calculated to cause the minor or student to harm themselves or others;
 - c) engage in or endure any 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, coercion or forcing a minor or student to consume food, liquid drug or other substance 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. Specifies that sleep deprivation must be significant for classification as *hazing*.
5. Modifies the list of actions specifically included in physical brutality by:
 - a) removing striking;
 - b) adding excessive exercise;
 - c) specifying that calisthenics must be excessive for classification as physical brutality; and
 - d) specifying that exposure to the elements must be unhealthy for classification as physical brutality.

- 6. 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.**
- 7. 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.**
- 8. Immunizes a person from being charged with or prosecuted for hazing planning or organizing if the person:**
 - a) transmits to the others involved in the hazing or hazing planning or organizing a complete and voluntary written renunciation of the person's criminal intent;**
 - or**
 - b) takes active steps to thwart the planned hazing from occurring.**
- 9. Makes conforming changes.**

BOYER FLOOR AMENDMENT
SENATE AMENDMENTS TO H.B. 2322
(Reference to House engrossed bill)

1 Page 1, line 10, strike "DO" insert "ENGAGE IN OR ENDURE"

2 Strike lines 12 through 22

3 Renumber to conform

4 Line 23, strike "ENDURE"

5 Strike lines 25 and 26, insert:

6 "2. CONDUCT OR CONDITIONS, INCLUDING PHYSICAL OR PSYCHOLOGICAL
7 TACTICS, THAT ARE REASONABLY CALCULATED TO CAUSE SEVERE MENTAL DISTRESS TO
8 THE MINOR OR STUDENT, INCLUDING ACTIVITIES THAT ARE REASONABLY CALCULATED
9 TO CAUSE THE MINOR OR STUDENT TO HARM THEMSELVES OR OTHERS.

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

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

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

17 6. PHYSICAL BRUTALITY OR ANY OTHER CONDUCT OR CONDITIONS THAT POSE A
18 SUBSTANTIAL RISK OF DEATH OR PHYSICAL INJURY, INCLUDING WHIPPING, BEATING,
19 PADDLING, BRANDING, ELECTRIC SHOCKING, PLACING HARMFUL SUBSTANCES ON THE
20 BODY, EXCESSIVE EXERCISE OR CALISTHENICS OR UNHEALTHY EXPOSURE TO THE
21 ELEMENTS."

22 Line 31, strike "PREPARATORY OFFENSE" insert "CRIME ARISING OUT OF HAZING"

23 Line 37, after the first comma insert "PROMPTLY AND"; strike "AND IN A TIMELY
24 MANNER"

1 Page 3, between lines 5 and 6, insert:

2 "B. A PERSON MAY NOT BE CHARGED WITH OR PROSECUTED FOR A VIOLATION
3 OF THIS SECTION IF THE PERSON, IN WRITING, TRANSMITS TO THE OTHERS INVOLVED
4 IN THE HAZING OR HAZING PLANNING OR ORGANIZING A COMPLETE AND VOLUNTARY
5 RENUNCIATION OF THE PERSON'S CRIMINAL INTENT OR TAKES ACTIVE STEPS TO
6 THWART THE PLANNED HAZING FROM OCCURRING."

7 Reletter to conform

8 Amend title to conform

PAUL BOYER

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