

SENATE BILL REPORT

HB 1002

As of March 9, 2023

Title: An act relating to increasing the penalty for hazing.

Brief Description: Increasing the penalty for hazing.

Sponsors: Representatives Leavitt, Thai, Ryu, Berry, Reed, Lekanoff, Senn, Doglio, Reeves, Bronoske, Kloba and Riccelli.

Brief History: Passed House: 3/1/23, 96-0.

Committee Activity: Law & Justice: 3/13/23.

Brief Summary of Bill

- Reclassifies the crime of hazing from a misdemeanor to a gross misdemeanor, and, in cases involving substantial bodily harm, to a class C felony.
- Adds felony hazing to the statutory lists of crimes against persons and crimes of harassment.

SENATE COMMITTEE ON LAW & JUSTICE

Staff: Ryan Giannini (786-7285)

Background: Hazing. Hazing is defined as any act committed as part of a person's recruitment, initiation, pledging, admission into, or affiliation with a student organization, athletic team, or living group, or any pastime or amusement engaged in with respect to such an organization, athletic team, or living group that causes, or is likely to cause, bodily danger or physical harm, or serious psychological or emotional harm, to any student or other person attending a public or private institution of higher education or other postsecondary educational institution in this state, including causing, directing, coercing, or forcing a person to consume any food, liquid, alcohol, drug, or other substance which

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subjects the person to risk of such harm, regardless of the person's willingness to participate. Hazing does not include customary athletic events or other similar contests or competitions.

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. 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.

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 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 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.

Crimes Against Persons. Statute designates a subset of crimes as crimes against persons. Crimes against persons are subject to certain guidelines. Heightened victim notification standards also apply when the crime is a crime against persons. Upon conviction of a crime against persons, the court must order one year of community custody if the person is receiving a prison sentence and may order community custody up to one year if the person is receiving a jail sentence.

Crimes of Harassment. Certain crimes are included in a statutory list of crimes of harassment, which has various effects. For example, harassment-related gross misdemeanor offenses against the same victim, members of the victim's household, or any person named in a no-contact or no-harassment order become class C felonies when the defendant has a prior conviction of a crime of harassment.

The Department of Corrections is required to send written notice to certain persons regarding the parole, release, community custody, work release placement, furlough, or escape of any person convicted of a crime of harassment.

When criminal charges are pending or when a person is convicted of a crime of harassment, the court is authorized to enter a no-contact order preventing the accused or convicted person from contacting or interfering with the victim. Violation of the order is a gross misdemeanor.

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.

Felony hazing is designated as a crime against persons and a crime of harassment. If a person in the commission of a hazing offense commits any other crime, the person may be punished for the other crime as well as the hazing offense and prosecuted for each crime separately.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.