

# SENATE BILL No. 1183

March 5, 2002, Introduced by Senators HART, PETERS, DE BEAUSSAERT, KOIVISTO and BYRUM and referred to the Committee on Judiciary.

A bill to amend 1931 PA 328, entitled  
"The Michigan penal code,"  
(MCL 750.1 to 750.568) by adding section 411t.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 411T. (1) EXCEPT AS PROVIDED IN SUBSECTION (4), A  
2 PERSON WHO ATTENDS AN EDUCATIONAL INSTITUTION SHALL NOT ENGAGE IN  
3 OR PARTICIPATE IN THE HAZING OF ANOTHER PERSON.

4 (2) A PERSON WHO VIOLATES SUBSECTION (1) IS GUILTY OF A  
5 CRIME AND PUNISHABLE AS FOLLOWS:

6 (A) IF THE VIOLATION RESULTS IN PHYSICAL INJURY, THE PERSON  
7 IS GUILTY OF A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT  
8 MORE THAN 90 DAYS OR A FINE OF NOT MORE THAN \$1,000.00, OR BOTH.

9 (B) IF THE VIOLATION RESULTS IN SERIOUS INJURY, THE PERSON  
10 IS GUILTY OF A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT  
11 MORE THAN 1 YEAR OR A FINE OF NOT MORE THAN \$2,000.00, OR BOTH.

1 (C) IF THE VIOLATION RESULTS IN DEATH, THE PERSON IS GUILTY  
2 OF A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 2 YEARS  
3 OR A FINE OF NOT MORE THAN \$5,000.00, OR BOTH.

4 (3) A CRIMINAL PENALTY PROVIDED FOR UNDER THIS SECTION MAY  
5 BE IMPOSED IN ADDITION TO ANY PENALTY THAT MAY BE IMPOSED FOR ANY  
6 OTHER CRIMINAL OFFENSE ARISING FROM THE SAME CONDUCT.

7 (4) THIS SECTION DOES NOT APPLY TO A PERSON WHO IS THE  
8 SUBJECT OF THE HAZING, REGARDLESS OF WHETHER THE PERSON VOLUN-  
9 TARIPLY ALLOWED HIMSELF OR HERSELF TO BE HAZED.

10 (5) THIS SECTION DOES NOT APPLY TO AN ACTIVITY THAT IS  
11 NORMAL AND CUSTOMARY IN AN ATHLETIC, PHYSICAL EDUCATION, MILITARY  
12 TRAINING, OR SIMILAR PROGRAM SANCTIONED BY THE EDUCATIONAL  
13 INSTITUTION.

14 (6) IT IS NOT A DEFENSE TO A PROSECUTION FOR A CRIME UNDER  
15 THIS SECTION THAT THE PERSON AGAINST WHOM THE HAZING WAS DIRECTED  
16 CONSENTED TO OR ACQUIESCED IN THE HAZING.

17 (7) AS USED IN THIS SECTION:

18 (A) "EDUCATIONAL INSTITUTION" MEANS A PUBLIC OR PRIVATE  
19 SCHOOL THAT IS A MIDDLE SCHOOL, JUNIOR HIGH SCHOOL, HIGH SCHOOL,  
20 VOCATIONAL SCHOOL, COLLEGE, OR UNIVERSITY LOCATED IN THIS STATE.

21 (B) "HAZING" MEANS AN INTENTIONAL, KNOWING, OR RECKLESS ACT  
22 BY A PERSON ACTING ALONE OR ACTING WITH OTHERS THAT IS DIRECTED  
23 AGAINST ANOTHER PERSON AND ENDANGERS THE MENTAL OR PHYSICAL  
24 HEALTH OR SAFETY OF THE OTHER PERSON, AND THAT IS DONE FOR THE  
25 PURPOSE OF PLEDGING, BEING INITIATED INTO, AFFILIATING WITH,  
26 HOLDING OFFICE IN, OR MAINTAINING MEMBERSHIP IN ANY

1 ORGANIZATION. SUBJECT TO SUBSECTION (5), HAZING INCLUDES ANY OF  
2 THE FOLLOWING THAT IS DONE FOR SUCH A PURPOSE:

3 (i) PHYSICAL BRUTALITY, SUCH AS WHIPPING, BEATING, STRIKING,  
4 BRANDING, ELECTRONIC SHOCKING, PLACING OF A HARMFUL SUBSTANCE ON  
5 THE BODY, OR SIMILAR ACTIVITY.

6 (ii) PHYSICAL ACTIVITY, SUCH AS SLEEP DEPRIVATION, EXPOSURE  
7 TO THE ELEMENTS, CONFINEMENT IN A SMALL SPACE, OR CALISTHENICS,  
8 THAT SUBJECTS THE OTHER PERSON TO AN UNREASONABLE RISK OF HARM OR  
9 THAT ADVERSELY AFFECTS THE MENTAL OR PHYSICAL HEALTH OR SAFETY OF  
10 THE OTHER PERSON.

11 (iii) ACTIVITY INVOLVING CONSUMPTION OF A FOOD, LIQUID,  
12 ALCOHOLIC BEVERAGE, LIQUOR, DRUG, OR OTHER SUBSTANCE THAT  
13 SUBJECTS THE OTHER PERSON TO AN UNREASONABLE RISK OF HARM OR THAT  
14 ADVERSELY AFFECTS THE MENTAL OR PHYSICAL HEALTH OR SAFETY OF THE  
15 OTHER PERSON.

16 (iv) ACTIVITY THAT INTIMIDATES OR THREATENS ANOTHER PERSON  
17 WITH OSTRACISM, THAT SUBJECTS THE OTHER PERSON TO EXTREME MENTAL  
18 STRESS, SHAME, OR HUMILIATION, THAT ADVERSELY AFFECTS THE OTHER  
19 PERSON FROM ENROLLING IN OR REMAINING ENROLLED IN A SCHOOL OR  
20 PROGRAM, OR THAT MAY REASONABLY BE EXPECTED TO CAUSE ANOTHER  
21 PERSON TO LEAVE THE ORGANIZATION OR THE EDUCATIONAL INSTITUTION  
22 RATHER THAN TO SUBMIT TO THE ACTIVITY.

23 (v) ACTIVITY THAT INDUCES, CAUSES, OR REQUIRES ANOTHER  
24 PERSON TO PERFORM A DUTY OR TASK THAT INVOLVES THE COMMISSION OF  
25 A CRIME OR AN ACT OF HAZING.

26 (C) "ORGANIZATION" MEANS A FRATERNITY, SORORITY,  
27 ASSOCIATION, CORPORATION, ORDER, SOCIETY, CORPS, COOPERATIVE,

1 CLUB, SERVICE GROUP, SOCIAL GROUP, ATHLETIC TEAM, OR SIMILAR  
2 GROUP WHOSE MEMBERS ARE PRIMARILY STUDENTS AT AN EDUCATIONAL  
3 INSTITUTION.

4 (D) "PLEDGE" MEANS A PERSON WHO HAS BEEN ACCEPTED BY, IS  
5 CONSIDERING AN OFFER OF MEMBERSHIP FROM, OR IS IN THE PROCESS OF  
6 QUALIFYING FOR MEMBERSHIP IN ANY ORGANIZATION.

7 (E) "PLEDGING" MEANS ANY ACTION OR ACTIVITY RELATED TO  
8 BECOMING A MEMBER OF AN ORGANIZATION.

9 (F) "SERIOUS INJURY" MEANS THAT TERM AS DEFINED IN SECTION  
10 479A.