



HOUSE COMMITTEE ON APPROPRIATIONS

FISCAL NOTE

SENATE BILL NO. 1090

PRINTERS NO. 1825

PRIME SPONSOR: Corman

COST / (SAVINGS)

FUND	FY 2018/19	FY 2019/20
General Fund	See Fiscal Impact	See Fiscal Impact

SUMMARY:

Senate Bill 1090, Printer's Number 1825 amends Title 18 (Crimes and Offenses) by adding a new Chapter 28 (Antihazing) and makes changes to Chapter 63 (Minors) by repealing Section 6308 (f) and adds new Section 6308.1 (Safe harbor for violation of Section 6308(a)). Title 42 (Judiciary and Judicial Procedure), Chapter 58 (Forfeiture of Assets), Section 5803 (Asset forfeiture) is amended to reflect forfeiture provisions provided for in the new Chapter 28 of the Crimes Code.

ANALYSIS:

SB 1090 repeals the stand alone act of December 15, 1986 "The Antihazing Law" (P.L. 1595, No. 175) and replaces it with a new Chapter 28 (Antihazing) in the Crimes Code (Title 18), which will be referred to as the "Timothy J. Piazza Antihazing Law." Several provisions of the existing "Antihazing Law" are carried in SB 1090; however, the legislation provides for more specific prohibitive hazing acts and requires institutions and organizations involved in these acts to develop and follow antihazing policies.

Section 2801 (Definitions) is added to include the following definitions:

- "911 call",
- "Alcoholic liquid",
- "Bodily injury",
- "Campus security officer",
- "Drug",
- "Emergency services personnel",
- "Institution of higher education" or "institution",
- "Law enforcement officer",
- "Minor",
- "Organization",
- "Secondary school",
- "Serious bodily injury"; and
- "Student".

SB 1090 the establishes the following new offenses in the Crimes Code as follows:

- Section 2802 (Hazing)
 - A person commits the offense of hazing if the person intentionally, knowingly or recklessly, for the purpose of initiating, admitting or affiliating a minor or student into or with an organization, or for the purpose of continuing or enhancing a minor or student's membership or status in an organization, causes, coerces or forces a minor or student to endure or commit various actions listed in the legislation.
 - An individual who violates the offense outlined in Section 2802 (Hazing) will be charged with a summary offense (imprisonment up to 90 days and a fine no more than \$300), or if the hazing creates a reasonable likelihood of bodily injury to the minor or student the offense would be graded as a misdemeanor of the third degree (imprisonment up to 1 year and a fine not to exceed \$2,500) .
- Section 2803 (Aggravated hazing)
 - A person commits the offense of aggravated hazing if the person commits a violation of Section 2802 that results in serious bodily injury or death to the minor or student.
 - An individual who violates Section 2803 will be charged with a felony of the third degree (imprisonment up to 7 years and a fine not to exceed \$5,000).
- Section 2804 (Organizational hazing)
 - An organization that intentionally, knowingly or recklessly promotes or facilitates a violation of Section 2802 or Section 2803.
 - An organization that commits an offense outlined in Section 2804 will be subject to the following penalties:
 - A fine of not more than \$5,000 for each violation of Section 2802.
 - A fine of not more than \$15,000 for each violation of Section 2803.
- Section 2805 (Institutional hazing)
 - An institution which intentionally, knowingly or recklessly promotes or facilitates a violation of Section 2802 or Section 2803 and will be subject to the following penalties:
 - A fine of not more than \$5,000 for each violation of Section 2802.
 - A fine of not more than \$15,000 for each violation of Section 2803

Section 2806 (Defense prohibited) provides that obtaining or requesting the consent of the minor or conduct sanctioned by the institution, secondary school or organization will not constitute a defense to any of the offenses listed in abovementioned sections. Section 2807 (Forfeiture) states that upon the conviction of Sections 2803 or 2804, in addition to any other sentence rendered by the court, the defendant may be directed to forfeit any property which was involved in the violation. Section 2808 (Enforcement by institution and secondary school) requires that each institution and the governing body of a secondary school will be required to adopt an antihazing policy and provide a copy of the policy to organizations and students within the institution. In addition, these entities will be required to post the antihazing policies on their publicly accessible websites. Section 2809 (Institutional reports) requires that beginning in the 2018-2019 academic year, institutions will be required to maintain a report of all violations of the institution's

antihazing policy. The initial report will be posted on a publicly accessible website by January 15, 2019 and the report will be updated biannually on January 1 and August 1 of subsequent years. Institutions will be required to maintain reports for a period of five years. Section 2810 (Safe harbor) provides for certain immunity provisions for individuals seeking medical attention for another. In addition, Chapter 63 (Minors) is amended by repealing Section 6308(f) (Purchase, consumption, possession or transportation of liquor or malt or brewed beverages-exceptions) and new Section 6308.1 (Safe harbor for violation of Section 6308(a) is added further providing for certain civil and criminal immunities relating to violations of Section 6308 (a) (Purchase, consumption, possession or transportation of liquor or malt or brewed beverages-offense defined).

Finally, Section 5803 of the Judicial Code (Title 42) is amended to reflect updated forfeiture citations provided for in the new Chapter 28 of the Crimes Code.

This legislation would take effect in 30 days.

FISCAL IMPACT:

Enactment of this legislation would have an unknown fiscal impact on Commonwealth funds. According to the Pennsylvania Commission on Sentencing (commission), preliminary data for 2017 indicates there were 13 cases of hazing reported with each case receiving probation. In the years prior to 2017, the commission reports that there was only one reported case of hazing, which received probation.

Determining the fiscal impact of new Sections 2804 (Organizational hazing) and 2805 (Institutional hazing) would be difficult, because under current law individuals or organizations that are charged with the hazing-related offenses outlined in the abovementioned sections are charged under other offenses that are not specific to hazing activities (e.g. Section 6310.1 (Selling or furnishing liquor or malt or brewed beverages to minors), Section 2705 (Recklessly endangering another person)).

Sections 2808 (Enforcement by institution and secondary school) and 2809 (Institutional reports) will have no adverse fiscal impact on Commonwealth funds. Any fiscal impact on institutions and secondary schools is expected to be minimal.

PREPARED BY: Jenny P. Stratton
House Appropriations Committee (R)

DATE: October 5, 2018

Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.