

A3149 (ACS/1R)

INTRODUCED BILL (INCLUDES SPONSOR'S STATEMENT):	Yes	
COMMITTEE STATEMENT:	ASSEMBLY:	Yes Law & Public Safety Appropriations
	SENATE:	No

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, **may possibly** be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT:	Yes	6/21/2021
LEGISLATIVE FISCAL ESTIMATE:	Yes	6/21/2021
LEGISLATIVE FISCAL NOTE:	Yes	6/24/2021 6/29/2021

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: Yes

FOLLOWING WERE PRINTED:

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REPORTS:	No
HEARINGS:	No
NEWSPAPER ARTICLES:	Yes

Matt Arco - For Hunterdon County Democrat, 'Criminal charges for hazing now harsher under law named for Timothy Piazza', Hunterdon County Democrat (online), 26 Aug 2021 009

Mike Deak, MyCentralJersey.com, 'MURPHY SIGNS LAW STRENGTHENING HAZING PENALTIES', Record, The (online), 25 Aug 2021 A3

RH/CL

§§1-4 -
C.18A:3-27.1 to
18A:3-27.4
§§5&6 -
C.18A:37-32.2 &
18A:37-32.3
§9 - Note

P.L. 2021, CHAPTER 208, *approved August 24, 2021*
Senate Committee Substitute (*Second Reprint*) for
Senate, Nos. 84 and 2093

1 AN ACT concerning hazing ¹and designated as Timothy J. Piazza's
2 Law¹, amending P.L.1980, c.169, and supplementing chapters 3
3 and 37 of Title 18A of the New Jersey Statutes.

4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7

8 ¹[1. Section 1 of P.L.1980, c.169 (C.2C:40-3) is amended to
9 read as follows:

10 1. Hazing. a. A person is guilty of hazing, a disorderly
11 persons offense, or a crime of the fourth degree if the act of hazing
12 results in bodily injury, if, in connection with initiation of
13 applicants to or members of a student or fraternal organization,
14 whose membership is primarily students or alumni of the
15 organization or an institution of higher education, [he] the person
16 knowingly or recklessly [organizes, promotes, facilitates or engages
17 in any conduct, other than competitive athletic events, which places
18 or may place another person in danger of bodily injury] causes,
19 coerces, or forces another person to do any of the following:

20 (1) violate federal or state criminal law;

21 (2) consume any food, liquid, alcoholic liquid, drug or other
22 substance which subjects the other person to a risk of emotional or
23 physical harm;

24 (3) endure brutality of a physical nature, including whipping,
25 beating, branding, calisthenics, or exposure to the elements;

26 (4) endure brutality of a mental nature, including activity
27 adversely affecting the mental health or dignity of the individual,
28 sleep deprivation, exclusion from social contact, or conduct that
29 could result in extreme embarrassment;

30 (5) endure brutality of a sexual nature; or

31 (6) endure any other activity that creates a reasonable likelihood
32 of bodily injury to the person.

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly AAP committee amendments adopted June 16, 2021.

²Assembly floor amendments adopted June 21, 2021.

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

4 b. A person is guilty of aggravated hazing, a crime of the
5 **[fourth]** third degree, if **[he]** the person commits an act prohibited
6 in subsection a. of this section which results in serious bodily injury
7 to another person.

8 c. A student or fraternal organization, or an institution of
9 higher education, that knowingly or recklessly promotes or
10 facilitates a person to commit an act of hazing or aggravated hazing
11 prohibited in this section is subject to a fine of not more than
12 \$5,000 for each violation of subsection a. of this section, and a fine
13 of not more than \$15,000 for each violation of subsection b. of this
14 section.

15 d. Any property which has been, or is intended to be, utilized in
16 furtherance of any unlawful hazing activity set forth in this section
17 by a person, student or fraternal organization, or institution of
18 higher education, as well as any proceeds derived from the unlawful
19 activity, shall be subject to forfeiture pursuant to chapter 64 of Title
20 2C of the New Jersey Statutes.

21 e. (1) A person, student or fraternal organization, or institution
22 of higher education, and another person acting in concert with the
23 person, organization, or institution, shall be immune from
24 prosecution under this section if the person, or employee, officer, or
25 other agent for the organization or institution:

26 (a) called 9-1-1, or otherwise contacted campus security, police,
27 or emergency services, and reported that a person was in need of
28 medical assistance due to an act of hazing as described in this
29 section;

30 (b) the caller provided the caller's name and, if applicable, the
31 name of the person acting in concert with the caller to the 9-1-1
32 operator or other recipient of the emergency contact;

33 (c) the caller was the first to make the 9-1-1 report or other
34 emergency report; and

35 (d) the caller and, if applicable, the person acting in concert
36 with the caller remained on the scene with the person in need of
37 medical assistance until assistance arrived and cooperated with the
38 emergency services on the scene.

39 (2) The person who received medical assistance as a result of
40 the call placed pursuant to paragraph (1) of this subsection shall
41 also be immune from prosecution under this section.

42 (3) In addition to any other applicable immunity or limitation on
43 civil liability, a law enforcement officer or other official
44 empowered to act as an officer for the arrest of offenders against the
45 laws of this State, or a prosecutor, who, acting in good faith,
46 arrested or charged a person who is thereafter determined to be
47 entitled to immunity from prosecution under this subsection, shall

1 not be subject to any civil liability for the wrongful arrest or charge.
2 (cf: P.L.1980, c.169, s.1)]¹

3

4 ¹[2. Section 2 of P.L.1980, c.169 (C.2C:40-4) is amended to
5 read as follows:

6 2. Notwithstanding any other provision of Title 2C of the New
7 Jersey Statutes to the contrary, consent, or the fact that the act of
8 hazing as described in section 1 of P.L.1980, c.169 (C.2C:40-3) was
9 sanctioned or approved by a student or fraternal organization or an
10 institution of higher education, shall not be available as a defense to
11 a prosecution under this Act.

12 (cf: P.L.1980, c.169, s.2)]¹

13

14 ¹[3. (New section) As used in sections 4 through 6 of
15 P.L. , c. (C.) (pending before the Legislature as this bill):

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

21 “Student” means an individual who attends or has applied to
22 attend or has been admitted to an institution of higher education.]¹

23

24 ¹[4. (New section) Each public and independent institution of
25 higher education shall adopt a written policy against hazing and,
26 pursuant to that policy, adopt rules prohibiting students or other
27 persons associated with an organization operating under the
28 sanction of, or recognized as, an organization by the institution
29 from engaging in hazing. The institution of higher education shall
30 post the policy at a publicly accessible location on the institution’s
31 Internet website and shall provide a copy of the policy, including
32 the institution’s rules, penalties, and program of enforcement, to
33 each organization within the institution.]¹

34

35 ¹[5. (New section) a. Each public and independent institution
36 of higher education shall provide a program for the enforcement of
37 the policy against hazing required under section 4 of P.L. ,
38 c. (C.) (pending before the Legislature as this bill) and shall
39 adopt appropriate penalties for violations of the policy to be
40 administered by the individual or agency at the institution
41 responsible for the sanctioning or recognition of the organization
42 covered by the policy or by such other individual or agency deemed
43 appropriate by the institution.

44 b. The penalties for violations of the policy may include:

45 (1) imposition of fines;

46 (2) the withholding of diplomas or transcripts pending
47 compliance with the rules or payment of fines;

1 (3) the rescission of permission for the organization to operate
2 on campus or to otherwise operate under the sanction or recognition
3 of the institution; and

4 (4) the imposition of probation, suspension, dismissal, or
5 expulsion.

6 c. A penalty imposed under this section shall be in addition to
7 a penalty imposed for a violation of any other institutional rule to
8 which the violator may be subject.

9 d. A policy adopted under section 4 of P.L. , c. (C.)
10 (pending before the Legislature as this bill) shall apply to each act
11 conducted on or off campus if the acts are deemed to constitute
12 hazing.】¹

13
14 ¹【6. (New section) a. Each public and independent institution
15 of higher education shall maintain a report which shall include
16 information on all violations of the institution’s anti-hazing policy
17 and federal and State laws related to hazing that are reported to the
18 institution. Information on a reported violation shall be retained by
19 the institution for five years.

20 b. The report shall include:

21 (1) the date when the subject was charged with a violation of the
22 institution’s anti-hazing policy or a federal or State law related to
23 hazing;

24 (2) a general description of the violation, any investigation and
25 findings by the institution and, if applicable, penalties imposed; and

26 (3) the date on which the matter was resolved.

27 c. An institution shall post the initial report at a publicly
28 accessible location on the institution’s Internet website by January
29 15, 2021. The initial report shall include information concerning
30 violations that have been reported to the institution for the five
31 consecutive years prior to the effective date of P.L. , c. (C.)
32 (pending before the Legislature as this bill), to the extent the
33 institution has retained information concerning those violations. An
34 institution shall post an updated report annually on January 1.

35 d. The report shall not include the personal identifying
36 information of an individual.】¹

37
38 ¹【7. (New section) a. Each board of education of a school
39 district with a high school or middle school and the governing board
40 or chief school administrator of a nonpublic high school or middle
41 school shall adopt a written policy against hazing.

42 b. The board of education and governing board or chief school
43 administrator shall ensure that students are informed of the anti-
44 hazing policy, including the rules, penalties, and program of
45 enforcement under the policy.

1 c. The board of education and governing board or chief school
2 administrator shall post the policy on the district's or nonpublic
3 school's publicly accessible Internet website. **1**¹

4
5 **1**[8. (New section) a. Each board of education of a school
6 district with a high school or middle school and the governing board
7 or chief school administrator of a nonpublic high school or middle
8 school shall provide a program for the enforcement of the policy
9 against hazing required under section 7 of P.L. , c. (C.)
10 (pending before the Legislature as this bill) and shall adopt
11 appropriate penalties for violations of the policy.

12 b. The penalties for violations of the policy may include:

13 (1) the withholding of diplomas or transcripts pending
14 compliance with the rules;

15 (2) the rescission of permission for the organization or group,
16 whose student members are being penalized under the policy
17 against hazing, to operate on campus or school property or to
18 otherwise operate under the sanction or recognition of the school
19 district or nonpublic school; and

20 (3) the imposition of probation, suspension, dismissal or
21 expulsion.

22 c. A penalty imposed under this section shall be in addition to
23 a penalty imposed for a violation of any other school district or
24 nonpublic school rule to which the violator may be subject.

25 d. A policy adopted under section 7 of P.L. , c. (C.)
26 (pending before the Legislature as this bill) shall apply to each act
27 conducted on or off campus if the acts are deemed to constitute
28 hazing. **1**¹

29
30 **1**[9. Sections 1 and 2 of this act shall take effect immediately,
31 and the remaining sections shall take effect on the first day of the
32 seventh month next following the date of enactment, except the
33 Secretary of Higher Education, Commissioner of Education, and the
34 Attorney General may take such anticipatory administrative action in
35 advance as shall be necessary for the implementation of those
36 sections. **1**¹

37
38 **1**1. (New section) As used in sections 2 through 4 of P.L. ,
39 c. (C.) (pending before the Legislature as this bill):

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

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

1 “Student” means an individual who attends or has applied to
2 attend or has been admitted to an institution of higher education.¹

3
4 ¹2. (New section) Each public and independent institution of
5 higher education shall adopt a written policy against hazing and,
6 pursuant to that policy, adopt rules prohibiting students or other
7 persons associated with an organization operating under the
8 sanction of, or recognized as, an organization by the institution
9 from engaging in hazing. The institution of higher education shall
10 post the policy at a publicly accessible location on the institution’s
11 Internet website and shall provide a copy of the policy, including
12 the institution’s rules, penalties, and program of enforcement, to
13 each organization within the institution.¹

14
15 ¹3. (New section) a. Each public and independent institution of
16 higher education shall provide a program for the enforcement of the
17 policy against hazing required under section 2 of P.L. , c. (C.)
18 (pending before the Legislature as this bill) and shall adopt
19 appropriate penalties for violations of the policy to be administered
20 by the individual or agency at the institution responsible for the
21 sanctioning or recognition of the organization covered by the policy
22 or by such other individual or agency deemed appropriate by the
23 institution.

24 b. The penalties for violations of the policy may include:
25 (1) imposition of fines;
26 (2) the withholding of diplomas or transcripts pending
27 compliance with the rules or payment of fines;
28 (3) the rescission of permission for the organization to operate
29 on campus or to otherwise operate under the sanction or recognition
30 of the institution; and
31 (4) the imposition of probation, suspension, dismissal, or
32 expulsion.

33 c. A penalty imposed under this section shall be in addition to
34 a penalty imposed for a violation of any other institutional rule to
35 which the violator may be subject.

36 d. A policy adopted under section 2 of P.L. , c. (C.)
37 (pending before the Legislature as this bill) shall apply to each act
38 conducted on or off campus if the acts are deemed to constitute
39 hazing.¹

40
41 ¹4. (New section) a. Each public and independent institution of
42 higher education shall maintain a report which shall include
43 information on all violations of the institution’s anti-hazing policy
44 and federal and State laws related to hazing that are reported to the
45 institution. Information on a reported violation shall be retained by
46 the institution for five years.

47 b. The report shall include:

1 (1) the date when the subject was charged with a violation of the
2 institution's anti-hazing policy or a federal or State law related to
3 hazing;

4 (2) a general description of the violation, any investigation and
5 findings by the institution and, if applicable, penalties imposed; and

6 (3) the date the matter was resolved.

7 c. An institution shall post the initial report at a publicly
8 accessible location on the institution's Internet website by January
9 15, 2022. The initial report shall include information concerning
10 violations that have been reported to the institution for the five
11 consecutive years prior to the effective date of this act, to the extent
12 the institution has retained information concerning the violations.
13 An institution shall post an updated report biannually on January 1
14 and August 1.

15 d. The report shall not include the personal identifying
16 information of an individual.¹

17
18 ^{15.} (New section) a. Each board of education of a school
19 district with a high school or middle school and the governing board
20 or chief school administrator of a nonpublic high school or middle
21 school shall adopt a written policy against hazing.

22 b. The board of education and governing board or chief school
23 administrator shall ensure that students are informed of the anti-
24 hazing policy, including the rules, penalties, and program of
25 enforcement under the policy.

26 c. The board of education and governing board or chief school
27 administrator shall post the policy on the district's or nonpublic
28 school's publicly accessible Internet website.¹

29
30 ^{16.} (New section) a. Each board of education of a school
31 district with a high school or middle school and the governing board
32 or chief school administrator of a nonpublic high school or middle
33 school shall provide a program for the enforcement of the policy
34 against hazing required under section 5 of P.L. , c. (C.)
35 (pending before the Legislature as this bill) and shall adopt
36 appropriate penalties for violation of the policy.

37 b. The penalties for violations of the policy may include:

38 (1) the withholding of diplomas or transcripts pending
39 compliance with the rules;

40 (2) the rescission of permission for the organization or group,
41 whose student members are being penalized under the anti-hazing
42 policy, to operate on campus or school property or to otherwise
43 operate under the sanction or recognition of the school district or
44 nonpublic school; and

45 (3) the imposition of probation, suspension, dismissal, or
46 expulsion.

1 c. A penalty imposed under this section shall be in addition to
2 a penalty imposed for violation of any other school district or
3 nonpublic school rule to which the violator may be subject.

4 d. A policy adopted under section 5 of P.L. , c. (C.)
5 (pending before the Legislature as this bill) shall apply to each act
6 conducted on or off campus if the acts are deemed to constitute
7 hazing.¹

8
9 ^{17.} Section 1 of P.L.1980, c.169 (C.2C:40-3) is amended to read as
10 follows:

11 1. a. A person is guilty of hazing, ²[a]² [disorderly persons
12 offense] ²[crime of the fourth degree,]² if, in connection with
13 initiation of applicants to or members of a student or fraternal
14 organization, whose membership is primarily students or alumni of the
15 organization or an institution of higher education, ²[he] the person²
16 knowingly or recklessly [organizes, promotes, facilitates or engages in
17 any conduct, other than competitive athletic events, which places or
18 may place another person in danger of bodily injury] ²[causes,
19 coerces, or forces another person to do any of the following]² :

20 (1) ²[violate] causes, coerces, or otherwise induces another
21 person to commit an act that violates² federal or State criminal law;

22 (2) ²causes, coerces, or otherwise induces another person to²
23 consume any food, liquid, alcoholic liquid, drug or other substance
24 which subjects the ²[other]² person to a risk of emotional or physical
25 harm ²or is otherwise deleterious to the person's health² ;

26 (3) ²[endure brutality] subjects another person to abuse,
27 mistreatment, harassment, or degradation² of a physical nature,
28 including ², but not limited to,² whipping, beating, branding,
29 ²excessive² calisthenics, or exposure to the elements;

30 (4) ²[endure brutality] subjects another person to abuse,
31 mistreatment, harassment, or degradation² of a mental ²or emotional²
32 nature, including ², but not limited to,² activity adversely affecting the
33 mental ²or emotional² health or dignity of the individual, sleep
34 deprivation, exclusion from social contact, or conduct that could result
35 in extreme embarrassment;

36 (5) ²[endure brutality] subjects another person to abuse,
37 mistreatment, harassment, or degradation² of a sexual nature; or

38 (6) ²[endure] subjects another person to² any other activity that
39 creates a reasonable likelihood of bodily injury to the person.

40 ²[If an act of hazing prohibited in this subsection results in bodily
41 injury, it is a crime of the third degree.]²

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

- 1 b. ²[A person is guilty of aggravated hazing,] Hazing is² a crime
2 of the [fourth] third degree ²[,]² if ²[he] an actor² commits an act
3 prohibited in subsection a. of this section which results in ²death or²
4 serious bodily injury to another person ²and is a crime of the fourth
5 degree if the actor commits an act prohibited in subsection a. of this
6 section which results in bodily injury to another person. Otherwise,
7 hazing is a disorderly persons offense² .
- 8 c. ²[A] In addition to any other sanctions or penalties that may
9 be imposed, a² student or fraternal organization described in
10 subsection a. of this section, or an institution of higher education, that
11 knowingly or recklessly promotes or facilitates a person to commit an
12 act of hazing ²[or aggravated hazing]² prohibited in this section ²[is]
13 shall be² subject to a fine of not ²less than \$1,000 or² more than
14 \$5,000 for ²[each] an initial² violation of subsection a. of this section,
15 and a fine of not ²less than \$5,000 or² more than \$15,000 for each
16 ²subsequent² violation ²[of subsection b. of this section]² .
- 17 d. (1) A person, student or fraternal organization, or institution of
18 higher education, and another person acting in concert with the person,
19 organization, or institution, shall be immune from prosecution under
20 this section if the person, or ²an² employee, officer, or other agent
21 ²[for] acting on behalf of² the organization or institution ², as the case
22 may be² :
- 23 (a) called 9-1-1, or otherwise contacted campus security, police, or
24 emergency services, and reported that a person was in need of medical
25 assistance due to an act of hazing as described in this section;
- 26 (b) the caller provided the caller's name and, if applicable, the
27 name of the person acting in concert with the caller to the 9-1-1
28 operator or other recipient of the emergency contact;
- 29 (c) the caller was the first to make the 9-1-1 report or other
30 emergency report; and
- 31 (d) the caller and, if applicable, the person acting in concert with
32 the caller remained on the scene with the person in need of medical
33 assistance until assistance arrived and cooperated with the emergency
34 services on the scene.
- 35 (2) ²[The person who received medical assistance as a result of the
36 call placed pursuant to paragraph (1) of this subsection shall also be
37 immune from prosecution under this section.
- 38 (3) ²[In addition to any other applicable immunity or limitation on
39 civil liability, a law enforcement officer or other official empowered to
40 act as an officer for the arrest of offenders against the laws of this
41 State, or a prosecutor, who, acting in good faith, arrested or charged a
42 person who is thereafter determined to be entitled to immunity from
43 prosecution under this subsection shall not be subject to any civil
44 liability for the wrongful arrest or charge.¹
- 45 (cf: P.L.1980, c.169, s.1)

1 ¹8. Section 2 of P.L.1980, c.169 (C.2C:40-4) is amended to read as
2 follows:

3 2. ²a.² Notwithstanding any other provision of Title 2C of the
4 New Jersey Statutes to the contrary, consent ²【or the fact that the act
5 of hazing as described in section 1 of P.L.1980, c.169 (C.2C:40-3) was
6 sanctioned or approved by the student or fraternal organization or the
7 institution of higher education】² shall not be available as a defense to
8 a prosecution under 【this Act】 section 1 of P.L.1980, c.169 (C.2C:40-
9 3).¹

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

14 (cf: P.L.1980, c.169, s.2)

15

16 ¹9. This act shall take effect on the first day of the seventh
17 month next following the date of enactment, except the
18 Commissioner of Education and the Attorney General may take
19 such anticipatory administrative action in advance as shall be
20 necessary for the implementation of this act.¹

21

22

23

24

25 Requires institutions of higher education and public and
26 nonpublic high schools and middle schools to adopt anti-hazing
27 policies; expands activities encompassing criminal hazing and
28 upgrades penalties for engaging in these activities.

CHAPTER 208
(CORRECTED COPY)

AN ACT concerning hazing, amending P.L.1980, c.169, and supplementing chapters 3 and 37 of Title 18A of the New Jersey Statutes.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

C.18A:3-27.1 Definitions relative to hazing.

1. 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.18A:3-27.2 Adoption of written policy against hazing.

2. Each public and independent institution of higher education shall adopt a written policy against hazing and, pursuant to that policy, adopt rules prohibiting students or other persons associated with an organization operating under the sanction of, or recognized as, an organization by the institution from engaging in hazing. The institution of higher education shall post the policy at a publicly accessible location on the institution’s Internet website and shall provide a copy of the policy, including the institution’s rules, penalties, and program of enforcement, to each organization within the institution.

C.18A:3-27.3 Program for enforcement of policy against hazing.

3. a. Each public and independent institution of higher education shall provide a program for the enforcement of the policy against hazing required under section 2 of P.L.2021, c.208 (C.18A:3-27.2) and shall adopt appropriate penalties for violations of the policy to be administered by the individual or agency at the institution responsible for the sanctioning or recognition of the organization covered by the policy or by such other individual or agency deemed appropriate by the institution.

b. The penalties for violations of the policy may include:

(1) imposition of fines;

(2) the withholding of diplomas or transcripts pending compliance with the rules or payment of fines;

(3) the rescission of permission for the organization to operate on campus or to otherwise operate under the sanction or recognition of the institution; and

(4) the imposition of probation, suspension, dismissal, or expulsion.

c. A penalty imposed under this section shall be in addition to a penalty imposed for a violation of any other institutional rule to which the violator may be subject.

d. A policy adopted under section 2 of P.L.2021, c.208 (C.18A:3-27.2) shall apply to each act conducted on or off campus if the acts are deemed to constitute hazing.

C.18A:3-27.4 Report on violations.

4. a. Each public and independent institution of higher education shall maintain a report which shall include information on all violations of the institution's anti-hazing policy and federal and State laws related to hazing that are reported to the institution. Information on a reported violation shall be retained by the institution for five years.

b. The report shall include:

(1) the date when the subject was charged with a violation of the institution's anti-hazing policy or a federal or State law related to hazing;

(2) a general description of the violation, any investigation and findings by the institution and, if applicable, penalties imposed; and

(3) the date the matter was resolved.

c. An institution shall post the initial report at a publicly accessible location on the institution's Internet website by January 15, 2022. The initial report shall include information concerning violations that have been reported to the institution for the five consecutive years prior to the effective date of this act, to the extent the institution has retained information concerning the violations. An institution shall post an updated report biannually on January 1 and August 1.

d. The report shall not include the personal identifying information of an individual.

C.18A:37-32.2 Policy against hazing for district with high school, middle school.

5. a. Each board of education of a school district with a high school or middle school and the governing board or chief school administrator of a nonpublic high school or middle school shall adopt a written policy against hazing.

b. The board of education and governing board or chief school administrator shall ensure that students are informed of the anti-hazing policy, including the rules, penalties, and program of enforcement under the policy.

c. The board of education and governing board or chief school administrator shall post the policy on the district's or nonpublic school's publicly accessible Internet website.

C.18A:37-32.3 Program for enforcement of policy against hazing.

6. a. Each board of education of a school district with a high school or middle school and the governing board or chief school administrator of a nonpublic high school or middle school shall provide a program for the enforcement of the policy against hazing required under section 5 of P.L.2021, c.208 (C.18A:37-32.2) and shall adopt appropriate penalties for violation of the policy.

b. The penalties for violations of the policy may include:

(1) the withholding of diplomas or transcripts pending compliance with the rules;

(2) the rescission of permission for the organization or group, whose student members are being penalized under the anti-hazing policy, to operate on campus or school property or to otherwise operate under the sanction or recognition of the school district or nonpublic school; and

(3) the imposition of probation, suspension, dismissal, or expulsion.

c. A penalty imposed under this section shall be in addition to a penalty imposed for violation of any other school district or nonpublic school rule to which the violator may be subject.

d. A policy adopted under section 5 of P.L.2021, c.208 (C.18A:37-32.2) shall apply to each act conducted on or off campus if the acts are deemed to constitute hazing.

7. Section 1 of P.L.1980, c.169 (C.2C:40-3) is amended to read as follows:
C.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 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.

8. Section 2 of P.L.1980, c.169 (C.2C:40-4) is amended to read as follows:

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

2. 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.

9. This act shall take effect on the first day of the seventh month next following the date of enactment, except the Commissioner of Education and the Attorney General may take such anticipatory administrative action in advance as shall be necessary for the implementation of this act.

Approved August 24, 2021.

SENATE, No. 84

STATE OF NEW JERSEY 219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Senator CHRISTOPHER "KIP" BATEMAN

District 16 (Hunterdon, Mercer, Middlesex and Somerset)

Senator LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

Co-Sponsored by:

Senator Corrado

SYNOPSIS

“Timothy J. Piazza’s Law”, upgrades hazing; clarifies that prohibited conduct includes causing, coercing or forcing consumption of alcohol or drugs.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



S84 BATEMAN, GREENSTEIN

2

1 AN ACT concerning hazing and designated as Timothy J. Piazza's
2 law, and amending P.L. 1980, c.169.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. Section 1 of P.L.1980, c.169 (C.2C:40-3) is amended to read
8 as follows:

9 1. Hazing. a. A person is guilty of hazing, a **[disorderly**
10 **persons offense]** crime of the fourth degree, if, in connection with
11 initiation of applicants to or members of a student or fraternal
12 organization, he knowingly or recklessly organizes, promotes,
13 facilitates or engages in any conduct, including, but not limited to
14 causing, coercing or forcing the consumption of alcohol or drugs,
15 other than competitive athletic events, which places or may place
16 another person in danger of bodily injury.

17 b. A person is guilty of aggravated hazing, a crime of the
18 **[fourth]** third degree, if he commits an act prohibited in subsection
19 a. which results in serious bodily injury to another person.
20 (cf: P.L.1980, c.169, s.1)

21

22 2. This act shall take effect immediately.

23

24

25 STATEMENT

26

27 Currently, a person commits the disorderly persons offense of
28 hazing if, in connection with initiation of applicants to or members
29 of a student or fraternal organization, he knowingly or recklessly
30 organizes, promotes, facilitates or engages in any conduct, other
31 than competitive athletic events, which places or may place another
32 person in danger of bodily injury. Any such hazing act is upgraded
33 to aggravated hazing, a crime of the fourth degree, if serious bodily
34 injury results.

35 This bill increases disorderly persons hazing to a crime of the
36 fourth degree and aggravated hazing to a crime of the third degree.
37 A crime of the fourth degree is punishable by a term of
38 imprisonment of up to 18 months, a fine of up to \$10,000, or both.
39 A crime of the third degree is punishable by a term of imprisonment
40 of three to five years, a fine of up to \$15,000, or both.

41 Additionally, the bill clarifies that prohibited hazing conduct
42 includes, but is not limited to, causing, coercing or forcing the
43 consumption of alcohol or drugs.

44 "Timothy J. Piazza's Law", upgrades hazing; clarifies that
45 prohibited conduct includes causing, coercing or forcing
46 consumption of alcohol or drugs.

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

SENATE, No. 2093

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED MARCH 16, 2020

Sponsored by:

Senator TROY SINGLETON

District 7 (Burlington)

Senator THOMAS H. KEAN, JR.

District 21 (Morris, Somerset and Union)

Co-Sponsored by:

Senator Pou

SYNOPSIS

Expands scope of activities constituting hazing; increases penalties for hazing resulting in injury; requires institutions of higher education, and public and nonpublic high schools and middle schools to adopt anti-hazing policies.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/11/2020)

1 AN ACT concerning hazing, amending P.L.1980, c.169, and
2 supplementing chapters 3 and 37 of Title 18A of the New Jersey
3 Statutes.

4
5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*

7
8 1. Section 1 of P.L.1980, c.169 (C.2C:40-3) is amended to read
9 as follows:

10 1. Hazing. a. A person is guilty of hazing, a disorderly
11 persons offense, or a crime of the fourth degree if the act of hazing
12 results in bodily injury, if, in connection with initiation of
13 applicants to or members of a student or fraternal organization,
14 whose membership is primarily students or alumni of the
15 organization or an institution of higher education, [he] the person
16 knowingly or recklessly [organizes, promotes, facilitates or engages
17 in any conduct, other than competitive athletic events, which places
18 or may place another person in danger of bodily injury] causes,
19 coerces, or forces another person to do any of the following:

20 (1) violate federal or state criminal law;

21 (2) consume any food, liquid, alcoholic liquid, drug or other
22 substance which subjects the other person to a risk of emotional or
23 physical harm;

24 (3) endure brutality of a physical nature, including whipping,
25 beating, branding, calisthenics, or exposure to the elements;

26 (4) endure brutality of a mental nature, including activity
27 adversely affecting the mental health or dignity of the individual,
28 sleep deprivation, exclusion from social contact, or conduct that
29 could result in extreme embarrassment;

30 (5) endure brutality of a sexual nature; or

31 (6) endure any other activity that creates a reasonable likelihood
32 of bodily injury to the person.

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

36 b. A person is guilty of aggravated hazing, a crime of the
37 **[fourth]** third degree, if he commits an act prohibited in subsection
38 a. of this section which results in serious bodily injury to another
39 person.

40 c. A student or fraternal organization described in subsection a.
41 of this section, or an institution of higher education, that knowingly
42 or recklessly promotes or facilitates a person to commit an act of
43 hazing or aggravated hazing prohibited in this section is subject to a
44 fine of not more than \$5,000 for each violation of subsection a. of
45 this section, and a fine of not more than \$15,000 for each violation
46 of subsection b. of this section.

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 d. Any property which has been, or is intended to be, utilized in
2 furtherance of any unlawful hazing activity set forth in this section
3 by a person, student or fraternal organization, or institution of
4 higher education, as well as any proceeds derived from the unlawful
5 activity, shall be subject to forfeiture pursuant to chapter 64 of Title
6 2C of the New Jersey Statutes.

7 e. (1) A person, student or fraternal organization, or institution
8 of higher education, and another person acting in concert with the
9 person, organization, or institution, shall be immune from
10 prosecution under this section if the person, or employee, officer, or
11 other agent for the organization or institution:

12 (a) called 9-1-1, or otherwise contacted campus security, police,
13 or emergency services, and reported that a person was in need of
14 medical assistance due to an act of hazing as described in this
15 section;

16 (b) the caller provided the caller's name and, if applicable, the
17 name of the person acting in concert with the caller to the 9-1-1
18 operator or other recipient of the emergency contact;

19 (c) the caller was the first to make the 9-1-1 report or other
20 emergency report; and

21 (d) the caller and, if applicable, the person acting in concert
22 with the caller remained on the scene with the person in need of
23 medical assistance until assistance arrived and cooperated with the
24 emergency services on the scene.

25 (2) The person who received medical assistance as a result of
26 the call placed pursuant to paragraph (1) of this subsection shall
27 also be immune from prosecution under this section.

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

35 (cf: P.L.1980, c.169, s.1)

36

37 2. Section 2 of P.L.1980, c.169 (C.2C:40-4) is amended to read
38 as follows:

39 2. Notwithstanding any other provision of Title 2C of the New
40 Jersey Statutes to the contrary, consent, or the fact that the act of
41 hazing as described in section 1 of P.L.1980, c.169 (C.2C:40-3) was
42 sanctioned or approved by a student or fraternal organization or an
43 institution of higher education, shall not be available as a defense to
44 a prosecution under this Act.

45 (cf: P.L.1980, c.169, s.2)

46

47 3. (New section) As used in sections 4 through 6 of
48 P.L. , c. (C.) (pending before the Legislature as this bill):

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

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

8
9 4. (New section) Each public and independent institution of
10 higher education shall adopt a written policy against hazing and,
11 pursuant to that policy, adopt rules prohibiting students or other
12 persons associated with an organization operating under the
13 sanction of, or recognized as, an organization by the institution
14 from engaging in hazing. The institution of higher education shall
15 post the policy at a publicly accessible location on the institution’s
16 Internet website and shall provide a copy of the policy, including
17 the institution’s rules, penalties, and program of enforcement, to
18 each organization within the institution.

19
20 5. (New section) a. Each public and independent institution of
21 higher education shall provide a program for the enforcement of the
22 policy against hazing required under section 4 of P.L. , c. (C.)
23 (pending before the Legislature as this bill) and shall adopt
24 appropriate penalties for violations of the policy to be administered
25 by the individual or agency at the institution responsible for the
26 sanctioning or recognition of the organization covered by the policy
27 or by such other individual or agency deemed appropriate by the
28 institution.

29 b. The penalties for violations of the policy may include:

30 (1) imposition of fines;

31 (2) the withholding of diplomas or transcripts pending
32 compliance with the rules or payment of fines;

33 (3) the rescission of permission for the organization to operate
34 on campus or to otherwise operate under the sanction or recognition
35 of the institution; and

36 (4) the imposition of probation, suspension, dismissal, or
37 expulsion.

38 c. A penalty imposed under this section shall be in addition to
39 a penalty imposed for a violation of any other institutional rule to
40 which the violator may be subject.

41 d. A policy adopted under section 4 of P.L. , c. (C.)
42 (pending before the Legislature as this bill) shall apply to each act
43 conducted on or off campus if the acts are deemed to constitute
44 hazing.

45
46 6. (New section) a. Each public and independent institution of
47 higher education shall maintain a report which shall include
48 information on all violations of the institution’s anti-hazing policy

1 and federal and State laws related to hazing that are reported to the
2 institution. Information on a reported violation shall be retained by
3 the institution for five years.

4 b. The report shall include:

5 (1) the date when the subject was charged with a violation of the
6 institution's anti-hazing policy or a federal or State law related to
7 hazing;

8 (2) a general description of the violation, any investigation and
9 findings by the institution and, if applicable, penalties imposed; and

10 (3) the date on which the matter was resolved.

11 c. An institution shall post the initial report at a publicly
12 accessible location on the institution's Internet website by January
13 15, 2021. The initial report shall include information concerning
14 violations that have been reported to the institution for the five
15 consecutive years prior to the effective date of P.L. , c. (C.)
16 (pending before the Legislature as this bill), to the extent the
17 institution has retained information concerning the violations. An
18 institution shall post an updated report annually on January 1.

19 d. The report shall not include the personal identifying
20 information of an individual.

21

22 7. (New section) a. Each board of education of a school
23 district with a high school or middle school and the governing board
24 or chief school administrator of a nonpublic high school or middle
25 school shall adopt a written policy against hazing.

26 b. The board of education and governing board or chief school
27 administrator shall ensure that students are informed of the anti-
28 hazing policy, including the rules, penalties, and program of
29 enforcement under the policy.

30 c. The board of education and governing board or chief school
31 administrator shall post the policy on the district's or nonpublic
32 school's publicly accessible Internet website.

33

34 8. (New section) a. Each board of education of a school
35 district with a high school or middle school and the governing board
36 or chief school administrator of a nonpublic high school or middle
37 school shall provide a program for the enforcement of the policy
38 against hazing required under section 7 of P.L. , c. (C.)
39 (pending before the Legislature as this bill) and shall adopt
40 appropriate penalties for violations of the policy.

41 b. The penalties for violations of the policy may include:

42 (1) the withholding of diplomas or transcripts pending
43 compliance with the rules;

44 (2) the rescission of permission for the organization or group,
45 whose student members are being penalized under the anti-hazing
46 policy, to operate on campus or school property or to otherwise
47 operate under the sanction or recognition of the school district or
48 nonpublic school; and

1 (3) the imposition of probation, suspension, dismissal or
2 expulsion.

3 c. A penalty imposed under this section shall be in addition to
4 a penalty imposed for a violation of any other school district or
5 nonpublic school rule to which the violator may be subject.

6 d. A policy adopted under section 7 of P.L. , c. (C.)
7 (pending before the Legislature as this bill) shall apply to each act
8 conducted on or off campus if the acts are deemed to constitute
9 hazing.

10

11 9. Sections 1 and 2 of this act shall take effect immediately, and
12 the remaining sections shall take effect on the first day of the seventh
13 month next following the date of enactment, except the Secretary of
14 Higher Education, Commissioner of Education, and the Attorney
15 General may take such anticipatory administrative action in advance as
16 shall be necessary for the implementation of those sections.

17

18

19

STATEMENT

20

21 This bill, concerning hazing, would (1) expand the scope of
22 hazing activities deemed unlawful and increase the penalties for any
23 hazing incidents that result in injury, and (2) require institutions of
24 higher education, and public and nonpublic high schools and middle
25 schools to adopt anti-hazing policies.

26 Regarding unlawful hazing activities, the bill's provisions
27 broaden the types of activities which would be considered hazing to
28 include any conduct that causes, coerces, or forces another person
29 to:

30 (1) violate federal or state criminal law;

31 (2) consume any food, liquid, alcoholic liquid, drug or other
32 substance which subjects the other person to a risk of emotional or
33 physical harm;

34 (3) endure brutality of a physical nature, including whipping,
35 beating, branding, calisthenics, or exposure to the elements;

36 (4) endure brutality of a mental nature, including activity
37 adversely affecting the mental health or dignity of the individual,
38 sleep deprivation, exclusion from social contact or conduct that
39 could result in extreme embarrassment;

40 (5) endure brutality of a sexual nature; or

41 (6) endure any other activity that creates a reasonable likelihood
42 of bodily injury to the person.

43 Under current law, hazing is a disorderly persons offense,
44 punishable by a term of imprisonment of up to six months, a fine of
45 up to \$1,000, or both. An act is considered aggravated hazing, a
46 crime of the fourth degree punishable by a term of imprisonment of
47 up to 18 months, a fine of up to \$10,000, or both, if serious bodily
48 injury results; "serious bodily injury" is defined as "bodily injury

1 which creates a substantial risk of death or which causes serious,
2 permanent disfigurement, or protracted loss or impairment of the
3 function of any bodily member or organ.” N.J.S.2C:11-1,
4 subsection b.

5 The bill leaves in place a disorderly persons hazing offense if no
6 bodily injury occurred, and upgrades it to a fourth-degree crime if it
7 does occur. Aggravated hazing involving serious bodily injury would
8 be upgraded from a fourth-degree to a third-degree crime. A crime of
9 the third degree is punishable by a term of imprisonment of three to
10 five years, a fine of up to \$15,000, or both.

11 The bill also sets forth liability for any student or fraternal
12 organization, or institution of higher education, which knowingly or
13 recklessly promotes or facilitates a person to commit an act of
14 hazing. The entity would be subject to a fine of not more than
15 \$5,000 for each hazing violation and \$15,000 for each aggravating
16 hazing violation.

17 Immunity from prosecution for any hazing activities would be
18 offered to any person, student or fraternal organization, or
19 institution of higher education, as well as another person acting in
20 concert with the person, organization, or institution if 9-1-1 is
21 called or other emergency services contacted. In order for this
22 immunity to apply, the caller and, if applicable, person acting in
23 concert with the caller would have to remain on the scene with a
24 person injured as a result of hazing and cooperate with emergency
25 services upon their arrival.

26 The bill requires institutions of higher education, boards of
27 education of school districts with a high school or middle school,
28 and the governing board or chief school administrator of a
29 nonpublic high school or middle school, to adopt a written anti-
30 hazing policy. The institutions and schools would be required to
31 provide a program for the enforcement of the anti-hazing policy and
32 adopt penalties for violations of the policy. The bill provides that
33 the penalties could include the withholding of diplomas or
34 transcripts pending compliance with the rules, and the imposition of
35 probation, suspension, dismissal, or expulsion.

36 Additionally, for the institutions of higher education, they would
37 be required to maintain a report which includes information on all
38 violations of the institution’s anti-hazing policy and federal and
39 State laws related to hazing that are reported to the institution. The
40 institution would be required to post the report on the institution’s
41 website. The first report posted after the effective date of the bill
42 would include information concerning violations that were reported
43 to the institution for the five consecutive years prior to the bill’s
44 effective date, to the extent the institution has retained that
45 information. Thereafter, the report would be updated annually on
46 each January 1.

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR **SENATE, Nos. 84 and 2093**

STATE OF NEW JERSEY

DATED: MAY 5, 2021

The Assembly Law and Public Safety Committee reports favorably Senate Committee Substitute for Senate Nos. 84 and 2093.

As reported by the committee, the Senate Committee Substitute for Senate Nos. 84 and 2093, designated “Timothy J. Piazza’s Law” for a victim, and former New Jersey resident, who died after a fraternity hazing incident in February 2017, would: (1) expand the scope of hazing activities deemed unlawful and increase the penalties for any hazing incidents that result in injury, and (2) require institutions of higher education, and public and nonpublic high schools and middle schools to adopt anti-hazing policies.

Regarding unlawful hazing activities, the committee substitute’s provisions broaden the types of activities which would be considered hazing to include any conduct that causes, coerces, or forces another person to:

- (1) violate federal or State criminal law;
- (2) consume any food, liquid, alcoholic liquid, drug, or other substance which subjects the other person to a risk of emotional or physical harm;
- (3) endure brutality of a physical nature, including whipping, beating, branding, calisthenics, or exposure to the elements;
- (4) endure brutality of a mental nature, including activity adversely affecting the mental health or dignity of the individual, sleep deprivation, exclusion from social contact or conduct that could result in extreme embarrassment;
- (5) endure brutality of a sexual nature; or
- (6) endure any other activity that creates a reasonable likelihood of bodily injury to the person.

Under current law, pursuant to subsection b. of N.J.S.2C:11-1, hazing is a disorderly persons offense, punishable by a term of imprisonment of up to six months, a fine of up to \$1,000, or both. An act is considered aggravated hazing, a crime of the fourth degree punishable by a term of imprisonment of up to 18 months, a fine of up to \$10,000, or both, if serious bodily injury results. “Serious bodily injury” is defined as “bodily injury which creates a substantial risk of death or which causes serious, permanent

disfigurement, or protracted loss or impairment of the function of any bodily member or organ.”

The committee substitute leaves in place a disorderly persons hazing offense if no bodily injury occurred, and upgrades it to a fourth-degree crime if any bodily injury does occur. Aggravated hazing involving *serious* bodily injury would be upgraded from a fourth-degree to a third-degree crime. A crime of the third degree is punishable by a term of imprisonment of three to five years, a fine of up to \$15,000, or both.

Further, the committee substitute sets forth liability for any student or fraternal organization, or institution of higher education, which knowingly or recklessly promotes or facilitates a person to commit an act of hazing. The entity would be subject to a fine of not more than \$5,000 for each hazing violation and \$15,000 for each aggravated hazing violation.

Immunity from prosecution for any hazing activities would be offered to any person, student or fraternal organization, or institution of higher education, as well as another person acting in concert with the person, organization, or institution if 9-1-1 is called or other emergency services contacted. In order for this immunity to apply, the caller and, if applicable, person acting in concert with the caller, would have to remain on the scene with a person injured as a result of hazing and cooperate with emergency services upon their arrival.

The committee substitute also requires institutions of higher education, boards of education of school districts with a high school or middle school, and the governing board or chief school administrator of a nonpublic high school or middle school, to adopt a written anti-hazing policy. The institutions and schools would be required to provide a program for the enforcement of the anti-hazing policy and adopt penalties for violations of the policy. The committee substitute provides that the penalties could include the withholding of diplomas or transcripts pending compliance with the rules, and the imposition of probation, suspension, dismissal, or expulsion.

Additionally, institutions of higher education would be required to maintain a report which includes information on all violations of the institution’s anti-hazing policy and federal and State laws related to hazing that are reported to the institution. The institution would be required to post the report on the institution’s website. The first report posted after the effective date of the committee substitute would include information concerning violations that were reported to the institution for the five consecutive years prior to the committee substitute’s effective date, to the extent the institution has retained that information. Thereafter, the report would be updated annually on January 1 of each year.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR **SENATE, Nos. 84 and 2093**

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 16, 2021

The Assembly Appropriations Committee reports favorably Senate Bill Nos. 84 and 2093 (SCS), with committee amendments.

As amended and reported by the committee, the Senate Committee Substitute for Senate Bill Nos. 84 and 2093 requires institutions of higher education and public and nonpublic high schools and middle schools to adopt anti-hazing policies; expands the activities that encompass criminal hazing; and upgrades the penalties for engaging in these activities.

The committee substitute requires institutions of higher education, boards of education of school districts with a high school or middle school, and the governing board or chief school administrator of a nonpublic school with a high school or middle school, to adopt a written anti-hazing policy. The institutions and schools are required to provide a program for the enforcement of the anti-hazing policy and adopt penalties for violations of the policy. The committee substitute provides that the penalties may include the withholding of diplomas or transcripts pending compliance with the rules and the imposition of probation, suspension, dismissal, or expulsion.

Under the committee substitute, an institution of higher education is required to maintain a report for violations reported to the institution, which includes information on all violations of the institution's anti-hazing policy and federal and State laws related to hazing. The institution is required to post the report on the institution's website. The first report posted after the effective date of the committee substitute is required to include information concerning violations that were reported to the institution for the five consecutive years prior to the effective date of the committee substitute, to the extent the institution has retained that information. The report is to be updated biannually on January 1 and August 1.

The committee substitute also amends the State's Criminal Code in regard to hazing activities. Currently, a person commits the disorderly persons offense of hazing if, in connection with initiation of applicants to or members of a student or fraternal organization, the person knowingly or recklessly organizes, promotes, facilitates, or engages in

any conduct, other than competitive athletic events, which places or may place another person in danger of bodily injury. A disorderly persons offense is punishable by a term of imprisonment of up to six months, a fine of up to \$1,000, or both. A person is guilty of aggravated hazing, a crime of the fourth degree, if serious bodily injury results. A crime of the fourth degree is punishable by a term of imprisonment of up to 18 months, a fine of up to \$10,000, or both.

The committee substitute upgrades hazing to a crime of the fourth degree and aggravated hazing to a crime of the third degree, punishable by a term of imprisonment of three to five years, a fine of up to \$15,000, or both. The committee substitute also sets forth liability for any student or fraternal organization, or institution of higher education, which knowingly or recklessly promotes or facilitates a person to commit an act of hazing. The entity would be subject to a fine of not more than \$5,000 for each hazing violation and \$15,000 for each violation of aggravated hazing.

Under current law, “hazing” is generally described as “conduct, other than competitive athletic events, which places or may place another person in danger of bodily injury.” The provisions of the committee substitute broaden the types of activities which would be considered hazing to include any conduct that causes, coerces, or forces another person to:

- (1) violate federal or State criminal law;
- (2) consume any food, liquid, alcoholic liquid, drug or other substance which subjects the other person to a risk of emotional or physical harm;
- (3) endure brutality of a physical nature, including whipping, beating, branding, calisthenics, or exposure to the elements;
- (4) endure brutality of a mental nature, including activity adversely affecting the mental health or dignity of the individual, sleep deprivation, exclusion from social contact or conduct that could result in extreme embarrassment;
- (5) endure brutality of a sexual nature; or
- (6) endure any other activity that creates a reasonable likelihood of bodily injury to the person.

Immunity from prosecution for hazing would be offered to any person, student or fraternal organization, or institution of higher education, as well as another person acting in concert with the person, organization, or institution if 9-1-1 is called or other emergency services contacted. In order for this immunity to apply, the caller and, if applicable, person acting in concert with the caller would have to remain on the scene with a person injured as a result of hazing and cooperate with emergency services upon their arrival.

As amended and reported by the committee, this committee substitute is identical to the Assembly Committee Substitute for

Assembly Bill No. 3149 (1R) which also was reported by the committee on this date.

COMMITTEE AMENDMENTS

The committee amended the bill to:

(1) remove from the bill's provisions the designation, "Timothy J. Piazza's Law";

(2) remove from the bill's provisions the requirement that any property utilized in furtherance of any unlawful hazing activity, as well as any proceeds derived from the unlawful activity, is to be subject to forfeiture pursuant to chapter 64 of Title 2C of the New Jersey Statutes; and

(3) make technical changes to the bill.

FISCAL IMPACT:

The Office of Legislative Services (OLS) determines that this bill will increase annual State operating expenditures and revenues by an indeterminate amount by upgrading the act of hazing to a crime of the fourth degree. Currently, hazing is considered a disorderly persons offense and cases are adjudicated in municipal courts. The upgraded criminal offense means that the State would now incur costs to prosecute and adjudicate more cases and would receive an indeterminate amount of revenue from court fines and fees.

The upgrade of aggravated hazing to a crime of the third degree from a crime of the fourth degree is not expected to have any State expenditure impact as there is a presumption of non-incarceration for first-time offenders of crimes of the third degree. However, it is noted that the upgraded charge carries a higher potential fine, thereby resulting in a potential State revenue increase.

The OLS estimates that the bill may also result in indeterminate State revenue gains as student or fraternal organizations or institutions of higher education that are found to promote or facilitate a person to commit an act of hazing or aggravated hazing would be subject to fines created under the bill.

The OLS also finds that public institutions of higher education, independent institutions of higher education, boards of education of local school districts with a high school or middle school, and nonpublic high schools and middle schools may incur costs to provide a program for the enforcement of policies against hazing. Public and independent institutions of higher education may incur additional costs to maintain a report including information on all violations of the institution's anti-hazing policies and federal and State laws related to hazing that are reported to the institutions.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR SENATE, Nos. 84 and 2093

STATE OF NEW JERSEY

DATED: MARCH 19, 2020

The Senate Judiciary Committee reports favorably a Senate Committee Substitute for Senate Bill Nos. 84 and 2093.

This substitute bill, concerning hazing and designated “Timothy J. Piazza’s Law” for a victim, and former New Jersey resident, who died after a fraternity hazing incident in February 2017, would (1) expand the scope of hazing activities deemed unlawful and increase the penalties for any hazing incidents that result in injury, and (2) require institutions of higher education, and public and nonpublic high schools and middle schools to adopt anti-hazing policies.

Regarding unlawful hazing activities, the bill’s provisions broaden the types of activities which would be considered hazing to include any conduct that causes, coerces, or forces another person to:

- (1) violate federal or state criminal law;
- (2) consume any food, liquid, alcoholic liquid, drug or other substance which subjects the other person to a risk of emotional or physical harm;
- (3) endure brutality of a physical nature, including whipping, beating, branding, calisthenics, or exposure to the elements;
- (4) endure brutality of a mental nature, including activity adversely affecting the mental health or dignity of the individual, sleep deprivation, exclusion from social contact or conduct that could result in extreme embarrassment;
- (5) endure brutality of a sexual nature; or
- (6) endure any other activity that creates a reasonable likelihood of bodily injury to the person.

Under current law, hazing is a disorderly persons offense, punishable by a term of imprisonment of up to six months, a fine of up to \$1,000, or both. An act is considered aggravated hazing, a crime of the fourth degree punishable by a term of imprisonment of up to 18 months, a fine of up to \$10,000, or both, if serious bodily injury results; “serious bodily injury” is defined as “bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.” N.J.S.2C:11-1, subsection b.

The bill leaves in place a disorderly persons hazing offense if no bodily injury occurred, and upgrades it to a fourth-degree crime if any bodily injury does occur. Aggravated hazing involving *serious* bodily injury would be upgraded from a fourth-degree to a third-degree crime. A crime of the third degree is punishable by a term of imprisonment of three to five years, a fine of up to \$15,000, or both.

Further, the bill sets forth liability for any student or fraternal organization, or institution of higher education, which knowingly or recklessly promotes or facilitates a person to commit an act of hazing. The entity would be subject to a fine of not more than \$5,000 for each hazing violation and \$15,000 for each aggravating hazing violation.

Immunity from prosecution for any hazing activities would be offered to any person, student or fraternal organization, or institution of higher education, as well as another person acting in concert with the person, organization, or institution if 9-1-1 is called or other emergency services contacted. In order for this immunity to apply, the caller and, if applicable, person acting in concert with the caller would have to remain on the scene with a person injured as a result of hazing and cooperate with emergency services upon their arrival.

The bill also requires institutions of higher education, boards of education of school districts with a high school or middle school, and the governing board or chief school administrator of a nonpublic high school or middle school, to adopt a written anti-hazing policy. The institutions and schools would be required to provide a program for the enforcement of the anti-hazing policy and adopt penalties for violations of the policy. The bill provides that the penalties could include the withholding of diplomas or transcripts pending compliance with the rules, and the imposition of probation, suspension, dismissal, or expulsion.

Additionally, for the institutions of higher education, they would be required to maintain a report which includes information on all violations of the institution's anti-hazing policy and federal and State laws related to hazing that are reported to the institution. The institution would be required to post the report on the institution's website. The first report posted after the effective date of the bill would include information concerning violations that were reported to the institution for the five consecutive years prior to the bill's effective date, to the extent the institution has retained that information. Thereafter, the report would be updated annually on each January 1.

STATEMENT TO
[First Reprint]
SENATE COMMITTEE SUBSTITUTE FOR
SENATE, Nos. 84 and 2093

with Assembly Floor Amendments
(Proposed by Assemblywoman MURPHY)

ADOPTED: JUNE 21, 2021

The Senate Committee Substitute for Senate Bill Nos. 84 and 2093 (1R) requires institutions of higher education and public and nonpublic high schools and middle schools to adopt anti-hazing policies; expands the activities that encompass criminal hazing; and upgrades the penalties for engaging in these activities.

The committee substitute currently amends the State's Criminal Code in regard to hazing activities to provide that hazing is a crime of the fourth degree and aggravated hazing is a crime of the third degree. These amendments would provide that an actor who commits the crime of hazing is guilty of a crime of the third degree if the act results in death or serious bodily injury to another, and is guilty of a crime of the fourth degree if it results in bodily injury to another person. Otherwise, hazing is a disorderly persons offense. A crime of the third degree is punishable by a term of imprisonment of three to five years, a fine of up to \$15,000, or both; a crime of the fourth degree is punishable by a term of imprisonment of up to 18 months, a fine of up to \$10,000, or both; and a disorderly persons offense is punishable by a term of imprisonment of up to six months, a fine of up to \$1,000, or both.

These Assembly amendments also clarify the acts which constitute hazing by eliminating references to "enduring brutality" and providing that a person is guilty of hazing if the actor subjects another person to abuse, mistreatment, harassment, or degradation.

In addition, the amendments modify the fines imposed on a student or fraternal organization or institution of higher education that violates the provisions of the substitute by providing that an organization or institution that violates the provisions of the substitute will be subject to a fine of between \$1,000 and \$5,000 for an initial violation and a fine of between \$5,000 and \$15,000 for a subsequent violation. Currently, the substitute provides that an organization or institution is subject to a fine of up to \$5,000 for each violation.

LEGISLATIVE FISCAL ESTIMATE
SENATE COMMITTEE SUBSTITUTE FOR
SENATE, Nos. 84 and 2093
STATE OF NEW JERSEY
219th LEGISLATURE

DATED: JUNE 18, 2020

SUMMARY

- Synopsis:** “Timothy J. Piazza’s Law”; expands scope of hazing activities and increases penalties for hazing resulting in injury; requires institutions of higher education, and public and nonpublic high schools and middle schools to adopt anti-hazing policies.
- Type of Impact:** Annual expenditure and revenue increases to General Fund; annual expenditure and revenue impacts to municipal governments; annual expenditure increases for institutions of higher education.
- Agencies Affected:** Department of Law and Public Safety; the Judiciary; Office of the Public Defender; Department of Corrections; State Parole Board; Institutions of Higher Education; Boards of Education; Nonpublic High Schools and Middle Schools; Municipalities.

Office of Legislative Services Estimate

Fiscal Impact	<u>Annual</u>
State Expenditure Increase	Indeterminate
State Revenue Increase	Indeterminate
Local Expenditure Impact	Indeterminate
Local Revenue Impact	Indeterminate
Institutions of Higher Education Expenditure Increase	Indeterminate

- The Office of Legislative Services (OLS) anticipates that the bill will increase annual State operating expenditures and revenues by an indeterminate amount by upgrading hazing that results in bodily injury to a crime of the fourth degree. Currently, hazing is considered a disorderly person offense and cases are adjudicated in municipal courts. The upgraded criminal offense means that the State would now incur costs to prosecute and adjudicate more cases and would receive an indeterminate amount of revenue from court fines and fees. The upgrade of aggravated hazing to a crime of the third degree from a crime of the fourth degree is not expected to have any State expenditure impact as there is a presumption of non-

incarceration for first-time offenders of crimes of the third degree. However, it is noted that the upgraded charge carries a higher potential fine.

- The OLS also determines that the bill will have an indeterminate impact on municipal court revenues and expenditures. While the bill will move cases of hazing that result in bodily harm to superior court, the bill also broadens the scope of hazing activities that are deemed unlawful, which could result in additional cases being heard in municipal court. Accordingly, the OLS is not able to determine the net impact on the number of hazing cases that will be adjudicated in municipal court or the impact of the bill's provisions on municipal costs and revenues.
- The OLS estimates that the bill may also result in indeterminate State and municipal revenue gains as student or fraternal organizations or institutions of higher education that are found to promote or facilitate a person to commit an act of hazing or aggravated hazing would be subject to fines created under the bill.
- The OLS estimates that institutions of higher education in the State may incur costs to provide a program for the enforcement of their policies against hazing and to maintain a report including information on all violations of the institution's anti-hazing policies and federal and State laws related to hazing that are reported to the institutions. Lastly, the OLS notes that information shared informally by the Administrative Office of the Courts indicates that in 2017 and 2018, there were no convictions for hazing or aggravated hazing in the State.

BILL DESCRIPTION

The bill would (1) expand the scope of hazing activities deemed unlawful and increase the penalties for any hazing incidents that result in injury, and (2) require institutions of higher education, and public and nonpublic high schools and middle schools to adopt anti-hazing policies.

Under current law, hazing is a disorderly persons offense, punishable by a term of imprisonment of up to six months, a fine of up to \$1,000, or both. An act is considered aggravated hazing, a crime of the fourth degree punishable by a term of imprisonment of up to 18 months, a fine of up to \$10,000, or both, if serious bodily injury results.

The bill leaves in place the disorderly persons hazing offense if no bodily injury occurred, and upgrades it to a crime of the fourth degree if it does occur. Aggravated hazing involving serious bodily injury would be upgraded from a crime of the fourth degree to a crime of the third degree. A crime of the third degree is punishable by a term of imprisonment of three to five years, a fine of up to \$15,000, or both.

The bill also sets forth liability for any student or fraternal organization, or institution of higher education, which knowingly or recklessly promotes or facilitates a person to commit an act of hazing. The entity would be subject to a fine of not more than \$5,000 for each hazing violation and \$15,000 for each aggravated hazing violation.

Immunity from prosecution for any hazing activities would be offered to any person, student, organization, or institution as well as another person acting in concert if 9-1-1 is called or other emergency services contacted. In order for this immunity to apply, the person acting in concert with the caller would have to remain on the scene with a person injured as a result of hazing and cooperate with emergency services upon their arrival.

The bill requires institutions of higher education, boards of education of school districts with a high school or middle school, and the governing board or chief school administrator of a nonpublic high school or middle school, to adopt a written anti-hazing policy. The institutions and

schools would be required to provide a program for the enforcement of the anti-hazing policy and adopt penalties for violations of the policy.

Additionally, for institutions of higher education, they would be required to maintain a report which includes information on all violations of the institution's anti-hazing policy and federal and State laws related to hazing that are reported to the institution. The institution would be required to post the report on the institution's website. The first report posted after the effective date of the bill would include information concerning violations that were reported to the institution for the five consecutive years prior to the bill's effective date, to the extent the institution has retained that information. Thereafter, the report would be updated annually on each January 1.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS determines that this bill will result in indeterminate expenditure and revenue increases to the State and will have indeterminate impacts to local government expenditures and revenues. Institutions of higher education, and public and private schools are anticipated to experience indeterminate, likely marginal, cost increases to meet the bill's provisions about having to adopt a written anti-hazing policy and having a program for its enforcement, including the adoption of penalties for violations of the policy, as many already have such policies and programs in place.

State Government Expenditures: The bill would increase annual State operating expenditures by an indeterminate amount by upgrading hazing that results in bodily injury to a crime of the fourth degree. Currently, hazing is considered a disorderly person offense and cases are adjudicated in municipal courts. The following State agencies would incur caseload and expenditure increases: a) the Department of Law and Public Safety would have to prosecute additional cases; b) the Judiciary would have to adjudicate additional complaints; c) the Office of the Public Defender would have to represent additional low-income criminal defendants; d) the Department of Corrections (DOC) would potentially have to house and care for more individuals who are sentenced to longer prison terms; and e) the State Parole Board would potentially have to supervise the return to society of additional convicts.

The OLS has no information on the additional caseload and expenditures that the bill may impose on affected State departments and agencies as the number of hazing crimes that will be committed is unknown. Regarding incarceration, the OLS notes that there is a presumption of non-incarceration for first-time offenders of crimes of the third and fourth degrees. If the bill results in certain individuals being incarcerated in State facilities, the DOC would incur additional costs. Data previously obtained from the DOC indicated that the average annual cost to house an inmate in a State prison facility during FY 2019 totaled \$50,590. However, the OLS notes that because the DOC is currently experiencing a reduction in the State-sentenced prison population, the department should be able to house any additional inmates attributable to the bill within its current institutional facilities at a much lower marginal cost of \$8.74 per day, or \$3,190 annually, per inmate for food, wages, and clothing.

Local Government Expenditures: The OLS believes that this bill will affect the annual caseloads and operating expenditures of municipal courts and prosecutors' offices in an indeterminate manner. For one, the bill maintains a disorderly persons offense for hazing if no bodily injury occurred, but it broadens the scope of hazing activities that are deemed unlawful. Since disorderly persons offenses are adjudicated in municipal courts, this would have the effect of increasing the caseloads and operating expenditures of municipal courts and prosecutors' offices. However, the annual caseloads of municipal courts and prosecutors' offices may decrease as a result of certain acts of hazing resulting in bodily injury being made a crime of the fourth degree and therefore being adjudicated in State courts. The OLS is unable to determine the net impact of the bill on municipal court caseloads and therefore the direction and magnitude of the expenditure impact.

State and Local Government Revenues: Any additional State cost attributable to the bill may be offset, in part, by additional and larger fines and penalties imposed by the courts on defendants convicted of having committed the upgraded crimes; however, the State's ability to collect criminal fines and penalties has historically been limited. The State will experience a revenue increase as a result of the upgrade to a crime of the fourth degree of a hazing offense in which bodily injury occurs and the upgrade of an aggravated hazing offense involving serious bodily injury to a crime of the third degree from a crime of the third degree. The OLS notes that a crime of the fourth degree is punishable by a term of imprisonment of up to 18 months, a fine of up to \$10,000, or both; meanwhile, a crime of the third degree is punishable by a term of imprisonment of three to five years, a fine of up to \$15,000, or both.

Under the bill, municipalities and the State will also experience revenue increases as a result of cases in which fines are issued to student or fraternal organizations or institutions of higher education that knowingly or recklessly promote or facilitate a person to commit an act of hazing (\$5,000 for each violation) or aggravated hazing (\$15,000 for each violation).

Institutions of Higher Education Expenditures: The OLS estimates that institutions of higher education in the State may incur costs to provide a program for the enforcement of their policies against hazing and to maintain a report including information on all violations of the institution's anti-hazing policies and federal and State laws related to hazing that are reported to the institutions.

Section: Education

*Analyst: Christopher Myles
Assistant Fiscal Analyst*

*Approved: Frank W. Haines III
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

FISCAL NOTE
 [First Reprint]
SENATE COMMITTEE SUBSTITUTE FOR
SENATE, Nos. 84 and 2093
STATE OF NEW JERSEY
219th LEGISLATURE

DATED: JUNE 24, 2021

SUMMARY

- Synopsis:** Requires institutions of higher education and public and nonpublic high schools and middle schools to adopt anti-hazing policies; expands activities encompassing criminal hazing and upgrades penalties for engaging in these activities.
- Type of Impact:** Annual State expenditure and revenue increases; annual expenditure and revenue decreases for municipalities; annual expenditure increases for institutions of higher education and local school districts
- Agencies Affected:** Department of Law and Public Safety; the Judiciary; Office of the Public Defender; Department of Corrections; State Parole Board; Municipalities; Public and Independent Institutions of Higher Education; Local School Districts

Office of Legislative Services Estimate

Annual Fiscal Impact	
State Expenditure Increase	Indeterminate
State Revenue Increase	Indeterminate
Municipal Expenditure Decrease	Indeterminate
Municipal Revenue Decrease	Indeterminate
Institutions of Higher Education Expenditure Increase	Indeterminate
Local School District Expenditure Increase	Indeterminate

- The Office of Legislative Services (OLS) concurs with the Judiciary that it is not possible to determine the impact the bill would have on Judiciary revenue or expenditures but that any impact is likely to be marginal.

- The OLS estimates that this bill could marginally increase annual State operating expenditures and revenues by an indeterminate amount by upgrading the act of hazing to a crime of the fourth degree and modifying the scope of hazing activities that are deemed unlawful. The bill also upgrades hazing that results in bodily injury to a crime of the third degree. Currently, hazing is considered a disorderly persons offense and cases are adjudicated in municipal courts. The upgraded criminal offense means that the State would now incur costs to prosecute and adjudicate more cases and would receive an indeterminate amount of revenue from court fines and fees while municipalities will no longer incur the court expenses or collect any of these revenues.
- The upgrade of aggravated hazing to a crime of the third degree from a crime of the fourth degree is not expected to have any State expenditure impact as there is a presumption of non-incarceration for first-time offenders of crimes of the third degree. However, it is noted that the upgraded charge carries a higher potential fine, thereby resulting in a potential State revenue increase.
- The OLS finds that public institutions of higher education, independent institutions of higher education, boards of education of local school districts with a high school or middle school, and nonpublic high schools and middle schools may incur costs to provide a program for the enforcement of policies against hazing. Public and independent institutions of higher education may incur additional costs to maintain a report including information on all violations of the institution's anti-hazing policies and federal and State laws related to hazing that are reported to the institutions.
- The bill may also result in indeterminate State revenue gains as student or fraternal organizations or institutions of higher education that are found to promote or facilitate a person to commit an act of hazing or aggravated hazing would be subject to fines created under the bill.

BILL DESCRIPTION

This bill requires institutions of higher education and public and nonpublic high schools and middle schools to adopt anti-hazing policies; expands the activities that encompass criminal hazing; and upgrades the penalties for engaging in these activities.

The bill requires institutions of higher education, boards of education of school districts with a high school or middle school, and the governing board or chief school administrator of a nonpublic school with a high school or middle school, to adopt a written anti-hazing policy. The institutions and schools are required to provide a program for the enforcement of the anti-hazing policy and adopt penalties for violations of the policy.

Under the bill, an institution of higher education is required to maintain a report for violations reported to the institution, which includes information on all violations of the institution's anti-hazing policy and federal and State laws related to hazing. The institution is required to post the report on the institution's website. The first report posted after the effective date of the bill is required to include information concerning violations that were reported to the institution for the five consecutive years prior to the effective date of the bill, to the extent the institution has retained that information. The report is to be updated biannually on January 1 and August 1.

The bill upgrades hazing to a crime of the fourth degree and aggravated hazing to a crime of the third degree, punishable by a term of imprisonment of three to five years, a fine of up to \$15,000, or both. The bill also sets forth liability for any student or fraternal organization, or institution of higher education, which knowingly or recklessly promotes or facilitates a person to commit an act of hazing. The entity would be subject to a fine of not more than \$5,000 for each hazing violation and \$15,000 for each violation of aggravated hazing.

Under current law, hazing is generally described as conduct, other than competitive athletic events, which places or may place another person in danger of bodily injury. The provisions of the bill broaden the types of activities which would be considered hazing to include any conduct that causes, coerces, or forces another person to:

(1) violate federal or State criminal law;

(2) consume any food, liquid, alcoholic liquid, drug or other substance which subjects the other person to a risk of emotional or physical harm;

(3) endure brutality of a physical nature, including whipping, beating, branding, calisthenics, or exposure to the elements;

(4) endure brutality of a mental nature, including activity adversely affecting the mental health or dignity of the individual, sleep deprivation, exclusion from social contact or conduct that could result in extreme embarrassment;

(5) endure brutality of a sexual nature; or

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

The bill also upgrades hazing that results in bodily injury to a crime of the third degree.

Immunity from prosecution for hazing would be offered to any person, student or fraternal organization, or institution of higher education, as well as another person acting in concert with the person, organization, or institution if 9-1-1 is called or other emergency services contacted. In order for this immunity to apply, the caller and, if applicable, person acting in concert with the caller would have to remain on the scene with a person injured as a result of hazing and cooperate with emergency services upon their arrival.

FISCAL ANALYSIS

JUDICIAL BRANCH

Although the Judiciary did not provide a fiscal note on this version of the bill, it did submit a fiscal note on a prior version of the bill indicating that it is unable to estimate with any certainty the impact this bill would have on the court system (e.g. - number of new cases, impact on pleas, impact on trial rate, etc.). As a result, the Judiciary is unable to determine the impact the bill would have on Judiciary revenue or expenditures.

However, data collected from Promis/Gavel (the Judiciary's automated criminal case tracking system), indicates that in calendar years 2018, 2019 and 2020 there were no convictions for disorderly persons hazing and no convictions for fourth-degree aggravated hazing. As a result, upgrading these offenses/crimes would likely have minimal impact on judicial resources.

OFFICE OF LEGISLATIVE SERVICES

The OLS concurs with the Judiciary that it is not possible to determine the impact the bill would have on Judiciary revenue or expenditures but that any impact is likely to be minimal.

It is possible that this bill may result in various expenditure and revenue impacts to various State and local government entities, but these impacts are likely to be marginal. The State could

have higher expenditures and revenues under the bill while municipal expenditures and revenues would decrease as relevant cases will now be prosecuted and adjudicated in State court rather than municipal court. The extent of these expenditure and revenue impacts is unknown and will be a factor of the number of instances of criminal hazing occurring annually.

State Government Expenditures: The bill could increase annual State operating expenditures by an indeterminate amount by upgrading hazing to a crime of the fourth degree and by modifying the scope of what would be considered hazing. The bill also upgrades hazing that results in bodily injury to a crime of the third degree. Currently, a person commits the disorderly persons offense of hazing if, in connection with initiation of applicants to or members of a student or fraternal organization, the person knowingly or recklessly organizes, promotes, facilitates, or engages in any conduct, other than competitive athletic events, which places or may place another person in danger of bodily injury. A disorderly persons offense is punishable by a term of imprisonment of up to six months, a fine of up to \$1,000, or both.

Currently, hazing is considered a disorderly persons offense and cases are adjudicated in municipal courts. The following State agencies could potentially incur caseload and expenditure increases under the upgraded offenses: a) the Department of Law and Public Safety would have to prosecute additional cases; b) the Judiciary would have to adjudicate additional complaints; c) the Office of the Public Defender would have to represent additional low-income criminal defendants; d) the Department of Corrections (DOC) would potentially have to house and care for more individuals who are sentenced to longer prison terms; and e) the State Parole Board would potentially have to supervise the return to society of additional convicts.

The OLS has no information on the additional caseload and expenditures that the bill may impose on affected State departments and agencies as the number of hazing crimes that will be committed is unknown. Regarding incarceration, the OLS notes that there is a presumption of non-incarceration for first-time offenders of crimes of the third and fourth degrees. If the bill results in certain individuals being incarcerated in State facilities, the DOC would incur additional costs. Data obtained from the DOC indicate that the average annual cost to house an inmate in a State prison facility during FY 2019 totaled \$50,191. However, the OLS notes that because the DOC is currently experiencing a reduction in the State-sentenced prison population, the department should be able to house any additional inmates attributable to the bill within its current institutional facilities at a much lower marginal cost of \$8.60 per day, or \$3,139 annually, per inmate for food, wages and clothing.

The upgrade of an aggravated hazing offense from a third degree crime to a fourth degree crime is not expected to have any State expenditure impact as there is a presumption of non-incarceration for first-time offenders of crimes of the third degree. However, it is noted that the upgraded charge carries a higher potential fine, thereby resulting in a potential State revenue increase. A person is currently guilty of aggravated hazing if serious bodily injury results. A crime of the fourth degree is punishable by a term of imprisonment of up to 18 months, a fine of up to \$10,000, or both.

Local Government Expenditures: The OLS anticipates the bill could reduce the annual caseloads and operating expenditures of municipal courts and prosecutor offices because the act of hazing is currently a disorderly persons offense. Under the provisions of the bill, this crime would be upgraded to a crime of the fourth degree and hazing that results in bodily injury would be upgraded to a crime of the third degree. Adjudication of these crimes would occur in State courts.

State Government Revenues: Any additional State cost attributable to the bill may be offset, in part, by additional and larger fines and penalties imposed by the courts on defendants convicted of having committed the upgraded crimes; however, the State's ability to collect criminal fines and

penalties has historically been limited. The OLS notes that a crime of the fourth degree is punishable by a term of imprisonment of up to 18 months, a fine of up to \$10,000, or both; meanwhile, a crime of the third degree is punishable by a term of imprisonment of three to five years, a fine of up to \$15,000, or both.

Under the bill, the State may also experience revenue increases as a result of cases in which fines are issued to student or fraternal organizations or institutions of higher education that knowingly or recklessly promote or facilitate a person to commit an act of hazing (\$5,000 for each violation) or aggravated hazing (\$15,000 for each violation).

Institutions of Higher Education And School Expenditures: The OLS also finds that public institutions of higher education, independent institutions of higher education, boards of education of local school districts with a high school or middle school, and nonpublic high schools and middle schools may incur costs to provide a program for the enforcement of policies against hazing. Public and independent institutions of higher education may incur additional costs to maintain a report including information on all violations of the institution's anti-hazing policies and federal and State laws related to hazing that are reported to the institutions.

Section: Education

*Analyst: Christopher Myles
Associate Fiscal Analyst*

*Approved: Thomas Koenig
Legislative Budget and Finance Officer*

This fiscal note has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

FISCAL NOTE
 [Second Reprint]
 SENATE COMMITTEE SUBSTITUTE FOR
SENATE, Nos. 84 and 2093
STATE OF NEW JERSEY
219th LEGISLATURE

DATED: JUNE 29, 2021

SUMMARY

- Synopsis:** Requires institutions of higher education and public and nonpublic high schools and middle schools to adopt anti-hazing policies; expands activities encompassing criminal hazing and upgrades penalties for engaging in these activities.
- Type of Impact:** Annual State expenditure and revenue increases; annual expenditure and revenue decreases for municipalities; annual expenditure increases for institutions of higher education and local school districts
- Agencies Affected:** Department of Law and Public Safety; the Judiciary; Office of the Public Defender; Department of Corrections; State Parole Board; Municipalities; Public and Independent Institutions of Higher Education; Local School Districts

Judicial Branch Estimate

Annual Fiscal Impact	
Judiciary Expenditures	Indeterminate
Judiciary Revenue	Indeterminate

Office of Legislative Services Estimate

Annual Fiscal Impact	
State Expenditure Increase	Indeterminate
State Revenue Increase	Indeterminate
Municipal Expenditure Decrease	Indeterminate
Municipal Revenue Decrease	Indeterminate
Institutions of Higher Education Expenditure Increase	Indeterminate
Local School District Expenditure Increase	Indeterminate

- The Office of Legislative Services (OLS) concurs with the Judiciary that it is not possible to determine the impact the bill would have on Judiciary revenue or expenditures but that any impact is likely to be minimal.
- The OLS estimates that this bill would increase annual State operating expenditures by an indeterminate amount by upgrading certain acts of hazing to crimes of the fourth degree if they result in bodily injury to another person and to crimes of the third degree if they result in death or serious bodily injury to another. The bill also broadens the scope of hazing offenses. Currently, hazing is considered a disorderly persons offense and cases are adjudicated in municipal courts. The upgraded criminal offenses mean that the State would now incur costs to prosecute and adjudicate more cases and would receive an indeterminate amount of revenue from court fines and fees.
- The OLS finds that public institutions of higher education, independent institutions of higher education, boards of education of local school districts with a high school or middle school, and nonpublic high schools and middle schools may incur costs to provide a program for the enforcement of policies against hazing. Public and independent institutions of higher education may incur additional costs to maintain a report including information on all violations of the institution's anti-hazing policies and federal and State laws related to hazing that are reported to the institutions.
- The bill may also result in indeterminate State revenue gains as student or fraternal organizations or institutions of higher education that are found to promote or facilitate a person to commit an act of hazing or aggravated hazing would be subject to fines created under the bill.

BILL DESCRIPTION

This bill requires public and independent institutions of higher education and public and nonpublic high schools and middle schools to adopt anti-hazing policies; expands the activities that encompass criminal hazing; and upgrades the penalties for engaging in these activities.

The bill requires public and independent institutions of higher education, boards of education of school districts with a high school or middle school, and the governing board or chief school administrator of a nonpublic school with a high school or middle school, to adopt a written anti-hazing policy. The institutions and schools are required to provide a program for the enforcement of the anti-hazing policy and adopt penalties for violations of the policy.

Under the bill, an institution of higher education is required to maintain a report for violations reported to the institution, which includes information on all violations of the institution's anti-hazing policy and federal and State laws related to hazing. The institution is required to post the report on the institution's website. The first report posted after the effective date of the bill is required to include information concerning violations that were reported to the institution for the five consecutive years prior to the effective date of the bill, to the extent the institution has retained that information. The report is to be updated biannually on January 1 and August 1.

Under current law, hazing is generally described as conduct, other than competitive athletic events, which places or may place another person in danger of bodily injury. This bill would broaden the types of activities that would be considered hazing and provide that an actor who commits the crime of hazing is guilty of a crime of the third degree if the act results in death or

serious bodily injury to another, and is guilty of a crime of the fourth degree if it results in bodily injury to another person. Otherwise, hazing is a disorderly persons offense. A crime of the third degree is punishable by a term of imprisonment of three to five years, a fine of up to \$15,000, or both; a crime of the fourth degree is punishable by a term of imprisonment of up to 18 months, a fine of up to \$10,000, or both; and a disorderly persons offense is punishable by a term of imprisonment of up to six months, a fine of up to \$1,000, or both.

The bill provides that a student or fraternal organization or an institution of higher education that knowingly or recklessly promotes or facilitates a person to commit an act of hazing will be subject to a fine of between \$1,000 and \$5,000 for an initial violation and a fine of between \$5,000 and \$15,000 for a subsequent violation.

FISCAL ANALYSIS

JUDICIAL BRANCH

Although the Judiciary did not provide a fiscal note on this version of the bill, it did submit a fiscal note on a prior version of the bill indicating that it is unable to estimate with any certainty the impact this bill would have on the court system (e.g. - number of new cases, impact on pleas, impact on trial rate, etc.). As a result, the Judiciary is unable to determine the impact the bill would have on Judiciary revenue or expenditures.

However, data collected from Promis/Gavel (the Judiciary's automated criminal case tracking system), indicates that in calendar years 2018, 2019 and 2020 there were no convictions for disorderly persons hazing and no convictions for fourth-degree aggravated hazing. As a result, upgrading these offenses/crimes would likely have minimal impact on judicial resources.

OFFICE OF LEGISLATIVE SERVICES

The OLS concurs with the Judiciary that it is not possible to determine the impact the bill would have on Judiciary revenue or expenditures but that any impact is likely to be minimal.

The OLS estimates that this bill may result in various expenditure and revenue impacts to various State and local government entities and that these impacts are likely to be marginal. The State could have higher expenditures and revenues under the bill while municipal expenditures and revenues would decrease as certain cases will now be prosecuted and adjudicated in State court rather than municipal court. The extent of these expenditure and revenue impacts is unknown and will be a factor of the number of instances of criminal hazing occurring annually. However, the OLS notes information provided by Judiciary that indicated that in calendar years 2018, 2019 and 2020 there were no convictions for disorderly persons hazing and no convictions for fourth-degree aggravated hazing.

State Government Expenditures: The bill would increase annual State operating expenditures by an indeterminate amount by upgrading certain acts of hazing to crimes of the fourth degree if they result in bodily injury to another person and to crimes of the third degree if they result in death or serious bodily injury to another. Currently, a person commits the disorderly persons offense of hazing if, in connection with initiation of applicants to or members of a student or fraternal organization, the person knowingly or recklessly organizes, promotes, facilitates, or engages in any conduct, other than competitive athletic events, which places or may place another person in danger of bodily injury. A disorderly persons offense is punishable by a term of imprisonment of up to six months, a fine of up to \$1,000, or both.

Currently, hazing is considered a disorderly persons offense and cases are adjudicated in municipal courts. The following State agencies could potentially incur caseload and expenditure increases under the upgraded offenses: a) the Department of Law and Public Safety would have to prosecute additional cases; b) the Judiciary would have to adjudicate additional complaints; c) the Office of the Public Defender would have to represent additional low-income criminal defendants; d) the Department of Corrections (DOC) would potentially have to house and care for more individuals who are sentenced to longer prison terms; and e) the State Parole Board would potentially have to supervise the return to society of additional convicts.

The OLS has no information on the additional caseload and expenditures that the bill may impose on affected State departments and agencies as the number of hazing crimes that will be committed is unknown. Regarding incarceration, the OLS notes that there is a presumption of non-incarceration for first-time offenders of crimes of the third and fourth degrees. If the bill results in certain individuals being incarcerated in State facilities, the DOC would incur additional costs. Data obtained from the DOC indicate that the average annual cost to house an inmate in a State prison facility during FY 2019 totaled \$50,191. However, the OLS notes that because the DOC is currently experiencing a reduction in the State-sentenced prison population, the department should be able to house any additional inmates attributable to the bill within its current institutional facilities at a much lower marginal cost of \$8.60 per day, or \$3,139 annually, per inmate for food, wages and clothing.

Local Government Expenditures: The OLS anticipates the bill will reduce the annual caseloads and operating expenditures of municipal courts and prosecutor offices because certain acts of hazing that otherwise may have been adjudicated in municipal courts as disorderly persons offenses will now be adjudicated in State courts. Under the provisions of the bill, however, hazing offenses that do not result in bodily injury, serious bodily injury, or death would be disorderly persons offenses and therefore still adjudicated in municipal courts.

State Government Revenues: Any additional State cost attributable to the bill may be offset, in part, by additional and larger fines and penalties imposed by the courts on defendants convicted of having committed the upgraded crimes; however, the State's ability to collect criminal fines and penalties has historically been limited. The OLS notes that a crime of the fourth degree is punishable by a term of imprisonment of up to 18 months, a fine of up to \$10,000, or both; meanwhile, a crime of the third degree is punishable by a term of imprisonment of three to five years, a fine of up to \$15,000, or both.

Under the bill, the State will also experience revenue increases as a result of cases in which fines are issued to student or fraternal organizations or institutions of higher education that knowingly or recklessly promote or facilitate a person to commit an act of hazing (between \$1,000 and \$5,000 for each initial violation and between \$5,000 and \$15,000 for each subsequent violation).

Institutions of Higher Education And School Expenditures: The OLS also finds that public institutions of higher education, independent institutions of higher education, boards of education of local school districts with a high school or middle school, and nonpublic high schools and middle schools may incur costs to provide a program for the enforcement of policies against hazing. Public and independent institutions of higher education may incur additional costs to maintain a report including information on all violations of the institution's anti-hazing policies and federal and State laws related to hazing that are reported to the institutions.

Section: Education

*Analyst: Christopher Myles
Associate Fiscal Analyst*

*Approved: Thomas Koenig
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

ASSEMBLY, No. 3149

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED FEBRUARY 24, 2020

Sponsored by:

Assemblywoman CAROL A. MURPHY

District 7 (Burlington)

Assemblyman LOUIS D. GREENWALD

District 6 (Burlington and Camden)

Assemblyman ROY FREIMAN

District 16 (Hunterdon, Mercer, Middlesex and Somerset)

Co-Sponsored by:

Assemblywoman Vainieri Huttle and Assemblyman Verrelli

SYNOPSIS

“Timothy J. Piazza’s Law”, upgrades hazing; clarifies that prohibited conduct includes causing, coercing or forcing consumption of alcohol or drugs.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/18/2020)

A3149 MURPHY, GREENWALD

2

1 AN ACT concerning hazing and designated as Timothy J. Piazza's
2 law, and amending P.L. 1980, c.169.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. Section 1 of P.L. 1980, c. 169 (C.2C:40-3) is amended to
8 read as follows:

9 1. Hazing. a. A person is guilty of hazing, a **[disorderly**
10 **persons offense]** crime of the fourth degree, if, in connection with
11 initiation of applicants to or members of a student or fraternal
12 organization, he knowingly or recklessly organizes, promotes,
13 facilitates or engages in any conduct, including, but not limited to
14 causing, coercing or forcing the consumption of alcohol or drugs,
15 other than competitive athletic events, which places or may place
16 another person in danger of bodily injury.

17 b. A person is guilty of aggravated hazing, a crime of the
18 **[fourth]** third degree, if he commits an act prohibited in subsection
19 a. which results in serious bodily injury to another person.
20 (cf: P.L.1980, c.169, s.1)

21

22 2. This act shall take effect immediately.

23

24

25

STATEMENT

26

27 Currently, a person commits the disorderly persons offense of
28 hazing if, in connection with initiation of applicants to or members
29 of a student or fraternal organization, he knowingly or recklessly
30 organizes, promotes, facilitates or engages in any conduct, other
31 than competitive athletic events, which places or may place another
32 person in danger of bodily injury. A person is guilty of aggravated
33 hazing, a crime of the fourth degree, if serious bodily injury results.
34 This bill increases hazing to a crime of the fourth degree and
35 aggravated hazing to a crime of the third degree. The bill further
36 clarifies that prohibited conduct includes, but is not limited to,
37 causing, coercing or forcing the consumption of alcohol or drugs.

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3149

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 5, 2021

The Assembly Law and Public Safety Committee reports favorably and with committee amendments Assembly Bill No. 3149.

As amended and reported by the committee, Assembly Bill No. 3149 upgrades the crime of hazing and clarifies that prohibited conduct includes causing, coercing, or forcing the consumption of alcohol or drugs.

Currently, a person commits the disorderly persons offense of hazing if, in connection with initiation of applicants to or members of a student or fraternal organization, the person knowingly or recklessly organizes, promotes, facilitates, or engages in any conduct, other than competitive athletic events, which places or may place another person in danger of bodily injury. A disorderly persons offense is punishable by a term of imprisonment of up to six months, a fine of up to \$1,000, or both. A person is guilty of aggravated hazing, a crime of the fourth degree, if serious bodily injury results. A crime of the fourth degree is punishable by a term of imprisonment of up to 18 months, a fine of up to \$10,000, or both.

This bill upgrades hazing to a crime of the fourth degree and aggravated hazing to a crime of the third degree, punishable by a term of imprisonment of three to five years, a fine of up to \$15,000, or both. The bill further clarifies that prohibited conduct includes, but is not limited to, causing, coercing, or forcing the consumption of alcohol or drugs.

COMMITTEE AMENDMENTS

The committee amendments remove from the bill's provisions the designation, "Timothy J. Piazza's Law."

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR ASSEMBLY, No. 3149

STATE OF NEW JERSEY

DATED: JUNE 16, 2021

The Assembly Appropriations Committee reports favorably an Assembly Committee Substitute for Assembly Bill No. 3149.

The Assembly Committee Substitute for Assembly Bill No. 3149 (1R) requires institutions of higher education and public and nonpublic high schools and middle schools to adopt anti-hazing policies; expands the activities that encompass criminal hazing; and upgrades the penalties for engaging in these activities.

The committee substitute requires institutions of higher education, boards of education of school districts with a high school or middle school, and the governing board or chief school administrator of a nonpublic school with a high school or middle school, to adopt a written anti-hazing policy. The institutions and schools are required to provide a program for the enforcement of the anti-hazing policy and adopt penalties for violations of the policy. The committee substitute provides that the penalties may include the withholding of diplomas or transcripts pending compliance with the rules and the imposition of probation, suspension, dismissal, or expulsion.

Under the committee substitute, an institution of higher education is required to maintain a report for violations reported to the institution, which includes information on all violations of the institution's anti-hazing policy and federal and State laws related to hazing. The institution is required to post the report on the institution's website. The first report posted after the effective date of the committee substitute is required to include information concerning violations that were reported to the institution for the five consecutive years prior to the effective date of the committee substitute, to the extent the institution has retained that information. The report is to be updated biannually on January 1 and August 1.

The committee substitute also amends the State's Criminal Code in regard to hazing activities. Currently, a person commits the disorderly persons offense of hazing if, in connection with initiation of applicants to or members of a student or fraternal organization, the person knowingly or recklessly organizes, promotes, facilitates, or engages in any conduct, other than competitive athletic events, which places or may place another person in danger of bodily injury. A disorderly persons offense is punishable by a term of imprisonment of up to

six months, a fine of up to \$1,000, or both. A person is guilty of aggravated hazing, a crime of the fourth degree, if serious bodily injury results. A crime of the fourth degree is punishable by a term of imprisonment of up to 18 months, a fine of up to \$10,000, or both.

The committee substitute upgrades hazing to a crime of the fourth degree and aggravated hazing to a crime of the third degree, punishable by a term of imprisonment of three to five years, a fine of up to \$15,000, or both. The committee substitute also sets forth liability for any student or fraternal organization, or institution of higher education, which knowingly or recklessly promotes or facilitates a person to commit an act of hazing. The entity would be subject to a fine of not more than \$5,000 for each hazing violation and \$15,000 for each violation of aggravated hazing.

Under current law, “hazing” is generally described as “conduct, other than competitive athletic events, which places or may place another person in danger of bodily injury.” The provisions of the committee substitute broaden the types of activities which would be considered hazing to include any conduct that causes, coerces, or forces another person to:

- (1) violate federal or State criminal law;
- (2) consume any food, liquid, alcoholic liquid, drug or other substance which subjects the other person to a risk of emotional or physical harm;
- (3) endure brutality of a physical nature, including whipping, beating, branding, calisthenics, or exposure to the elements;
- (4) endure brutality of a mental nature, including activity adversely affecting the mental health or dignity of the individual, sleep deprivation, exclusion from social contact or conduct that could result in extreme embarrassment;
- (5) endure brutality of a sexual nature; or
- (6) endure any other activity that creates a reasonable likelihood of bodily injury to the person.

Immunity from prosecution for hazing would be offered to any person, student or fraternal organization, or institution of higher education, as well as another person acting in concert with the person, organization, or institution if 9-1-1 is called or other emergency services contacted. In order for this immunity to apply, the caller and, if applicable, person acting in concert with the caller would have to remain on the scene with a person injured as a result of hazing and cooperate with emergency services upon their arrival.

As reported by the committee, this committee substitute is identical to the Senate Committee Substitute for Senate Bill Nos. 84 and 2093 which was amended and also reported by the committee on this date.

FISCAL IMPACT:

The Office of Legislative Services (OLS) determines that this bill will increase annual State operating expenditures and revenues by an indeterminate amount by upgrading the act of hazing to a crime of the fourth degree. Currently, hazing is considered a disorderly persons offense and cases are adjudicated in municipal courts. The upgraded criminal offense means that the State would now incur costs to prosecute and adjudicate more cases and would receive an indeterminate amount of revenue from court fines and fees.

The upgrade of aggravated hazing to a crime of the third degree from a crime of the fourth degree is not expected to have any State expenditure impact as there is a presumption of non-incarceration for first-time offenders of crimes of the third degree. However, it is noted that the upgraded charge carries a higher potential fine, thereby resulting in a potential State revenue increase.

The OLS estimates that the bill may also result in indeterminate State revenue gains as student or fraternal organizations or institutions of higher education that are found to promote or facilitate a person to commit an act of hazing or aggravated hazing would be subject to fines created under the bill.

The OLS also finds that public institutions of higher education, independent institutions of higher education, boards of education of local school districts with a high school or middle school, and nonpublic high schools and middle schools may incur costs to provide a program for the enforcement of policies against hazing. Public and independent institutions of higher education may incur additional costs to maintain a report including information on all violations of the institution's anti-hazing policies and federal and State laws related to hazing that are reported to the institutions.

STATEMENT TO

**ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 3149**

with Assembly Floor Amendments
(Proposed by Assemblywoman MURPHY)

ADOPTED: JUNE 21, 2021

The Assembly Committee Substitute for Assembly Bill No. 3149 (1R) requires institutions of higher education and public and nonpublic high schools and middle schools to adopt anti-hazing policies; expands the activities that encompass criminal hazing; and upgrades the penalties for engaging in these activities.

The committee substitute currently amends the State's Criminal Code in regard to hazing activities to provide that hazing is a crime of the fourth degree and aggravated hazing is a crime of the third degree. These amendments would provide that an actor who commits the crime of hazing is guilty of a crime of the third degree if the act results in death or serious bodily injury to another, and is guilty of a crime of the fourth degree if it results in bodily injury to another person. Otherwise, hazing is a disorderly persons offense. A crime of the third degree is punishable by a term of imprisonment of three to five years, a fine of up to \$15,000, or both; a crime of the fourth degree is punishable by a term of imprisonment of up to 18 months, a fine of up to \$10,000, or both; and a disorderly persons offense is punishable by a term of imprisonment of up to six months, a fine of up to \$1,000, or both.

These Assembly amendments also clarify the acts which constitute hazing by eliminating references to "enduring brutality" and providing that a person is guilty of hazing if the actor subjects another person to abuse, mistreatment, harassment, or degradation.

In addition, the amendments modify the fines imposed on a student or fraternal organization or institution of higher education that violates the provisions of the substitute by providing that an organization or institution that violates the provisions of the substitute will be subject to a fine of between \$1,000 and \$5,000 for an initial violation and a fine of between \$5,000 and \$15,000 for a subsequent violation. Currently, the substitute provides that an organization or institution is subject to a fine of up to \$5,000 for each violation.

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

ASSEMBLY, No. 3149

STATE OF NEW JERSEY 219th LEGISLATURE

DATED: JUNE 21, 2021

SUMMARY

- Synopsis:** Increases penalty for hazing; clarifies that prohibited conduct includes causing, coercing, or forcing consumption of alcohol or drugs.
- Type of Impact:** Annual expenditure and revenue increases to the State General Fund; annual expenditure and revenue impacts to municipal governments.
- Agencies Affected:** Department of Law and Public Safety; the Judiciary; Office of the Public Defender; Department of Corrections; State Parole Board; Municipalities.

Office of Legislative Services Estimate

Fiscal Impact	<u>Annual</u>
State Expenditure Increase	Indeterminate
State Revenue Increase	Indeterminate
Local Expenditure Decrease	Indeterminate
Local Revenue Decrease	Indeterminate

- The Office of Legislative Services (OLS) anticipates that this bill will increase annual State operating expenditures by an indeterminate amount by upgrading hazing to a crime of the fourth degree and by upgrading aggravated hazing to a crime of the third degree. However, the OLS is unable to estimate how the upgraded offenses will impact the number of new cases adjudicated in State court or the impact the bill will have on pleas or the trial rate.
- Currently, hazing is considered a disorderly persons offense and cases are adjudicated in municipal courts. Since the crime of hazing will be upgraded from a disorderly persons offense to a crime of the fourth degree, the OLS also determines that the annual caseloads and operating expenditures of municipal courts and prosecutors' offices will decrease by indeterminate amounts.
- The OLS notes that information previously shared by the Administrative Office of the Courts indicates that in 2017 and 2018, there were no convictions for hazing or aggravated hazing in the State.

BILL DESCRIPTION

This bill upgrades the crime of hazing and clarifies that prohibited conduct includes causing, coercing, or forcing the consumption of alcohol or drugs. Currently, a person commits the disorderly persons offense of hazing if, in connection with initiation of applicants to or members of a student or fraternal organization, the person knowingly or recklessly organizes, promotes, facilitates, or engages in any conduct, other than competitive athletic events, which places or may place another person in danger of bodily injury. A disorderly persons offense is punishable by a term of imprisonment of up to six months, a fine of up to \$1,000, or both. A person is guilty of aggravated hazing, a crime of the fourth degree, if serious bodily injury results. A crime of the fourth degree is punishable by a term of imprisonment of up to 18 months, a fine of up to \$10,000, or both.

This bill upgrades hazing to a crime of the fourth degree and aggravated hazing to a crime of the third degree, punishable by a term of imprisonment of three to five years, a fine of up to \$15,000, or both. The bill further clarifies that prohibited conduct includes, but is not limited to, causing, coercing, or forcing the consumption of alcohol or drugs.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS determines that this bill will result in indeterminate annual expenditure and revenue increases to the State and annual indeterminate expenditure and revenue decreases for local governments.

State Government Expenditures: The bill would increase annual State operating expenditures by an indeterminate amount by upgrading hazing to a crime of the fourth degree and by upgrading aggravated hazing to a crime of the third degree. Currently, hazing is considered a disorderly persons offense and cases are adjudicated in municipal courts. The following State agencies would incur caseload and expenditure increases: a) the Department of Law and Public Safety would have to prosecute additional cases; b) the Judiciary would have to adjudicate additional complaints; c) the Office of the Public Defender would have to represent additional low-income criminal defendants; d) the Department of Corrections (DOC) would potentially have to house and care for more individuals who are sentenced to new or longer prison terms; and e) the State Parole Board would potentially have to supervise the return to society of additional convicts.

The OLS has no information on the additional caseload and expenditures that the bill may impose on affected State departments and agencies as the number of hazing crimes that will be committed is unknown. Regarding incarceration, the OLS notes that there is a presumption of non-incarceration for first-time offenders of crimes of the third and fourth degrees. If the bill results in certain individuals being incarcerated in State facilities, the DOC would incur additional costs. Data obtained from the DOC indicate that the average annual cost to house an inmate in a State prison facility during FY 2019 totaled \$50,191. However, the OLS notes that because the DOC is currently experiencing a reduction in the State-sentenced prison population, the

department should be able to house any additional inmates attributable to the bill within its current institutional facilities at a much lower marginal cost of \$8.60 per day, or \$3,139 annually, per inmate for food, wages and clothing.

Local Government Expenditures: The OLS anticipates the bill will reduce the annual caseloads and operating expenditures of municipal courts and prosecutors' offices because the act of hazing is currently a disorderly persons offense adjudicated in municipal court. Under the provisions of the bill, this crime would be upgraded to a crime of the fourth degree, and therefore transferred to a State court.

State and Local Government Revenues: Any additional State cost attributable to the bill may be offset, in part, by additional and larger fines and penalties imposed by the courts on defendants convicted of having committed the upgraded crimes; however, the State's ability to collect criminal fines and penalties has historically been limited. The State will experience a revenue increase as a result of the upgrade to a crime of the fourth degree of a hazing offense and the upgrade of an aggravated hazing offense to a crime of the third degree from a crime of the fourth degree. On the other hand, local governments will experience a revenue decline since hazing offenses will no longer be prosecuted at the municipal level and related fines and penalties no longer collected by the municipality. The OLS notes that a crime of the fourth degree is punishable by a term of imprisonment of up to 18 months, a fine of up to \$10,000, or both; meanwhile, a crime of the third degree is punishable by a term of imprisonment of three to five years, a fine of up to \$15,000, or both.

Section: Education
Analyst: Christopher Myles
Associate Fiscal Analyst
Approved: Thomas Koenig
Legislative Budget and Finance Officer

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

FISCAL NOTE
ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 3149
STATE OF NEW JERSEY
219th LEGISLATURE

DATED: JUNE 24, 2021

SUMMARY

- Synopsis:** Requires institutions of higher education and public and nonpublic high schools and middle schools to adopt anti-hazing policies; expands activities encompassing criminal hazing and upgrades penalties for engaging in these activities.
- Type of Impact:** Annual State expenditure and revenue increases; annual expenditure and revenue decreases for municipalities; annual expenditure increases for institutions of higher education and local school districts
- Agencies Affected:** Department of Law and Public Safety; the Judiciary; Office of the Public Defender; Department of Corrections; State Parole Board; Municipalities; Public and Independent Institutions of Higher Education; Local School Districts

Office of Legislative Services Estimate

Annual Fiscal Impact	
State Expenditure Increase	Indeterminate
State Revenue Increase	Indeterminate
Municipal Expenditure Decrease	Indeterminate
Municipal Revenue Decrease	Indeterminate
Institutions of Higher Education Expenditure Increase	Indeterminate
Local School District Expenditure Increase	Indeterminate

- The Office of Legislative Services (OLS) concurs with the Judiciary that it is not possible to determine the impact the bill would have on Judiciary revenue or expenditures but that any impact is likely to be marginal.
- The OLS estimates that this bill could marginally increase annual State operating expenditures and revenues by an indeterminate amount by upgrading the act of hazing to a crime of the

fourth degree and modifying the scope of hazing activities that are deemed unlawful. The bill also upgrades hazing that results in bodily injury to a crime of the third degree. Currently, hazing is considered a disorderly persons offense and cases are adjudicated in municipal courts. The upgraded criminal offense means that the State would now incur costs to prosecute and adjudicate more cases and would receive an indeterminate amount of revenue from court fines and fees while municipalities will no longer incur the court expenses or collect any of these revenues.

- The upgrade of aggravated hazing to a crime of the third degree from a crime of the fourth degree is not expected to have any State expenditure impact as there is a presumption of non-incarceration for first-time offenders of crimes of the third degree. However, it is noted that the upgraded charge carries a higher potential fine, thereby resulting in a potential State revenue increase.
- The OLS finds that public institutions of higher education, independent institutions of higher education, boards of education of local school districts with a high school or middle school, and nonpublic high schools and middle schools may incur costs to provide a program for the enforcement of policies against hazing. Public and independent institutions of higher education may incur additional costs to maintain a report including information on all violations of the institution's anti-hazing policies and federal and State laws related to hazing that are reported to the institutions.
- The bill may also result in indeterminate State revenue gains as student or fraternal organizations or institutions of higher education that are found to promote or facilitate a person to commit an act of hazing or aggravated hazing would be subject to fines created under the bill.

BILL DESCRIPTION

This bill requires institutions of higher education and public and nonpublic high schools and middle schools to adopt anti-hazing policies; expands the activities that encompass criminal hazing; and upgrades the penalties for engaging in these activities.

The bill requires institutions of higher education, boards of education of school districts with a high school or middle school, and the governing board or chief school administrator of a nonpublic school with a high school or middle school, to adopt a written anti-hazing policy. The institutions and schools are required to provide a program for the enforcement of the anti-hazing policy and adopt penalties for violations of the policy.

Under the bill, an institution of higher education is required to maintain a report for violations reported to the institution, which includes information on all violations of the institution's anti-hazing policy and federal and State laws related to hazing. The institution is required to post the report on the institution's website. The first report posted after the effective date of the bill is required to include information concerning violations that were reported to the institution for the five consecutive years prior to the effective date of the bill, to the extent the institution has retained that information. The report is to be updated biannually on January 1 and August 1.

The bill upgrades hazing to a crime of the fourth degree and aggravated hazing to a crime of the third degree, punishable by a term of imprisonment of three to five years, a fine of up to \$15,000, or both. The bill also sets forth liability for any student or fraternal organization, or institution of higher education, which knowingly or recklessly promotes or facilitates a person to

commit an act of hazing. The entity would be subject to a fine of not more than \$5,000 for each hazing violation and \$15,000 for each violation of aggravated hazing.

Under current law, hazing is generally described as conduct, other than competitive athletic events, which places or may place another person in danger of bodily injury. The provisions of the bill broaden the types of activities which would be considered hazing to include any conduct that causes, coerces, or forces another person to:

- (1) violate federal or State criminal law;
- (2) consume any food, liquid, alcoholic liquid, drug or other substance which subjects the other person to a risk of emotional or physical harm;
- (3) endure brutality of a physical nature, including whipping, beating, branding, calisthenics, or exposure to the elements;
- (4) endure brutality of a mental nature, including activity adversely affecting the mental health or dignity of the individual, sleep deprivation, exclusion from social contact or conduct that could result in extreme embarrassment;
- (5) endure brutality of a sexual nature; or
- (6) endure any other activity that creates a reasonable likelihood of bodily injury to the person.

The bill also upgrades hazing that results in bodily injury to a crime of the third degree.

Immunity from prosecution for hazing would be offered to any person, student or fraternal organization, or institution of higher education, as well as another person acting in concert with the person, organization, or institution if 9-1-1 is called or other emergency services contacted. In order for this immunity to apply, the caller and, if applicable, person acting in concert with the caller would have to remain on the scene with a person injured as a result of hazing and cooperate with emergency services upon their arrival.

FISCAL ANALYSIS

JUDICIAL BRANCH

Although the Judiciary did not provide a fiscal note on this version of the bill, it did submit a fiscal note on a prior version of the bill indicating that it is unable to estimate with any certainty the impact this bill would have on the court system (e.g. - number of new cases, impact on pleas, impact on trial rate, etc.). As a result, the Judiciary is unable to determine the impact the bill would have on Judiciary revenue or expenditures.

However, data collected from Promis/Gavel (the Judiciary's automated criminal case tracking system), indicates that in calendar years 2018, 2019 and 2020 there were no convictions for disorderly persons hazing and no convictions for fourth-degree aggravated hazing. As a result, upgrading these offenses/crimes would likely have minimal impact on judicial resources.

OFFICE OF LEGISLATIVE SERVICES

The OLS concurs with the Judiciary that it is not possible to determine the impact the bill would have on Judiciary revenue or expenditures but that any impact is likely to be minimal.

It is possible that this bill may result in various expenditure and revenue impacts to various State and local government entities, but these impacts are likely to be marginal. The State could have higher expenditures and revenues under the bill while municipal expenditures and revenues would decrease as relevant cases will now be prosecuted and adjudicated in State court rather than municipal court. The extent of these expenditure and revenue impacts is unknown and will be a factor of the number of instances of criminal hazing occurring annually.

State Government Expenditures: The bill could increase annual State operating expenditures by an indeterminate amount by upgrading hazing to a crime of the fourth degree and by modifying the scope of what would be considered hazing. The bill also upgrades hazing that results in bodily injury to a crime of the third degree. Currently, a person commits the disorderly persons offense of hazing if, in connection with initiation of applicants to or members of a student or fraternal organization, the person knowingly or recklessly organizes, promotes, facilitates, or engages in any conduct, other than competitive athletic events, which places or may place another person in danger of bodily injury. A disorderly persons offense is punishable by a term of imprisonment of up to six months, a fine of up to \$1,000, or both.

Currently, hazing is considered a disorderly persons offense and cases are adjudicated in municipal courts. The following State agencies could potentially incur caseload and expenditure increases under the upgraded offenses: a) the Department of Law and Public Safety would have to prosecute additional cases; b) the Judiciary would have to adjudicate additional complaints; c) the Office of the Public Defender would have to represent additional low-income criminal defendants; d) the Department of Corrections (DOC) would potentially have to house and care for more individuals who are sentenced to longer prison terms; and e) the State Parole Board would potentially have to supervise the return to society of additional convicts.

The OLS has no information on the additional caseload and expenditures that the bill may impose on affected State departments and agencies as the number of hazing crimes that will be committed is unknown. Regarding incarceration, the OLS notes that there is a presumption of non-incarceration for first-time offenders of crimes of the third and fourth degrees. If the bill results in certain individuals being incarcerated in State facilities, the DOC would incur additional costs. Data obtained from the DOC indicate that the average annual cost to house an inmate in a State prison facility during FY 2019 totaled \$50,191. However, the OLS notes that because the DOC is currently experiencing a reduction in the State-sentenced prison population, the department should be able to house any additional inmates attributable to the bill within its current institutional facilities at a much lower marginal cost of \$8.60 per day, or \$3,139 annually, per inmate for food, wages and clothing.

The upgrade of an aggravated hazing offense from a third degree crime to a fourth degree crime is not expected to have any State expenditure impact as there is a presumption of non-incarceration for first-time offenders of crimes of the third degree. However, it is noted that the upgraded charge carries a higher potential fine, thereby resulting in a potential State revenue increase. A person is currently guilty of aggravated hazing if serious bodily injury results. A crime of the fourth degree is punishable by a term of imprisonment of up to 18 months, a fine of up to \$10,000, or both.

Local Government Expenditures: The OLS anticipates the bill could reduce the annual caseloads and operating expenditures of municipal courts and prosecutor offices because the act of hazing is currently a disorderly persons offense. Under the provisions of the bill, this crime would be upgraded to a crime of the fourth degree and hazing that results in bodily injury would be upgraded to a crime of the third degree. Adjudication of these crimes would occur in State courts.

State Government Revenues: Any additional State cost attributable to the bill may be offset, in part, by additional and larger fines and penalties imposed by the courts on defendants convicted of having committed the upgraded crimes; however, the State's ability to collect criminal fines and penalties has historically been limited. The OLS notes that a crime of the fourth degree is punishable by a term of imprisonment of up to 18 months, a fine of up to \$10,000, or both; meanwhile, a crime of the third degree is punishable by a term of imprisonment of three to five years, a fine of up to \$15,000, or both.

Under the bill, the State may also experience revenue increases as a result of cases in which fines are issued to student or fraternal organizations or institutions of higher education that knowingly or recklessly promote or facilitate a person to commit an act of hazing (\$5,000 for each violation) or aggravated hazing (\$15,000 for each violation).

Institutions of Higher Education And School Expenditures: The OLS also finds that public institutions of higher education, independent institutions of higher education, boards of education of local school districts with a high school or middle school, and nonpublic high schools and middle schools may incur costs to provide a program for the enforcement of policies against hazing. Public and independent institutions of higher education may incur additional costs to maintain a report including information on all violations of the institution's anti-hazing policies and federal and State laws related to hazing that are reported to the institutions.

Section: Education

*Analyst: Christopher Myles
Associate Fiscal Analyst*

*Approved: Thomas Koenig
Legislative Budget and Finance Officer*

This fiscal note has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

FISCAL NOTE

[First Reprint]

ASSEMBLY COMMITTEE SUBSTITUTE FOR

ASSEMBLY, No. 3149

STATE OF NEW JERSEY

219th LEGISLATURE

DATED: JUNE 29, 2021

SUMMARY

- Synopsis:** Requires institutions of higher education and public and nonpublic high schools and middle schools to adopt anti-hazing policies; expands activities encompassing criminal hazing and upgrades penalties for engaging in these activities.
- Type of Impact:** Annual State expenditure and revenue increases; annual expenditure and revenue decreases for municipalities; annual expenditure increases for institutions of higher education and local school districts
- Agencies Affected:** Department of Law and Public Safety; the Judiciary; Office of the Public Defender; Department of Corrections; State Parole Board; Municipalities; Public and Independent Institutions of Higher Education; Local School Districts

Judicial Branch Estimate

Annual Fiscal Impact	
Judiciary Expenditures	Indeterminate
Judiciary Revenue	Indeterminate

Office of Legislative Services Estimate

Annual Fiscal Impact	
State Expenditure Increase	Indeterminate
State Revenue Increase	Indeterminate
Municipal Expenditure Decrease	Indeterminate
Municipal Revenue Decrease	Indeterminate
Institutions of Higher Education Expenditure Increase	Indeterminate
Local School District Expenditure Increase	Indeterminate

- The Office of Legislative Services (OLS) concurs with the Judiciary that it is not possible to determine the impact the bill would have on Judiciary revenue or expenditures but that any impact is likely to be minimal.
- The OLS estimates that this bill would increase annual State operating expenditures by an indeterminate amount by upgrading certain acts of hazing to crimes of the fourth degree if they result in bodily injury to another person and to crimes of the third degree if they result in death or serious bodily injury to another. The bill also broadens the scope of hazing offenses. Currently, hazing is considered a disorderly persons offense and cases are adjudicated in municipal courts. The upgraded criminal offenses mean that the State would now incur costs to prosecute and adjudicate more cases and would receive an indeterminate amount of revenue from court fines and fees.
- The OLS finds that public institutions of higher education, independent institutions of higher education, boards of education of local school districts with a high school or middle school, and nonpublic high schools and middle schools may incur costs to provide a program for the enforcement of policies against hazing. Public and independent institutions of higher education may incur additional costs to maintain a report including information on all violations of the institution's anti-hazing policies and federal and State laws related to hazing that are reported to the institutions.
- The bill may also result in indeterminate State revenue gains as student or fraternal organizations or institutions of higher education that are found to promote or facilitate a person to commit an act of hazing or aggravated hazing would be subject to fines created under the bill.

BILL DESCRIPTION

This bill requires public and independent institutions of higher education and public and nonpublic high schools and middle schools to adopt anti-hazing policies; expands the activities that encompass criminal hazing; and upgrades the penalties for engaging in these activities.

The bill requires public and independent institutions of higher education, boards of education of school districts with a high school or middle school, and the governing board or chief school administrator of a nonpublic school with a high school or middle school, to adopt a written anti-hazing policy. The institutions and schools are required to provide a program for the enforcement of the anti-hazing policy and adopt penalties for violations of the policy.

Under the bill, an institution of higher education is required to maintain a report for violations reported to the institution, which includes information on all violations of the institution's anti-hazing policy and federal and State laws related to hazing. The institution is required to post the report on the institution's website. The first report posted after the effective date of the bill is required to include information concerning violations that were reported to the institution for the five consecutive years prior to the effective date of the bill, to the extent the institution has retained that information. The report is to be updated biannually on January 1 and August 1.

Under current law, hazing is generally described as conduct, other than competitive athletic events, which places or may place another person in danger of bodily injury. This bill would broaden the types of activities that would be considered hazing and provide that an actor who commits the crime of hazing is guilty of a crime of the third degree if the act results in death or

serious bodily injury to another, and is guilty of a crime of the fourth degree if it results in bodily injury to another person. Otherwise, hazing is a disorderly persons offense. A crime of the third degree is punishable by a term of imprisonment of three to five years, a fine of up to \$15,000, or both; a crime of the fourth degree is punishable by a term of imprisonment of up to 18 months, a fine of up to \$10,000, or both; and a disorderly persons offense is punishable by a term of imprisonment of up to six months, a fine of up to \$1,000, or both.

The bill provides that a student or fraternal organization or an institution of higher education that knowingly or recklessly promotes or facilitates a person to commit an act of hazing will be subject to a fine of between \$1,000 and \$5,000 for an initial violation and a fine of between \$5,000 and \$15,000 for a subsequent violation.

FISCAL ANALYSIS

JUDICIAL BRANCH

Although the Judiciary did not provide a fiscal note on this version of the bill, it did submit a fiscal note on a prior version of the bill indicating that it is unable to estimate with any certainty the impact this bill would have on the court system (e.g. - number of new cases, impact on pleas, impact on trial rate, etc.). As a result, the Judiciary is unable to determine the impact the bill would have on Judiciary revenue or expenditures.

However, data collected from Promis/Gavel (the Judiciary's automated criminal case tracking system), indicates that in calendar years 2018, 2019 and 2020 there were no convictions for disorderly persons hazing and no convictions for fourth-degree aggravated hazing. As a result, upgrading these offenses/crimes would likely have minimal impact on judicial resources.

OFFICE OF LEGISLATIVE SERVICES

The OLS concurs with the Judiciary that it is not possible to determine the impact the bill would have on Judiciary revenue or expenditures but that any impact is likely to be minimal.

The OLS estimates that this bill may result in various expenditure and revenue impacts to various State and local government entities and that these impacts are likely to be marginal. The State could have higher expenditures and revenues under the bill while municipal expenditures and revenues would decrease as certain cases will now be prosecuted and adjudicated in State court rather than municipal court. The extent of these expenditure and revenue impacts is unknown and will be a factor of the number of instances of criminal hazing occurring annually. However, the OLS notes information provided by Judiciary that indicated that in calendar years 2018, 2019 and 2020 there were no convictions for disorderly persons hazing and no convictions for fourth-degree aggravated hazing.

State Government Expenditures: The bill would increase annual State operating expenditures by an indeterminate amount by upgrading certain acts of hazing to crimes of the fourth degree if they result in bodily injury to another person and to crimes of the third degree if they result in death or serious bodily injury to another. Currently, a person commits the disorderly persons offense of hazing if, in connection with initiation of applicants to or members of a student or fraternal organization, the person knowingly or recklessly organizes, promotes, facilitates, or engages in any conduct, other than competitive athletic events, which places or may place another person in danger of bodily injury. A disorderly persons offense is punishable by a term of imprisonment of up to six months, a fine of up to \$1,000, or both.

Currently, hazing is considered a disorderly persons offense and cases are adjudicated in municipal courts. The following State agencies could potentially incur caseload and expenditure increases under the upgraded offenses: a) the Department of Law and Public Safety would have to prosecute additional cases; b) the Judiciary would have to adjudicate additional complaints; c) the Office of the Public Defender would have to represent additional low-income criminal defendants; d) the Department of Corrections (DOC) would potentially have to house and care for more individuals who are sentenced to longer prison terms; and e) the State Parole Board would potentially have to supervise the return to society of additional convicts.

The OLS has no information on the additional caseload and expenditures that the bill may impose on affected State departments and agencies as the number of hazing crimes that will be committed is unknown. Regarding incarceration, the OLS notes that there is a presumption of non-incarceration for first-time offenders of crimes of the third and fourth degrees. If the bill results in certain individuals being incarcerated in State facilities, the DOC would incur additional costs. Data obtained from the DOC indicate that the average annual cost to house an inmate in a State prison facility during FY 2019 totaled \$50,191. However, the OLS notes that because the DOC is currently experiencing a reduction in the State-sentenced prison population, the department should be able to house any additional inmates attributable to the bill within its current institutional facilities at a much lower marginal cost of \$8.60 per day, or \$3,139 annually, per inmate for food, wages and clothing.

Local Government Expenditures: The OLS anticipates the bill will reduce the annual caseloads and operating expenditures of municipal courts and prosecutor offices because certain acts of hazing that otherwise may have been adjudicated in municipal courts as disorderly persons offenses will now be adjudicated in State courts. Under the provisions of the bill, however, hazing offenses that do not result in bodily injury, serious bodily injury, or death would be disorderly persons offenses and therefore still adjudicated in municipal courts.

State Government Revenues: Any additional State cost attributable to the bill may be offset, in part, by additional and larger fines and penalties imposed by the courts on defendants convicted of having committed the upgraded crimes; however, the State's ability to collect criminal fines and penalties has historically been limited. The OLS notes that a crime of the fourth degree is punishable by a term of imprisonment of up to 18 months, a fine of up to \$10,000, or both; meanwhile, a crime of the third degree is punishable by a term of imprisonment of three to five years, a fine of up to \$15,000, or both.

Under the bill, the State will also experience revenue increases as a result of cases in which fines are issued to student or fraternal organizations or institutions of higher education that knowingly or recklessly promote or facilitate a person to commit an act of hazing (between \$1,000 and \$5,000 for each initial violation and between \$5,000 and \$15,000 for each subsequent violation).

Institutions of Higher Education And School Expenditures: The OLS also finds that public institutions of higher education, independent institutions of higher education, boards of education of local school districts with a high school or middle school, and nonpublic high schools and middle schools may incur costs to provide a program for the enforcement of policies against hazing. Public and independent institutions of higher education may incur additional costs to maintain a report including information on all violations of the institution's anti-hazing policies and federal and State laws related to hazing that are reported to the institutions.

Section: Education

*Analyst: Christopher Myles
Associate Fiscal Analyst*

*Approved: Thomas Koenig
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

Governor Murphy Signs "Timothy J. Piazza's Law"

08/24/2021

New Law Will Require Public Schools and Higher Education Institutions to Implement Anti-Hazing Policies

TRENTON – Governor Phil Murphy today signed S84/2093 into law, requiring public and non-public middle schools and high schools, as well as higher education institutions, to adopt anti-hazing policies and penalties for violations of the policies. Under this new law, hazing will be upgraded from a fourth-degree crime to a third-degree crime if it results in death or serious bodily injury, and from a disorderly persons offense to a fourth-degree crime if it results in bodily injury. The legislation is named after Tim Piazza, a 19-year-old Readington resident and Pennsylvania State University student who died after falling down a flight of stairs as a result of hazing in February 2017.

"The safety of our students is our top priority, and we must do all that we can to protect them from cruel and dangerous hazing rituals," **said Governor Murphy**. "With today's bill signing, we honor Tim Piazza's life and make our strongest effort yet to root out hazing to prevent similar tragedies."

"This legislation places the issue of hazing front and center," **said Dr. Angelica Allen-McMillan, Acting Commissioner of Education**. "It further emphasizes the importance of fostering positive school climates that help to develop character among students. In addition, it sends the message that this type of behavior is not acceptable."

"This law will help colleges foster environments that protect students and keep them safe from harm, so they can focus on what matters most -- their school work and continued success," **said Dr. Brian Bridges, Secretary of Higher Education**.

"Our greatest hope is that we never have to prosecute someone under this new law, and that we're able to stamp out illegal hazing through the deterrent effect alone," **said Acting Attorney General Andrew J. Bruck**. "But should it become necessary, we will not hesitate to use the enhanced tools that Governor Murphy and the Legislature have now given us to hold accountable those who break the law."

"Our son, Tim Piazza, died more than four years ago as a result of Fraternity hazing at Penn State University," **said Jim and Evelyn Piazza**. "Since then, we along with other parents of hazing victims have worked to eradicate hazing on college campuses. We are grateful to Senator Kip Bateman for introducing this legislation and Governor Murphy and the other senators and assemblymen and women for supporting the New Jersey anti-hazing law bearing Tim's name. This law will be the stiffest in the country and will hopefully deter this bad behavior and hold those accountable who choose to put someone's well-being and/or life at risk as part of an initiation ritual."

"Timothy Piazza of Readington was a 19-year-old Penn State University student who tragically died in 2017 during a fraternity hazing ritual. Shortly after his death, I received a letter from Matthew Prager, a 12-year-old student who was Timothy's friend and neighbor, asking that I introduce anti-hazing legislation in Timothy's name," **said Senator Kip Bateman**. "To this day, I am grateful to Matthew for sending me that letter. No student deserves to go through the ritual humiliation that 19-year-old Timothy Piazza experienced on the night that he lost his life. With the signing of this bill, hazing will no longer be tolerated in New Jersey."

"For too long, hazing has been used as a rite of passage into college fraternities and sororities. It is

dangerous, it is irresponsible, and tragically, at times it is deadly," **said Senator Troy Singleton.**

"However, as a member of a Greek organization, I am saying 'enough is enough.' If students are hazing another student, they must understand the seriousness of this illegal practice and what's at stake. The signing of this legislation will ensure there are real consequences for their actions."

"Individuals who engage in hazing foster a culture of humiliation and violence. And yet, more than half of all students are hazed at some point during their college career," **said Senate Minority Leader Tom Kean, Jr.** "This legislation, which was spurred by the tragic loss of Timothy Piazza who died during a fraternity hazing ritual, sends a clear message: if you engage in deplorable acts like hazing, you will be prosecuted to the fullest extent of the law."

"It is evident that Greek life and hazing rituals continue to be intertwined and are still taking place at colleges throughout the country," **said Senator Linda Greenstein.** "Anything that puts the physical wellbeing of students at risk must be met with repercussions and college fraternities and sororities must understand that hazing is not going to be tolerated under any circumstances."

"Hazing has been a problem plaguing our institutions of higher education for years," **said Assemblywoman Carol Murphy.** "Far too many students looking to socialize and fit in with their peers have been pressured into participating in dangerous activities with very real consequences. We must do everything we can to prevent the loss of any more lives as a result of hazing."

"It is simply unnecessary for a fraternity or any other college organization to force fellow students into dangerous situations in order to initiate them into a group," **said Majority Leader Louis Greenwald.** "I know our students can find better ways to socialize with one another that don't needlessly put anyone's health or safety at risk. This law will help serve as a deterrent, by making it clear our state does not tolerate this behavior."

"Simply put, students like Timothy Piazza should never feel as though school is a dangerous environment," **said Assemblyman Roy Freiman.** "This law will help prevent senseless losses of life in our universities and ensure students' college experiences are safer going forward."