

---

## Public Safety Committee

---

### HB 1758

**Brief Description:** Increasing the penalty for hazing.

**Sponsors:** Representatives Leavitt, Senn and Berry.

<p style="text-align: center;"><b>Brief Summary of Bill</b></p> <ul style="list-style-type: none"><li>• Reclassifies the crime of Hazing from a misdemeanor to a gross misdemeanor, and, in cases involving substantial bodily harm, to a class C felony.</li></ul>
---



**Hearing Date:** 1/28/22

**Staff:** Omeara Harrington (786-7136).

**Background:**

Hazing.

Hazing is defined as a method of initiation into a student organization or living group, or any pastime or amusement engaged in with respect to such an organization or living group, that causes, or is likely to cause, bodily danger or physical harm, or serious mental or emotional harm, to any student or other person attending a public or private institution of higher education. Customary athletic events or other similar contests or competitions are excluded from the definition.

It is a misdemeanor for any student or other person in attendance at any public or private institution of higher education to engage in or conspire to engage in hazing. Additionally, any organization, association, or student living group that knowingly permits hazing is strictly liable for any resulting harm to persons or property. If the entity is a corporation, the individual directors of the corporation may be held individually liable for damages.

---

*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.*

Any person who participates in hazing forfeits any entitlement to state funded grants, scholarships, or awards for a period of time determined by the higher education institution. Any organization, association, or student living group that knowingly permits hazing must be deprived of any official recognition or approval granted by a public institution of higher education.

Sentencing.

Crimes are classified as misdemeanors, gross misdemeanors, or felonies. The classification of a crime generally determines the maximum term of confinement and/or fine for an offense. For each classification, the maximum terms of confinement and maximum fines are as follows:

Classification	Maximum Confinement	Maximum Fine
Misdemeanor	90 days	\$1,000
Gross Misdemeanor	364 days	\$5,000
Class C Felony	5 years	\$10,000
Class B Felony	10 years	\$20,000
Class A Felony	Life	\$50,000

When a person is convicted of a felony, the Sentencing Reform Act (SRA) applies and determines a sentence range within the statutory maximum. Sentence ranges are determined by reference to a sentencing grid that provides a standard range of months for the sentence based on both the severity, or "seriousness level," of the offense and the convicted person's "offender score," which is based on the offender's criminal history. Seriousness levels range from I to XVI. Offender scores can range from zero to nine or more points. A higher seriousness level or offender score results in a longer sentence.

**Summary of Bill:**

Hazing is reclassified from a misdemeanor to a gross misdemeanor. Hazing that causes substantial bodily harm is reclassified as a class C felony. "Substantial bodily harm" includes bodily injury that: involves a temporary but substantial disfigurement; causes a temporary but substantial loss or impairment of the function of any body part or organ; or causes a fracture of any body part. Felony Hazing is ranked as a seriousness level III offense, carrying a low-end penalty of one to three months of incarceration.

**Appropriation:** None.

**Fiscal Note:** Requested on January 19, 2022.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.