

CHAPTER 121

CRIMINAL LAW AND PROCEDURE

SENATE BILL 99-106

BY SENATORS Phillips, Epps, Wham, Hernandez, Linkhart, Matsunaka, Pascoe, Rupert, and Weddig;
also REPRESENTATIVES Gotlieb, Bacon, Chavez, Clarke, Coleman, Lawrence, Leyba, Mace, Saliman, Tochtrop, Tupa,
S. Williams, and Windels.

AN ACT

CONCERNING PROHIBITION OF HAZING.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Part 1 or article 9 of title 18, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

18-9-124. Hazing - penalties - legislative declaration. (1) (a) THE GENERAL ASSEMBLY FINDS THAT, WHILE SOME FORMS OF INITIATION CONSTITUTE ACCEPTABLE BEHAVIOR, HAZING SOMETIMES DEGENERATES INTO A DANGEROUS FORM OF INTIMIDATION AND DEGRADATION. THE GENERAL ASSEMBLY ALSO RECOGNIZES THAT ALTHOUGH CERTAIN CRIMINAL STATUTES COVER THE MORE EGREGIOUS HAZING ACTIVITIES, OTHER ACTIVITIES THAT MAY NOT BE COVERED BY EXISTING CRIMINAL STATUTES MAY THREATEN THE HEALTH OF STUDENTS OR, IF NOT STOPPED EARLY ENOUGH, MAY ESCALATE INTO SERIOUS INJURY.

(b) IN ENACTING THIS SECTION, IT IS NOT THE INTENT OF THE GENERAL ASSEMBLY TO CHANGE THE PENALTY FOR ANY ACTIVITY THAT IS COVERED BY ANY OTHER CRIMINAL STATUTE. IT IS RATHER THE INTENT OF THE GENERAL ASSEMBLY TO DEFINE HAZING ACTIVITIES NOT COVERED BY ANY OTHER CRIMINAL STATUTE.

(2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "HAZING" MEANS ANY ACTIVITY BY WHICH A PERSON RECKLESSLY ENDANGERS THE HEALTH OR SAFETY OF OR CAUSES A RISK OF BODILY INJURY TO AN INDIVIDUAL FOR PURPOSES OF INITIATION OR ADMISSION INTO OR AFFILIATION WITH ANY STUDENT ORGANIZATION; EXCEPT THAT "HAZING" DOES NOT INCLUDE CUSTOMARY ATHLETIC EVENTS OR OTHER SIMILAR CONTESTS OR COMPETITIONS, OR AUTHORIZED TRAINING

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

ACTIVITIES CONDUCTED BY MEMBERS OF THE ARMED FORCES OF THE STATE OF COLORADO OR THE UNITED STATES.

(b) "HAZING" INCLUDES BUT IS NOT LIMITED TO:

(I) FORCED AND PROLONGED PHYSICAL ACTIVITY;

(II) FORCED CONSUMPTION OF ANY FOOD, BEVERAGE, MEDICATION OR CONTROLLED SUBSTANCE, WHETHER OR NOT PRESCRIBED, IN EXCESS OF THE USUAL AMOUNTS FOR HUMAN CONSUMPTION OR FORCED CONSUMPTION OF ANY SUBSTANCE NOT GENERALLY INTENDED FOR HUMAN CONSUMPTION;

(III) PROLONGED DEPRIVATION OF SLEEP, FOOD, OR DRINK.

(3) IT SHALL BE UNLAWFUL FOR ANY PERSON TO ENGAGE IN HAZING.

(4) ANY PERSON WHO VIOLATES SUBSECTION (3) OF THIS SECTION COMMITS A CLASS 3 MISDEMEANOR.

SECTION 2. Effective date - applicability. This act shall take effect July 1, 1999, and shall apply to offenses committed on or after said date.

SECTION 3. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Became Law: April 17, 1999