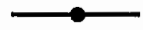


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SENATE OF WEST VIRGINIA

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1995



## ENROLLED

*Committee Substitute For*  
SENATE BILL NO. 53

(By Senator BLATNIK, ET AL)



PASSED MARCH 7, 1995  
In Effect 90 days From Passage

**ENROLLED**  
**COMMITTEE SUBSTITUTE**  
**FOR**  
**Senate Bill No. 53**

(SENATORS BLATNIK, BOWMAN, OLIVERIO, DUGAN,  
GRUBB, HELMICK, MILLER AND WHITE, *original sponsors*)

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[Passed March 7, 1995; in effect ninety days from passage.]

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AN ACT to amend chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, designated article sixteen, relating to education; higher education; creating the antihazing law; providing definitions; prohibiting hazing; providing for enforcement by institutions; and providing civil and criminal penalties.

*Be it enacted by the Legislature of West Virginia:*

That chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new article, designated article sixteen, to read as follows:

**ARTICLE 16. ANTIHAZING LAW.**

**§18-16-1. Short title.**

1 This article shall be known and may be cited as the  
2 "Antihazing Law".

**§18-16-2. Definitions.**

1 (a) "Hazing" means to cause any action or situation  
2 which recklessly or intentionally endangers the mental  
3 or physical health or safety of another person or persons  
4 or causes another person or persons to destroy or remove  
5 public or private property for the purpose of initiation or  
6 admission into or affiliation with, or as a condition for  
7 continued membership in, any organization operating  
8 under the sanction of or recognized as an organization by  
9 an institution of higher education. The term includes,  
10 but is not limited to, any brutality of a physical nature,  
11 such as whipping, beating, branding, forced consumption  
12 of any food, liquor, drug or other substance, or any other  
13 forced physical activity which could adversely affect the  
14 physical health and safety of the individual or individu-  
15 als, and includes any activity which would subject the  
16 individual or individuals to extreme mental stress, such  
17 as sleep deprivation, forced exclusion from social  
18 contact, forced conduct which could result in extreme  
19 embarrassment, or any other forced activity which could  
20 adversely affect the mental health or dignity of the  
21 individual or individuals, or any willful destruction or  
22 removal of public or private property: *Provided*, That  
23 the implied or expressed consent or willingness of a  
24 person or persons to hazing shall not be a defense under  
25 this section.

26 (b) "Institution of higher education" or "institution"  
27 means any public or private institution as defined in  
28 section two, article one, chapter eighteen-b of this code.

**§18-16-3. Hazing prohibited.**

1 Any person or persons who causes hazing is guilty of a  
2 misdemeanor, and, upon conviction thereof, shall be  
3 fined not less than one hundred dollars nor more than one

4 thousand dollars, or confined in a county or regional jail,  
 5 not more than nine months, or both fined and impris-  
 6 oned: *Provided*, That if the act would otherwise be  
 7 deemed a felony as defined in this code, the person  
 8 committing such act may be found guilty of such felony  
 9 and be subject to penalties provided for such felony.

**§18-16-4. Enforcement by institution.**

1 (a) *Antihazing policy.* — The university of West Vir-  
 2 ginia board of trustees created pursuant to article two,  
 3 chapter eighteen-b of this code and the board of direc-  
 4 tors of the state college system created pursuant to  
 5 article three of said chapter shall by the first day of  
 6 August, one thousand nine hundred ninety-five, promul-  
 7 gate guidelines for antihazing policies.

8 (b) *Enforcement and penalties.* —

9 (1) Each institution shall provide a program for the  
 10 enforcement of such rules and shall adopt appropriate  
 11 penalties for violations of such rules to be administered  
 12 by the person or agency at the institution responsible for  
 13 the sanctioning or recognition of such organizations.

14 (2) In the case of an organization which authorizes  
 15 hazing in blatant disregard of such rules, penalties may  
 16 also include rescision of permission for that organization  
 17 to operate on campus property or to otherwise operate  
 18 under the sanction or recognition of the institution.

19 (3) All penalties imposed under the authority of this  
 20 section shall be in addition to any penalty imposed for  
 21 violation of section three of this article or of any of the  
 22 criminal laws of this state or for violation of any other  
 23 institutional rule to which the violator may be subject.

24 (4) Rules adopted pursuant hereto apply to acts con-  
 25 ducted on or off campus whenever such acts are deemed  
 26 to constitute hazing.

That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

*Randy Schooner*  
.....  
Chairman Senate Committee

*Ernest C. Moore*  
.....  
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

*Darrell Holmes*  
.....  
Clerk of the Senate

*Donald L. Hoff*  
.....  
Clerk of the House of Delegates

*Earl Ray Tomblin*  
.....  
President of the Senate

*Rob Cohen*  
.....  
Speaker House of Delegates

The within *is approved* this the *16th*  
*May*  
day of ....., 1995.

*Gaston Caperton*  
.....  
Governor

PRESENTED TO THE

GOVERNOR

Date 3/10/95

Time 12:05 PM