

HOUSE SUBSTITUTE FOR  
SENATE BILL NO. 783

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, is employed by, or is a volunteer of an  
3 educational institution shall not engage in or participate in the  
4 hazing of an individual.

5       (2) A person who violates subsection (1) is guilty of a crime  
6 punishable as follows:

7       (a) If the violation results in physical injury, the person  
8 is guilty of a misdemeanor punishable by imprisonment for not  
9 more than 93 days or a fine of not more than \$1,000.00, or both.

10       (b) If the violation results in serious impairment of a body  
11 function, the person is guilty of a felony punishable by

1 imprisonment for not more than 5 years or a fine of not more than  
2 \$2,500.00, or both.

3 (c) If the violation results in death, the person is guilty  
4 of a felony punishable by imprisonment for not more than 15 years  
5 or a fine of not more than \$10,000.00, or both.

6 (3) A criminal penalty provided for under this section may be  
7 imposed in addition to any penalty that may be imposed for any  
8 other criminal offense arising from the same conduct.

9 (4) This section does not apply to an individual who is the  
10 subject of the hazing, regardless of whether the individual  
11 voluntarily allowed himself or herself to be hazed.

12 (5) This section does not apply to an activity that is normal  
13 and customary in an athletic, physical education, military  
14 training, or similar program sanctioned by the educational  
15 institution.

[6] An employee or agent of a health facility who knows or has  
reason to know that an individual who is being treated at the health  
facility for a physical injury was injured as a result of hazing shall  
notify the local law enforcement agency, other than a law enforcement  
agency employed or operated by a college or university, while the  
individual is on the premises of the health facility. As used in this  
subsection, "health facility" means that term as defined in section 20106  
of the public health code, 1978 PA 368, MCL 333.20106.

16 [(7)] It is not a defense to a prosecution for a crime under  
17 this section that the individual against whom the hazing was  
18 directed consented to or acquiesced in the hazing.

19 [(8)] As used in this section:

20 (a) "Educational institution" means a public or private  
21 school that is [an elementary school,] a middle school, junior high  
school, high school,  
22 vocational school, college, or university located in this state.

23 (b) "Hazing" means an intentional, knowing, or reckless act  
24 by a person acting alone or acting with others that is directed

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25 against an individual and that the person knew or should have  
26 known endangers the physical health or safety of the individual,  
27 and that is done for the purpose of pledging, being initiated

1 into, affiliating with, participating in, holding office in, or  
2 maintaining membership in any organization. Subject to  
3 subsection (5), hazing includes any of the following that is done  
4 for such a purpose:

5 (i) Physical brutality, such as whipping, beating, striking,  
6 branding, electronic shocking, placing of a harmful substance on  
7 the body, or similar activity.

8 (ii) Physical activity, such as sleep deprivation, exposure  
9 to the elements, confinement in a small space, or calisthenics,  
10 that subjects the other person to an unreasonable risk of harm or  
11 that adversely affects the physical health or safety of the  
12 individual.

13 (iii) Activity involving consumption of a food, liquid,  
14 alcoholic beverage, liquor, drug, or other substance that  
15 subjects the individual to an unreasonable risk of harm or that  
16 adversely affects the physical health or safety of the  
17 individual.

18 (iv) Activity that induces, causes, or requires an individual  
19 to perform a duty or task that involves the commission of a crime  
20 or an act of hazing.

21 (c) "Organization" means a fraternity, sorority, association,  
22 corporation, order, society, corps, cooperative, club, service  
23 group, social group, athletic team, or similar group whose  
24 members are primarily students at an educational institution.

25 (d) "Pledge" means an individual who has been accepted by, is  
26 considering an offer of membership from, or is in the process of  
27 qualifying for membership in any organization.

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1 (e) "Pledging" means any action or activity related to  
2 becoming a member of an organization.

3 (f) "Serious impairment of a body function" means that term  
4 as defined in section 479a.

[ (9) The board of each educational institution shall adopt a written  
policy proscribing hazing.

5 (10)] This section shall be known and may be cited as "Garret's  
6 law".

7 Enacting section 1. This amendatory act takes effect 90  
8 days after the date it is enacted.