

A002-0809

10 **AN ACT CONCERNING**

20 Hazing

30 FOR the purpose of protecting the safety and well being of Maryland Citizens.

40 BY repealing, and reenacting, with amendments,
50 Article – Criminal Law
60 Section 3 - 607
70 Annotated Code of Maryland (2008)

80 SECTION 1: BE IT ENACTED BY THE MARYLAND STUDENT
90 LEGISLATURE, That the Laws of Maryland read as follows:

100 § 3-607 Criminal Law

110 ~~(a) A person may not recklessly or intentionally do an act or create a situation that subjects a~~
120 ~~student to the risk of serious bodily injury for the purpose of an initiation into a student~~
130 ~~organization of a school, college, or university.~~

140 ~~(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to~~
150 ~~imprisonment not exceeding 6 months or a fine not exceeding \$500 or both.~~

160 ~~(c) The implied or express consent of a student to hazing is not a defense under this section.~~

170 (A) "EDUCATIONAL INSTITUTION" INCLUDES A PUBLIC OR PRIVATE:

180 1. HIGH SCHOOL; OR

190 2. COLLEGE, UNIVERSITY, OR OTHER POSTSECONDARY EDUCATIONAL
200 ESTABLISHMENT.

210 (B) "PLEDGE" MEANS ANY PERSON WHO HAS BEEN ACCEPTED BY, IS
220 CONSIDERING AN OFFER OF MEMBERSHIP FROM, OR IS IN THE PROCESS OF
230 QUALIFYING FOR MEMBERSHIP IN ANY ORGANIZATION.

240 (C) "PLEDGING" MEANS ANY ACTION OR ACTIVITY RELATED TO BECOMING A
250 MEMBER OF AN ORGANIZATION.

250 (D) "STUDENT" MEANS ANY PERSON WHO:

260 1. IS REGISTERED IN OR IN ATTENDANCE AT AN EDUCATIONAL
270 INSTITUTION;

280 2. HAS BEEN ACCEPTED FOR ADMISSION AT THE EDUCATIONAL
290 INSTITUTION WHERE THE HAZING INCIDENT OCCURS; OR

300 3. INTENDS TO ATTEND AN EDUCATIONAL INSTITUTION DURING ANY OF
310 ITS REGULAR SESSIONS AFTER A PERIOD OF SCHEDULED
320 VACATION.

330 (F) "ORGANIZATION" MEANS A FRATERNITY, SORORITY, ASSOCIATION,
340 CORPORATION, ORDER, SOCIETY, CORPS, COOPERATIVE, CLUB, OR
350 SERVICE, SOCIAL, OR A SIMILAR GROUP, WHOSE MEMBERS ARE
360 PRIMARILY STUDENTS AT AN EDUCATIONAL INSTITUTION.

370 (G) "HAZING" MEANS ANY INTENTIONAL KNOWING, OR RECKLESS ACT,
380 OCCURRING ON OR OFF THE CAMPUS OF AN EDUCATIONAL INSTITUTION,
370 BY ONE PERSON ALONE OR ACTING WITH OTHERS, DIRECTED AGAINST A
380 STUDENT THAT ENDANGERS THE MENTAL OR PHYSICAL HEALTH OR
390 SAFETY OF A STUDENT FOR THE PURPOSE OF PLEDGING, BEING INITIATED
400 INTO, AFFILIATING WITH, HOLDING OFFICE IN, OR MAINTAINING
410 MEMBERSHIP IN ANY ORGANIZATION WHOSE MEMBERS ARE STUDENTS
420 AT AN EDUCATIONAL INSTITUTION. THE TERM INCLUDES BUT IS NOT
430 LIMITED TO:

440 1. ANY TYPE OF PHYSICAL BRUTALITY, SUCH AS WHIPPING,
450 BEATING, STRIKING, BRANDING, ELECTRONIC SHOCKING,
460 PLACING OF A HARMFUL SUBSTANCE ON THE BODY, OR
470 SIMILAR ACTIVITY;

480 2. ANY TYPE OF PHYSICAL ACTIVITY, SUCH AS SLEEP
490 DEPRIVATION, EXPOSURE TO THE ELEMENTS,
500 CONFINEMENT IN A SMALL SPACE, CALISTHENICS, OR
510 OTHER ACTIVITY THAT SUBJECTS THE STUDENT TO AN
520 UNREASONABLE RISK OR HARM OR THAT ADVERSELY
530 AFFECTS THE MENTAL OR PHYSICAL HEALTH OR SAFETY
540 OF THE STUDENT;

550 3. ANY ACTIVITY INVOLVING CONSUMPTION OF A FOOD, LIQUID,
560 ALCOHOLIC BEVERAGE, LIQUOR, DRUG, OR OTHER
570 SUBSTANCE WHICH SUBJECTS THE STUDENT TO AN
580 UNREASONABLE RISK OF HARM OR WHICH ADVERSELY
590 EFFECTS THE MENTAL OR PHYSICAL HEALTH OR SAFETY
600 OF THE STUDENT;

610 4. ANY ACTIVITY THAT INTIMIDATES OR THREATENS THE
620 STUDENT WITH OSTRACISM THAT SUBJECTS THE STUDENT
630 TO EXTREME MENTAL STRESS, SHAME, OR HUMILIATION,
640 OR THAT ADVERSELY EFFECTS THE STUDENT FROM
650 ENTERING OR REMAINING REGISTERED IN AN
660 EDUCATIONAL INSTITUTION, OR THAT MAY REASONABLY
670 BE EXPECTED TO CAUSE A STUDENT TO LEAVE THE
680 ORGANIZATION OR THE INSTITUTION RATHER THAN
690 SUBMIT TO ACTS DESCRIBED IN THIS SUBSECTION;

700 5. ANY ACTIVITY THAT INDUCES, CAUSES, OR REQUIRES THE
710 STUDENT TO PERFORM A DUTY OR TASK WHICH INVOLVES
720 A VIOLATION OF THE ANNOTATED CODE OF MARYLAND.

730 (H) PERSONAL HAZING OFFENSE

740 1. A PERSON COMMITS AN OFFENSE IF THE PERSON:
750 (i) ENGAGES IN HAZING;
760 (ii) SOLICITS, ENCOURAGES, DIRECTS, AIDS, OR ATTEMPTS TO AID
770 ANOTHER IN ENGAGING IN HAZING;
780 (iii) INTENTIONALLY, KNOWINGLY, OR RECKLESSLY PERMITS
790 HAZING TO OCCUR; OR
800 (iv) HAS FIRSTHAND KNOWLEDGE OF THE PLANNING OF A SPECIFIC
810 HAZING INCIDENT INVOLVING A STUDENT IN AN
820 EDUCATIONAL INSTITUTION, OR FIRSTHAND KNOWLEDGE
830 THAT A SPECIFIC HAZING INCIDENT HAS OCCURRED, AND
840 KNOWINGLY FAILS TO REPORT SAID KNOWLEDGE IN

850 WRITING TO THE DEAN OF STUDENTS OR OTHER
860 APPROPRIATE OFFICIALS OF THE INSTITUTION.

870 2. THE OFFENSE OF FAILING TO REPORT IS A MISDEMEANOR PUNISHABLE
880 BY A FINE NOT TO EXCEED \$1,000, IMPRISONMENT FOR NOT MORE
890 THAN 180 DAYS, OR BOTH.

900 3. ANY OTHER OFFENSE UNDER THIS SECTION, WHICH DOES NOT CAUSE
910 SERIOUS BODILY INJURY TO ANOTHER IS A MISDEMEANOR
920 PUNISHABLE BY A FINE OF NOT LESS THAN \$500 NO MORE THAN
930 \$1,000, IMPRISONMENT FOR NOT LESS THAN 90 DAYS NO MORE
940 THAN 180 DAYS, OR BOTH.

950 4. ANY OTHER OFFENSE UNDER THIS SECTION, WHICH CAUSES SERIOUS
960 BODILY INJURY TO ANOTHER IS A MISDEMEANOR PUNISHABLE BY
970 A FINE OF NOT LESS THAN \$1,000 NOR MORE THAN \$5,000,
980 IMPRISONMENT FOR NOT LESS THAN 180 DAYS NOR MORE THAN
990 ONE YEAR, OR BOTH.

1000 5. ANY OTHER OFFENSE UNDER THIS SECTION WHICH CAUSES THE DEATH
1010 OF ANOTHER IS A MISDEMEANOR PUNISHABLE BY A FINE OF NOT
1020 LESS THAN \$5,000 NOR MORE THAN \$10,000, IMPRISONMENT FOR
1030 LESS THAN ONE YEAR AND NORMORE THAN TWO YEARS, OR
1040 BOTH.

1050 ORGANIZATION HAZING OFFENSE

1060 1. AN ORGANIZATION COMMITS AN OFFENSE IF THE ORGANIZATION
1070 CONDONES OR ENCOURAGES HAZING OR IF AN OFFICER OR ANY
1080 COMBINATION OF MEMBERS, PLEDGES, OR ALUMNI OF THE
1090 ORGANIZATION COMMITS OR ASSISTS IN THE COMMISSION OF
1100 HAZING.

1110 2. AN OFFENSE UNDER THIS SECTION IS A MISDEMEANOR PUNISHABLE BY
1120 A FINE OF NOT LESS THAN \$5,000 AND NO MORE THAN \$10,000, OR
1130 IF A COURT FINDS THAT THE OFFENSE CAUSED PERSONAL INJURY,
1140 PROPERTY DAMAGE, OR OTHER LOSS. THE COURT MAY SENTENCE
1150 THE ORGANIZATION TO PAY A FINE OF NOT LESS THAN \$5,000 AND
1160 NO MORE THAN DOUBLE THE AMOUNT LOSS OR EXPENSES
1170 INCURRED BECAUSE OF SUCH INJURY, DAMAGE, OR LOSS.

1180 CONSENT NOT A DEFENSE

1190 IT IS NOT A DEFENSE TO PROSECUTION FOR THE OFFENSE UNDER THIS
1200 SUBCHAPTER THAT THE PERSON AGAINST WHOM THE HAZING
1210 WAS DIRECTED CONSENTED TO OR ACQUIESCED IN THE HAZING
1220 ACTIVITY.

1230 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
1240 August 1, 2009.

1250 **MANDATES:** Martin O'Malley, Governor of Maryland
1260 Anthony G. Brown, Lieutenant Governor of Maryland
1270 Thomas V. "Mike" Miller, Jr., President of the Maryland Senate
1280 Michael E. Busch, Speaker of the Maryland House of Delegates
1290 Edward J. Kasemeyer, Majority Leader of the Maryland Senate
1300 David R. Brinkley, Minority Leader of the Maryland Senate

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Joan Carter Conway, Chair, Education, Health, and Environmental Affairs
Committee
Paul G. Pinsky, Chair, Education Subcommittee

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