Senate Bill 440

By Senators Prezioso, Beach, Blair, Clements, Ihlenfeld, Maroney, Smith, Stollings, Sypolt, Takubo, Trump, Hamilton, Jeffries, Hardesty, Baldwin, and Romano

[Passed February 28, 2019; in effect 90 days from passage]
Enrolled

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[Passed February 28, 2019; in effect 90 days from passage]
AN ACT to amend and reenact §18-16-2 of the Code of West Virginia, 1931, as amended, relating
to the Antihazing Law; and modifying the definition of “hazing” to address any type of
organization whose members include students at any public or private institution of higher
education.

Be it enacted by the Legislature of West Virginia:

ARTICLE 16. ANTIHAZING LAW.

§18-16-2. Definitions.

(a) “Hazing” means to cause any action or situation which recklessly or intentionally
endangers the mental or physical health or safety of another person or persons or causes another
person or persons to destroy or remove public or private property for the purpose of initiation or
admission into, or affiliation with, or as a condition for continued membership in, any organization
whose members include students of an institution of higher education. The term includes, but is
not limited to, any brutality of a physical nature, such as whipping, beating, branding, forced
consumption of any food, liquor, drug, or other substance, or any other forced physical activity
which could adversely affect the physical health and safety of the individual or individuals, and
includes any activity which would subject the individual or individuals to extreme mental stress,
such as sleep deprivation, forced exclusion from social contact, forced conduct which could result
in extreme embarrassment, or any other forced activity which could adversely affect the mental
health or dignity of the individual or individuals, or any willful destruction or removal of public or
private property: Provided, That the implied or expressed consent or willingness of a person or
persons to hazing shall not be a defense under this section.

(b) “Institution of higher education” or “institution” means any public or private institution
as defined in §18B-1-2 of this code.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Enr SB 440

Originated in the Senate.

In effect 90 days from passage.

The within is disapproved... this the... Day of ... 2019.

Governor