

House Engrossed

hazing; hazing paraphernalia; offense

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

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 DO ANY OF
11 THE FOLLOWING:

12 1. VIOLATE A FEDERAL OR STATE CRIMINAL LAW.

13 2. CONSUME ANY FOOD, NONALCOHOLIC LIQUID, ALCOHOLIC LIQUID, DRUG OR
14 OTHER SUBSTANCE THAT SUBJECTS THE MINOR OR STUDENT TO A RISK OF EMOTIONAL
15 OR PHYSICAL HARM.

16 3. ENDURE PHYSICAL BRUTALITY, INCLUDING WHIPPING, BEATING,
17 PADDLING, STRIKING, BRANDING, ELECTRIC SHOCKING, PLACING HARMFUL
18 SUBSTANCES ON THE BODY, CALISTHENICS OR EXPOSURE TO THE ELEMENTS.

19 4. ENDURE MENTAL BRUTALITY, INCLUDING AN ACT THAT ADVERSELY AFFECTS
20 THE MENTAL HEALTH OR DIGNITY OF THE MINOR OR STUDENT, SLEEP DEPRIVATION,
21 CONFINEMENT IN A SMALL SPACE, EXCLUSION FROM SOCIAL CONTACT OR CONDUCT
22 THAT COULD RESULT IN EXTREME EMBARRASSMENT.

23 5. ENDURE SEXUAL HUMILIATION OR BRUTALITY, INCLUDING FORCED NUDITY
24 OR AN ACT OF SEXUAL PENETRATION, OR BOTH.

25 6. ENDURE ANY OTHER ACTIVITY THAT CREATES A REASONABLE LIKELIHOOD
26 THAT THE MINOR OR STUDENT WILL BE PHYSICALLY INJURED.

27 B. THIS SECTION DOES NOT APPLY TO REASONABLE AND CUSTOMARY
28 ATHLETIC, LAW ENFORCEMENT OR MILITARY TRAINING, CONTESTS, COMPETITIONS OR
29 EVENTS.

30 C. A PERSON MAY NOT BE CHARGED WITH OR PROSECUTED FOR HAZING, FOR
31 POSSESSING OR USING HAZING PARAPHERNALIA OR FOR A PREPARATORY OFFENSE IF
32 THE EVIDENCE FOR THE VIOLATION WAS GAINED SOLELY AS A RESULT OF EITHER OF
33 THE FOLLOWING:

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

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

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

1 (b) THE PERSON REMAINED WITH THE MINOR OR STUDENT UNTIL A LAW
2 ENFORCEMENT OFFICER, CAMPUS SECURITY OFFICER OR EMERGENCY SERVICES
3 PERSONNEL ARRIVED.

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

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

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

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

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

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

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

22 2. THE CONDUCT WAS SANCTIONED OR APPROVED BY THE ORGANIZATION OR
23 THE EDUCATIONAL INSTITUTION OR THE CONDUCT WAS TRADITIONAL AND CUSTOMARY,
24 OR BOTH.

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

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

32 13-1216. Hazing planning or organizing: classification

33 A. A PERSON COMMITS HAZING PLANNING OR ORGANIZING BY DOING ANY OF
34 THE FOLLOWING:

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

39 2. INTENTIONALLY OR KNOWINGLY ENGAGES IN CONDUCT THAT WOULD
40 CONSTITUTE HAZING IF THE ATTENDANT CIRCUMSTANCES WERE AS THE PERSON
41 BELIEVES THEM TO BE.

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

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

6 B. A VIOLATION OF THIS SECTION IS A CLASS 2 MISDEMEANOR.

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

9 15-2301. Hazing prevention policies; definitions

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

14 1. A definition of hazing pursuant to subsection C, paragraph 2 of
15 this section.

16 2. A statement that hazing is prohibited.

17 3. A statement that any solicitation to engage in hazing is
18 prohibited.

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

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

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

27 7. A description of the procedures for students, teachers and staff
28 to report violations of the hazing prevention policy and the procedures to
29 file a complaint for a violation of the hazing prevention policy.

30 8. Procedures to investigate reports of violations of the hazing
31 prevention policy and to investigate complaints for a violation of the
32 hazing prevention policy.

33 9. A description of the circumstances under which a violation of
34 the hazing prevention policy shall be reported to the appropriate law
35 enforcement agency.

36 10. A description of appropriate penalties, sanctions and appeals
37 mechanisms for persons and organizations that violate the hazing
38 prevention policy. The sanctions shall include the revocation or
39 suspension of an organization's permission to conduct operations at the
40 educational institution if the organization knowingly ~~permitted~~ ALLOWED,
41 authorized or condoned the hazing activity. Any teacher or staff who
42 knowingly ~~permitted~~ ALLOWED, authorized or condoned the hazing activity is
43 subject to disciplinary action by the educational institution.

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

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

5 2. Any activity or conduct that furthers the goals of a legitimate
6 educational curriculum, a legitimate extracurricular program or a
7 legitimate military training program.

8 C. For purposes of this section:

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

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

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

16 (c) Any public college or university that provides academic
17 instruction beyond the twelfth grade of the public or private high school
18 course of study and that offers any combination of baccalaureate, master's
19 or doctoral degrees to students that complete specified academic
20 requirements.

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

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

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

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

35 4. "Student" means any person who is enrolled at an educational
36 institution, any person who has been promoted or accepted for enrollment
37 at an educational institution or any person who intends to enroll at or be
38 promoted to an educational institution within the next twelve calendar
39 months. The hazing prevention policy of the educational institution where
40 a person has been accepted for or promoted to enrollment, or where a
41 person intends to enroll or be promoted to within the next twelve calendar
42 months, shall be the effective policy. A person who meets the definition
43 of a student for purposes of this paragraph shall continue to be defined
44 as a student for purposes of this section until the person graduates,
45 transfers, is promoted or withdraws from the educational institution.