

WEST VIRGINIA LEGISLATURE
2019 FIRST EXTRAORDINARY SESSION

Enrolled

Senate Bill 1004

BY SENATORS CARMICHAEL (MR. PRESIDENT) AND
PREZIOSO

(BY REQUEST OF THE EXECUTIVE)

[Passed May 20, 2019; in effect 90 days from
passage]

1 AN ACT to amend and reenact §18-16-1, §18-16-2, §18-16-3, and §18-16-4 of the Code of West
2 Virginia, 1931, as amended, all relating generally to prohibiting hazing; adopting a short
3 title; defining terms; criminalizing participation in hazing; establishing criminal penalties;
4 expanding and clarifying organizations subject to anti-hazing provisions; requiring
5 institutions of higher education to promulgate policies related to hazing; requiring
6 enforcement of institution anti-hazing policies; and authorizing institutions to impose
7 noncriminal penalties for hazing.

Be it enacted by the Legislature of West Virginia:

ARTICLE 16. ANTIHAZING LAW.

§18-16-1. Short title.

1 This article shall be known and may be cited as the West Virginia Anti-hazing Law.

§18-16-2. Definitions.

1 As used in this article:

2 (1) "Hazing" means to cause any action or situation which recklessly or intentionally
3 endangers the mental or physical health or safety of another person or persons or causes another
4 person or persons to destroy or remove public or private property for the purpose of initiation or
5 admission into or affiliation with, or as a condition for continued membership in, any organization
6 the members of which are primarily students or alumni of an institution of higher education. The
7 term includes, but is not limited to, acts of a physical nature, such as whipping, beating, branding,
8 required consumption of any food, liquor, drug, or other substance, or any other required physical
9 activity which could reasonably be deemed to adversely affect the physical health and safety of
10 the person or persons so treated, and includes any activity which would subject the person or
11 persons so treated to extreme mental stress, such as sleep deprivation, forced exclusion from
12 social contact, required conduct which could result in extreme embarrassment, or any other
13 required activity which could reasonably be deemed to adversely affect the mental health or
14 dignity of the person or persons so treated, or any willful destruction or removal of public or private

15 property: *Provided*, That the implied or expressed consent or willingness of a person or persons
16 to hazing may not be a defense under this section.

17 (2) "Institution of higher education" or "institution" means any public or private institution
18 as defined in §18B-1-2 of this code.

19 (3) "Organization" means any fraternity, sorority, association, corporation, order, society,
20 corps, club, or similar group, or a national or international affiliate thereof, the membership of
21 which is primarily made up students or alumni of an institution of higher education.

§18-16-3. Hazing prohibited.

1 Any person who causes hazing is guilty of a misdemeanor and, upon conviction thereof,
2 shall be fined not less than \$100 nor more than \$1,000, or confined in jail for not more than nine
3 months, or both fined and confined.

§18-16-4. Enforcement by institutions.

1 (a) *Anti-hazing policy.* —The governing body of each institution of higher education in this
2 state shall promulgate and enforce anti-hazing rules consistent with this article.

3 (b) *Enforcement and penalties.* —

4 (1) Each institution shall provide a program for the enforcement of rules promulgated
5 pursuant to subsection (a) of this section and shall adopt appropriate penalties for violations
6 thereof.

7 (2) Penalties may include rescission of permission for an organization to operate on campus
8 property or to otherwise operate under the sanction or recognition of the institution.

9 (3) All penalties imposed under the authority of this section shall be in addition to any
10 penalty imposed for violation of §18-16-3 of this code or of any of the criminal laws of this state.

11 (4) Rules adopted pursuant hereto apply to acts conducted on or off campus whenever
12 such acts constitute hazing as defined in §18-16-2 of this code.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

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Chairman, Senate Committee

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Chairman, House Committee

Originated in the Senate.

In effect 90 days from passage.

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Clerk of the Senate

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Clerk of the House of Delegates

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President of the Senate

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Speaker of the House of Delegates

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Day of, 2019.

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Governor