

# HOUSE BILL No. 5378

December 11, 2003, Introduced by Reps. Richardville, Dennis, Law, O'Neil, Accavitti, Sak, Bieda, Anderson, Gleason, Condino and Jannick and referred to the Committee on Criminal Justice.

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 crime  
5 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 93 days or a fine of not more than \$1,000.00, or both.

9       (b) If the violation results in serious injury, the person is  
10 guilty of a misdemeanor punishable by imprisonment for not more  
11 than 3 years or a fine of not more than \$2,500.00, 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 20 years  
3 or a fine of not more than \$10,000.00, or both.

4 (3) A criminal penalty provided for under this section may be  
5 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  
9 voluntarily allowed himself or herself to be hazed.

10 (5) This section does not apply to an activity that is normal  
11 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  
27 organization. Subject to subsection (5), hazing includes any of

1 the following that is done for such a purpose:

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

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

10 (iii) Activity involving consumption of a food, liquid,  
11 alcoholic beverage, liquor, drug, or other substance that  
12 subjects the other person to an unreasonable risk of harm or that  
13 adversely affects the mental or physical health or safety of the  
14 other person.

15 (iv) Activity that intimidates or threatens another person  
16 with ostracism, that subjects the other person to extreme mental  
17 stress, shame, or humiliation, that adversely affects the other  
18 person from enrolling in or remaining enrolled in a school or  
19 program, or that may reasonably be expected to cause another  
20 person to leave the organization or the educational institution  
21 rather than to submit to the activity.

22 (v) Activity that induces, causes, or requires another person  
23 to perform a duty or task that involves the commission of a crime  
24 or an act of hazing.

25 (c) "Organization" means a fraternity, sorority, association,  
26 corporation, order, society, corps, cooperative, club, service  
27 group, social group, athletic team, or similar group whose

1 members are primarily students at an educational institution.

2 (d) "Pledge" means a person who has been accepted by, is  
3 considering an offer of membership from, or is in the process of  
4 qualifying for membership in any organization.

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

7 (f) "Serious injury" means serious impairment of a body  
8 function as that term is defined in section 479a.