

SENATE BILL No. 783

October 21, 2003, Introduced by Senators McMANUS, CASSIS, GOSCHKA, JELINEK, HARDIMAN, BIRKHOLZ, BRATER and BASHAM 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 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.

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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.