

A-Engrossed
Senate Bill 444

Ordered by the Senate April 7
Including Senate Amendments dated April 7

Sponsored by COMMITTEE ON EDUCATION AND GENERAL GOVERNMENT

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

[Prohibits member of collegiate athletic team from engaging in certain conduct that constitutes hazing. Punishes by maximum of \$360 fine.]

Defines terms for purpose of prohibition on hazing. Punishes student organizations that commit hazing by maximum of \$720 fine. Punishes members of student organizations by maximum of \$360 fine.

A BILL FOR AN ACT

Relating to hazing; creating new provisions; and amending ORS 163.197.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 163.197 is amended to read:

163.197. (1) **A student organization or a member of a student organization commits the offense of hazing if, as a condition or precondition of attaining membership in the organization or of attaining any office or status in the organization, the organization or member intentionally hazes any member, potential member or person pledged to be a member of the organization.**

(2)(a) **A student organization that violates subsection (1) of this section commits a Class A violation.**

(b) **A member of a student organization who personally violates subsection (1) of this section commits a Class B violation.**

(3) **Consent of the person who is hazed is not a defense in a prosecution under this section.**

(4) **As used in this section:**

(a) **"Haze" means:**

(A) **To subject an individual to whipping, beating, striking, branding or electronic shocking, to place a harmful substance on an individual's body or to subject an individual to other similar forms of physical brutality;**

(B) **To subject an individual to sleep deprivation, exposure to the elements, confinement in a small space or other similar activity that subjects the individual to an unreasonable risk of harm or adversely affects the physical health or safety of the individual;**

(C) **To compel an individual to consume food, liquid, alcohol, controlled substances or other substances that subject the individual to an unreasonable risk of harm or adversely affect the physical health or safety of the individual; or**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 **(D) To induce, cause or require an individual to perform a duty or task that involves the**
2 **commission of a crime or an act of hazing.**

3 **(b) “Member” includes volunteers, coaches and faculty advisers of a student organization.**

4 **(c) “Student organization” means a fraternity, sorority, athletic team or other organ-**
5 **ization that is organized or operating on a college, university or elementary or secondary**
6 **school campus for the purpose of providing members an opportunity to participate in student**
7 **activities of the college, university or elementary or secondary school.**

8 *[(1) No fraternity, sorority or other student organization organized or operating on a college or*
9 *university campus for purposes of participating in student activities of the college or university, nor any*
10 *member of such an organization, shall intentionally haze any member, potential member or person*
11 *pledged to be a member of the organization, as a condition or precondition of attaining membership in*
12 *the organization or of attaining any office or status therein.]*

13 *[(2) As used in this section, “haze” means to subject a person to bodily danger or physical harm*
14 *or a likelihood of bodily danger or physical harm, or to require, encourage, authorize or permit that*
15 *the person be subjected to any of the following:]*

16 *[(a) Calisthenics;]*

17 *[(b) Total or substantial nudity on the part of the person;]*

18 *[(c) Compelled ingestion of any substance by the person;]*

19 *[(d) Wearing or carrying of any obscene or physically burdensome article by the person;]*

20 *[(e) Physical assaults upon or offensive physical contact with the person;]*

21 *[(f) Participation by the person in boxing matches or other physical contests;]*

22 *[(g) Transportation and abandonment of the person;]*

23 *[(h) Confinement of the person to unreasonably small, unventilated, insanitary or unlighted*
24 *areas;]*

25 *[(i) Assignment of pranks to be performed by the person; or]*

26 *[(j) Compelled personal servitude by the person.]*

27 *[(3) Subsection (1) of this section does not apply to curricular activities or to athletic teams of or*
28 *within the college or university.]*

29 *[(4) A fraternity, sorority or other student organization that violates this section commits a Class*
30 *A violation.]*

31 *[(5) A member of a fraternity, sorority or other student organization, who personally violates this*
32 *section commits a Class B violation.]*

33 **SECTION 2. The amendments to ORS 163.197 by section 1 of this 2009 Act apply to con-**
34 **duct occurring on or after the effective date of this 2009 Act.**

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