

REFERENCE TITLE: **hazing; hazing paraphernalia; offense**

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

HB 2322

Introduced by
Representatives Kavanagh: Carroll, Diaz, Martinez, Toma, Senator Gray

AN ACT

AMENDING TITLE 13, CHAPTER 12, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 13-1215, 13-1216 AND 13-1217; 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, 13-1216 and 13-1217, 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:

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 OR UNOFFICIAL FRATERNITY, SORORITY, ASSOCIATION, CORPORATION,
32 ORDER, SOCIETY, CORPS, COOPERATIVE, CLUB, SERVICE GROUP, SOCIAL GROUP,
33 BAND, SPIRIT GROUP, ATHLETIC TEAM OR SIMILAR GROUP WHOSE MEMBERS ARE
34 PRIMARILY STUDENTS AT, OR FORMER STUDENTS OF, A 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 OR OMITTS TO DO ANYTHING THAT,
2 UNDER THE CIRCUMSTANCES AS THE PERSON BELIEVES THEM TO BE, IS ANY STEP IN
3 A COURSE 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 VIOLATION OF THIS SECTION IS A CLASS 2 MISDEMEANOR.

10 13-1217. Ownership, possession, purchase, sale, transfer or
11 manufacture of hazing paraphernalia;
12 classification; definition

13 A. IT IS UNLAWFUL FOR A PERSON TO KNOWINGLY OWN, POSSESS, PURCHASE,
14 SELL, TRANSFER OR MANUFACTURE HAZING PARAPHERNALIA FOR THE PURPOSE OF
15 PLANNING, ORGANIZING, ENGAGING IN OR PROMOTING HAZING PURSUANT TO SECTION
16 13-1215 OR 13-1216.

17 B. THIS SECTION DOES NOT APPLY TO REASONABLE AND CUSTOMARY
18 ATHLETIC, LAW ENFORCEMENT OR MILITARY TRAINING, CONTESTS, COMPETITIONS OR
19 EVENTS.

20 C. A VIOLATION OF THIS SECTION IS A CLASS 3 MISDEMEANOR.

21 D. FOR THE PURPOSES OF THIS SECTION, "HAZING PARAPHERNALIA" MEANS
22 EQUIPMENT, PRODUCTS, IMPLEMENTS OR MATERIALS OF ANY KIND THAT ARE USED,
23 INTENDED FOR USE OR DESIGNED SOLELY FOR USE IN HAZING OR FACILITATING
24 HAZING PURSUANT TO SECTION 13-1215 OR HAZING PLANNING OR ORGANIZING OR
25 FACILITATING HAZING PLANNING OR ORGANIZING PURSUANT TO SECTION 13-1216.

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

28 15-2301. Hazing prevention policies; definitions

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

33 1. A definition of hazing pursuant to subsection C, paragraph 2 of
34 this section.

35 2. A statement that hazing is prohibited.

36 3. A statement that any solicitation to engage in hazing is
37 prohibited.

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

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

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

1 7. A description of the procedures for students, teachers and staff
2 to report violations of the hazing prevention policy and the procedures to
3 file a complaint for a violation of the hazing prevention policy.

4 8. Procedures to investigate reports of violations of the hazing
5 prevention policy and to investigate complaints for a violation of the
6 hazing prevention policy.

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

10 10. A description of appropriate penalties, sanctions and appeals
11 mechanisms for persons and organizations that violate the hazing
12 prevention policy. The sanctions shall include the revocation or
13 suspension of an organization's permission to conduct operations at the
14 educational institution if the organization knowingly ~~permitted~~ ALLOWED,
15 authorized or condoned the hazing activity. Any teacher or staff who
16 knowingly ~~permitted~~ ALLOWED, authorized or condoned the hazing activity is
17 subject to disciplinary action by the educational institution.

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

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

22 2. Any activity or conduct that furthers the goals of a legitimate
23 educational curriculum, a legitimate extracurricular program or a
24 legitimate military training program.

25 C. For purposes of this section:

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

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

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

33 (c) Any public college or university that provides academic
34 instruction beyond the twelfth grade of the public or private high school
35 course of study and that offers any combination of baccalaureate, master's
36 or doctoral degrees to students that complete specified academic
37 requirements.

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

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

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

4 3. "Organization" means ~~an~~ ANY OFFICIAL OR UNOFFICIAL FRATERNITY,
5 SORORITY, CORPORATION, SERVICE GROUP, SOCIAL GROUP, BAND, SPIRIT GROUP,
6 athletic team, association, order, society, corps, cooperative, club or
7 other similar group ~~that is affiliated with an educational institution and~~
8 whose ~~membership consists~~ MEMBERS ARE primarily ~~of~~ students ~~enrolled~~ at,
9 ~~that educational~~ OR FORMER STUDENTS OF, A POSTSECONDARY institution.

10 4. "Student" means any person who is enrolled at an educational
11 institution, any person who has been promoted or accepted for enrollment
12 at an educational institution or any person who intends to enroll at or be
13 promoted to an educational institution within the next twelve calendar
14 months. The hazing prevention policy of the educational institution where
15 a person has been accepted for or promoted to enrollment, or where a
16 person intends to enroll or be promoted to within the next twelve calendar
17 months, shall be the effective policy. A person who meets the definition
18 of a student for purposes of this paragraph shall continue to be defined
19 as a student for purposes of this section until the person graduates,
20 transfers, is promoted or withdraws from the educational institution.