

ANTI-HAZING REFERENCES

Anti-hazing statutes applicable to the five states of the Second District
Delaware | Maryland | New Jersey | New York | Pennsylvania

Contact | Office of the District Counselor | 2nddistrictcounsel@oppf.org

DELAWARE

Title 14 – Education | Chapter 93. Anti-hazing Law

§ 9302. Definitions.

The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Hazing" means any action or situation which recklessly or intentionally endangers the mental or physical health or safety of a student or which wilfully destroys or removes 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 operating under the sanction of or recognized as an organization by an institution of higher learning. The term shall include, but not be limited to, any brutality of a physical nature, such as whipping, beating, branding, forced calisthenics, exposure to the elements, 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, and shall include any activity which would subject the individual to extreme mental stress, such as sleep deprivation, forced exclusion from social contact, forced conduct which could result in embarrassment, or any other forced activity which could adversely affect the mental health or dignity of the individual, or any wilful destruction or removal of public or private property. For purposes of this definition, any activity as described in this definition upon which the admission or initiation into or affiliation with or continued membership in an organization is directly or indirectly conditioned shall be presumed to be "forced" activity, the willingness of an individual to participate in such activity notwithstanding.

§ 9303. Hazing prohibited. Any person who causes or participates in hazing commits a class B misdemeanor.

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MARYLAND

Title 3 – Other Crimes Against the Person | Subtitle 6 - Abuse and Other Offensive Conduct |
Section 3-607 - Hazing.

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

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

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

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NEW JERSEY

Timothy J. Piazza's Law | 2C:40-3 Hazing.

1. a. A person is guilty of hazing, if, in connection with initiation of applicants to or members of a student or fraternal organization, whose membership is primarily students or alumni of the organization or an institution of higher education, the person knowingly or recklessly:

(1) causes, coerces, or otherwise induces another person to commit an act that violates federal or State criminal law;

(2) causes, coerces, or otherwise induces another person to consume any food, liquid, alcoholic liquid, drug or other substance which subjects the person to a risk of emotional or physical harm or is otherwise deleterious to the person's health;

(3) subjects another person to abuse, mistreatment, harassment, or degradation of a physical nature, including, but not limited to, whipping, beating, branding, excessive calisthenics, or exposure to the elements;

(4) subjects another person to abuse, mistreatment, harassment, or degradation of a mental or emotional nature, including, but not limited to, activity adversely affecting the mental or emotional health or dignity of the individual, sleep deprivation, exclusion from social contact, or conduct that could result in extreme embarrassment;

(5) subjects another person to abuse, mistreatment, harassment, or degradation of a sexual nature; or

(6) subjects another person to any other activity that creates a reasonable likelihood of bodily injury to the person.

Hazing shall not include any reasonable and customary athletic, law enforcement, or military training; contests; competitions; or events.

b. Hazing is a crime of the third degree if an actor commits an act prohibited in subsection a. of this section which results in death or serious bodily injury to another person and is a crime of the fourth degree if the actor commits an act prohibited in subsection a. of this section which results in bodily injury to another person. Otherwise, hazing is a disorderly persons offense.

c. In addition to any other sanctions or penalties that may be imposed, a student or fraternal organization described in subsection a. of this section, or an institution of higher education, that knowingly or recklessly promotes or facilitates a person to commit an act of hazing prohibited in this section shall be subject to a fine of not less than \$1,000 or more than \$5,000 for an initial violation of subsection a. of this section, and a fine of not less than \$5,000 or more than \$15,000 for each subsequent violation.

d. (1) A person, student or fraternal organization, or institution of higher education, and another person acting in concert with the person, organization, or institution, shall be immune

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from prosecution under this section if the person, or an employee, officer, or other agent acting on behalf of the organization or institution, as the case may be:

- (a) called 9-1-1, or otherwise contacted campus security, police, or emergency services, and reported that a person was in need of medical assistance due to an act of hazing as described in this section;
- (b) the caller provided the caller's name and, if applicable, the name of the person acting in concert with the caller to the 9-1-1 operator or other recipient of the emergency contact;
- (c) the caller was the first to make the 9-1-1 report or other emergency report; and
- (d) the caller and, if applicable, the person acting in concert with the caller remained on the scene with the person in need of medical assistance until assistance arrived and cooperated with the emergency services on the scene.

(2) In addition to any other applicable immunity or limitation on civil liability, a law enforcement officer or other official empowered to act as an officer for the arrest of offenders against the laws of this State, or a prosecutor, who, acting in good faith, arrested or charged a person who is thereafter determined to be entitled to immunity from prosecution under this subsection shall not be subject to any civil liability for the wrongful arrest or charge.

L.1980, c.169, s.1; amended 2021, c.208, s.7.

18A:3-27.1 Definitions relative to hazing.

As used in sections 2 through 4 of P.L.2021, c.208 (C.18A:3-27.2 through C.18A:3-27.4):

“Hazing” means conduct in connection with an initiation of applicants to or members of a student or fraternal organization as described in section 1 of P.L.1980, c.169 (C.2C:40-3).

“Organization” means a fraternity, sorority, association, corporation, order, society, corps, club or service, social or similar group, whose members are primarily minors, students, or alumni of the organization or an institution of higher education; or a national or international organization with which such a group is affiliated.

“Student” means an individual who attends or has applied to attend or has been admitted to an institution of higher education.

C.2C:40-4 Consent, sanction not available as defense.

a. Notwithstanding any other provision of Title 2C of the New Jersey Statutes to the contrary, consent shall not be available as a defense to a prosecution under section 1 of P.L.1980, c.169 (C.2C:40-3).

b. It shall not be an affirmative defense to a prosecution under section 1 of P.L.1980, c.169 (C.2C:40-3) that the conduct in which the actor engaged was sanctioned or approved by a student or fraternal organization or an institution of higher education.

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NEW YORK

Hazing in the first degree | Penal (PEN) Chapter 40, Part 3, Title H, Article 120 | Section 120.16

A person is guilty of hazing in the first degree when, in the course of another person's initiation into or affiliation with any organization, he intentionally or recklessly engages in conduct, including, but not limited to, making physical contact with or requiring physical activity of such other person, which creates a substantial risk of physical injury to such other person or a third person and thereby causes such injury.

Hazing in the first degree is a class A misdemeanor.

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PENNSYLVANIA

Act 175 of the General Assembly makes hazing a criminal offense within the Commonwealth of Pennsylvania. “Hazing” is defined in the law as:

Any action or situation which recklessly or intentionally endangers the mental or physical health or safety of a student for the purpose of initiation or admission into or affiliation with any organization operating under the sanction of an institution of higher education. The term shall include, but not be limited to, any brutality of a physical nature, such as whipping, beating, branding, forced calisthenics, exposure to the elements, 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, and shall include any activity which would subject the individual 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. For purposes of this definition, any activity as described in this definition upon which the initiation or admission into or affiliation with an organization is directly or indirectly conditioned shall be presumed to be “forced” activity, the willingness of an individual to participate in such activity notwithstanding.

Hazing is deemed criminal misconduct and is made third degree misdemeanor, punishable by a year’s imprisonment. 24 P.S. 5353 (Purdon’s Leg. Service); 18 P.S. 1101. Colleges and universities are expressly authorized to suspend, expel, or fine students who engage in hazing, and to withhold grades and diplomas to compel payment of fines. 24 P.S. 5354(3) (Purdon’s Leg. Service).

The object of the law is to ensure that no student at a Pennsylvania college or university, public or private, is subjected to physical or mental harm as a condition of joining, affiliation, or holding membership in fraternities, sororities, or other officially recognized student organizations.

An organization and its members are engaged in hazing if it engages in any activity, for purpose of initiation or continuing membership, which recklessly or intentionally endangers the physical or mental health of a student. This means any potentially dangerous forced physical activity; any activity which could cause a student to suffer extreme mental stress, as well as any form of forced activity potentially harmful to the mental health or dignity of a student.

Hazing activities include, but are not limited to, the following: whipping, beating, branding, forced calisthenics, exposure to the elements; forced consumption of any food; liquor, drugs (legal or illegal), or other substance; sleep deprivation, forced exclusion from social contact;

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conduct which could result in extreme embarrassment; and/or nudity, coerced sexual activity, confinement, physical restraints, or mental harassment.

An organization and its student members are also engaged in hazing if pledge, initiation, or continuing membership activities cause the willful destruction or removal of public or private property.

Act 175 provides that no student can consent to being hazed. Any activity falling within the definition of hazing activities is considered to be a forced activity, subjecting the organization and its members to the full range of penalties.