

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 18-0169.01 Jane Ritter x4342

SENATE BILL 18-089

SENATE SPONSORSHIP

Williams A., Fields, Todd

HOUSE SPONSORSHIP

Melton, Buckner, Coleman, Exum, Jackson

Senate Committees

State, Veterans, & Military Affairs

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE ELEMENTS OF THE CRIME OF HAZING.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill amends the criminal act of hazing to include emotional and psychological, as well as physical, harm. The bill also extends the crime of hazing to actions involving adult organizations and those actions that occur on public or private property. An affirmative defense is added that provides a means for a person who is charged with hazing to attempt to prove that he or she was, at the time of the offense, also a victim of hazing and as such was forced to commit the activity that constituted hazing of another individual.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

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

2 **SECTION 1.** In Colorado Revised Statutes, **amend** 18-9-124 as
3 follows:

4 **18-9-124. Hazing - affirmative defense - penalty - legislative**
5 **declaration - definitions.** (1) (a) The general assembly finds that, while
6 some forms of initiation constitute acceptable behavior, hazing sometimes
7 degenerates into a dangerous form of intimidation and degradation. The
8 general assembly also recognizes that although certain criminal statutes
9 cover the more egregious hazing activities, other activities that may not
10 be covered by existing criminal statutes may threaten the PHYSICAL,
11 EMOTIONAL, AND PSYCHOLOGICAL health of students AND ADULTS or, if
12 not stopped early enough, may escalate into serious PHYSICAL,
13 EMOTIONAL, OR PSYCHOLOGICAL injury.

14 (b) In enacting this section, it is not the intent of the general
15 assembly to change the penalty for any activity that is covered by any
16 other criminal statute, INCLUDING BUT NOT LIMITED TO ASSAULT, SEXUAL
17 ASSAULT, MENACING, AND RECKLESS ENDANGERMENT. It is rather the
18 intent of the general assembly to define hazing activities THAT ARE not
19 covered by any other criminal statute.

20 (2) As used in this section, unless the context otherwise requires:

21 (a) "Hazing" means any ~~activity by which a person recklessly~~
22 ~~endangers the~~ WILLFUL ACT ON PUBLIC OR PRIVATE PROPERTY BY WHICH
23 A PERSON, INCLUDING BUT NOT LIMITED TO A STUDENT, ALUMNUS, OR
24 VOLUNTEER OR EMPLOYEE OF ANY ORGANIZATION, RECKLESSLY
25 ENDANGERS THE PHYSICAL, EMOTIONAL, OR PSYCHOLOGICAL health or
26 safety of, or causes a risk of bodily, EMOTIONAL, OR PSYCHOLOGICAL

1 injury to an individual for purposes of initiation or admission into or
2 affiliation with any student organization. ~~except that~~ "Hazing" does not
3 include customary athletic events or other similar contests or
4 competitions, or authorized training activities conducted by members of
5 the armed forces of the state of Colorado or the United States.

6 (b) "Hazing" includes but is not limited to:

7 (I) Forced and prolonged physical activity THAT COULD
8 ADVERSELY AFFECT A PERSON'S PHYSICAL HEALTH AND SAFETY;

9 (II) Forced consumption of any food, beverage, ALCOHOLIC
10 BEVERAGE, OR medication or controlled substance, whether or not
11 prescribed, in excess of the usual amounts for human consumption or
12 forced consumption of any substance not generally intended for human
13 consumption;

14 (III) FORCED AND prolonged deprivation of sleep, food, or drink;

15 (IV) ANY ACTIVITY THAT WOULD SUBJECT A PERSON TO EXTREME
16 MENTAL STRESS, INCLUDING EXTENDED FORCED EXCLUSION FROM SOCIAL
17 CONTACT OR INTERACTION;

18 (V) FORCED CONDUCT THAT COULD RESULT IN EXTREME
19 EMBARRASSMENT; OR

20 (VI) FORCED ACTIVITY THAT COULD ADVERSELY AFFECT THE
21 MENTAL HEALTH OR DIGNITY OF THE INDIVIDUAL.

22 (3) It ~~shall be~~ IS unlawful for any person to ~~engage in hazing~~
23 COMMIT AN ACT OF HAZING, PURSUANT TO THE PROVISIONS OF THIS
24 SECTION, EITHER DIRECTLY OR INDIRECTLY.

25 (3.5) IT IS AN AFFIRMATIVE DEFENSE TO A CHARGE OF HAZING
26 PURSUANT TO SUBSECTION (3) OF THIS SECTION IF THE PERSON BEING
27 CHARGED CAN DEMONSTRATE BY A PREPONDERANCE OF THE EVIDENCE

1 THAT, AT THE TIME OF THE OFFENSE, HE OR SHE WAS ALSO A VICTIM OF
2 HAZING AND WAS FORCED OR COERCED INTO ENGAGING IN A ACT OF
3 HAZING, AS DEFINED IN SUBSECTION (2) OF THIS SECTION.

4 (4) Any person who violates subsection (3) of this section
5 commits a class 3 misdemeanor.

6 **SECTION 2. Safety clause.** The general assembly hereby finds,
7 determines, and declares that this act is necessary for the immediate
8 preservation of the public peace, health, and safety.