



**House
Legislative
Analysis
Section**

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**ESTABLISH LIABILITY FOR
"HAZING" DAMAGES/INJURIES**

House Bill 5543

Sponsor: Rep. David Woodward

Committee: Civil Law and the Judiciary

Complete to 8-30-02

A SUMMARY OF HOUSE BILL 5543 AS INTRODUCED 12-21-01

House Bill 5543 would amend the Revised Judicature Act of 1961 to specify that an individual who is subjected to hazing may bring a civil suit for injury or damages, including mental and physical pain and suffering, that result from "hazing". "Hazing" would be defined as "doing an act or coercing another, including a victim, to do an act of initiation into a student or other organization that causes or creates a substantial risk of causing mental or physical harm to an individual." (The bill would specify that the negligence or consent of the plaintiff or an assumption of risk by the plaintiff would not be a defense to such a suit.)

Action could be brought against a participant in the hazing or an organization whose local or national directors, trustees, or officers authorized, requested, commanded, or tolerated the hazing. If the hazing involved a student in a primary, secondary, or postsecondary school, university, or college, or another educational institution, an action could also be brought against an administrator, employee, or faculty member. If an administrator, employee, or faculty member was found liable, the school, university, college, or other educational institution that employed the individual could also be held liable. A school, university, college, or other institution's active enforcement of a policy against hazing at the time the cause of action arose would constitute an affirmative defense to the action.

MCL 600.2972

House Bill 5543 (8-30-02)

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