
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1090 Session of
2018

INTRODUCED BY CORMAN, GORDNER, LANGERHOLC, YAW, MENSCH,
SABATINA, BAKER, BLAKE, RESCHENTHALER, SCAVELLO, KILLION,
MARTIN, RAFFERTY, BARTOLOTTA AND REGAN, MARCH 23, 2018

REFERRED TO JUDICIARY, MARCH 23, 2018

AN ACT

1 Amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and
2 Judicial Procedure) of the Pennsylvania Consolidated
3 Statutes, in offenses involving danger to the person,
4 providing for antihazing and prescribing penalties; in
5 forfeiture of assets, further providing for asset forfeiture;
6 and making a related repeal.

7 This act shall be referred to as the "Timothy J. Piazza
8 Antihazing Law."

9 The General Assembly of the Commonwealth of Pennsylvania
10 hereby enacts as follows:

11 Section 1. Title 18 of the Pennsylvania Consolidated
12 Statutes is amended by adding a chapter to read:

13 CHAPTER 28

14 ANTIHAZING

15 Sec.

16 2801. Definitions.

17 2802. Hazing.

18 2803. Aggravated hazing.

19 2804. Organizational hazing.

1 2805. Institutional hazing.

2 2806. Defenses prohibited.

3 2807. Forfeiture.

4 2808. Enforcement by institution and secondary school.

5 2809. Institutional reports.

6 2810. Safe harbor.

7 § 2801. Definitions.

8 The following words and phrases when used in this chapter
9 shall have the meanings given to them in this section unless the
10 context clearly indicates otherwise:

11 "911 call." A transmission of information via a
12 telecommunications device to a public safety answering point for
13 the initial reporting of police, fire, medical or other
14 emergency situations.

15 "Bodily injury." The term has the same meaning as given to
16 that term in section 2301 (relating to definitions).

17 "Campus security officer." An employee of an institution of
18 higher education charged with maintaining the safety and
19 security of the property of the institution and the individuals
20 on the property.

21 "Emergency services personnel." Individuals, including a
22 trained volunteer or a member of the armed forces of the United
23 States or the National Guard, whose official or assigned
24 responsibilities include performing or directly supporting the
25 performance of emergency medical and rescue services or
26 firefighting.

27 "Institution of higher education" or "institution." An
28 institution located within this Commonwealth authorized to grant
29 an associate or higher academic degree.

30 "Law enforcement officer." An individual who, by virtue of

1 the individual's office or public employment, is vested by law
2 with a duty to maintain public order or to make arrests for
3 offenses, whether that duty extends to all offenses or is
4 limited to specific offenses, or an individual on active State
5 duty under 51 Pa.C.S. § 508 (relating to active duty for
6 emergency).

7 "Minor." An individual younger than 18 years of age.

8 "Organization." Any of the following:

9 (1) A fraternity, sorority, association, corporation,
10 order, society, corps, club or service, social or similar
11 group, whose members are primarily students or alumni of the
12 organization.

13 (2) A national or international organization with which
14 a fraternity or sorority or other organization as enumerated
15 under paragraph (1) is affiliated.

16 "Secondary school." A public or private school within this
17 Commonwealth that provides instruction in grades 7 through 12 or
18 a combination of grades 7 through 12.

19 "Serious bodily injury." The term shall have the same
20 meaning as given to that term in section 2301.

21 "Student." An individual who attends or has applied to
22 attend or has been admitted to an institution or secondary
23 school.

24 § 2802. Hazing.

25 (a) Offense defined.--A person commits the offense of hazing
26 if the person intentionally, knowingly or recklessly, for the
27 purpose of initiating, admitting or affiliating a minor or
28 student into or with an organization, or for the purpose of
29 continuing or enhancing a minor or student's membership or
30 status in an organization, causes a minor or student to do any

1 of the following:

2 (1) Violate Federal or State law.

3 (2) Consume any food, liquid, liquor, drug or other
4 substance which subjects the student to a risk of emotional
5 or physical harm.

6 (3) Endure brutality of a physical nature, including
7 whipping, beating, branding, calisthenics or exposure to the
8 elements.

9 (4) Endure brutality of a mental nature, including
10 activity adversely affecting the mental health or dignity of
11 the individual, sleep deprivation, exclusion from social
12 contact or conduct that could result in extreme
13 embarrassment.

14 (5) Endure any other forced activity which could
15 adversely affect the health and safety of the individual.

16 (b) Grading.--

17 (1) Except as provided under paragraph (2), hazing is a
18 summary offense.

19 (2) Hazing shall be a misdemeanor of the third degree if
20 it results in or may result in bodily injury to the minor or
21 student.

22 (c) Limitation.--Hazing shall not include reasonable and
23 customary athletic or military training, contests, competitions
24 or events.

25 § 2803. Aggravated hazing.

26 (a) Offense defined.--A person commits the offense of
27 aggravated hazing if the person commits a violation of section
28 2802 (relating to hazing) that results in serious bodily injury
29 or death to the minor or student.

30 (b) Grading.--Aggravated hazing shall be a felony of the

1 third degree.

2 § 2804. Organizational hazing.

3 (a) Offense defined.--An organization commits the offense of
4 organizational hazing if the organization intentionally,
5 knowingly or recklessly promotes or facilitates a violation of
6 section 2802 (relating to hazing) or 2803 (relating to
7 aggravated hazing).

8 (b) Grading.-

9 (1) Organizational hazing shall be a misdemeanor of the
10 third degree if the organization intentionally, knowingly or
11 recklessly promotes or facilitates a violation of section
12 2802.

13 (2) Organizational hazing shall be a felony of the third
14 degree if the organization intentionally, knowingly or
15 recklessly promotes or facilitates a violation of section
16 2803.

17 (c) Penalties.--In addition to any other sentence imposed,
18 if an organization commits the offense of organizational hazing,
19 the organization shall be subject to such other relief as the
20 court deems equitable, including forfeiture of assets as
21 provided under this chapter.

22 § 2805. Institutional hazing.

23 An institution which intentionally, knowingly or recklessly
24 promotes or facilitates a violation of section 2802 (relating to
25 hazing) or 2803 (relating to aggravated hazing) shall be subject
26 to any of the following penalties:

27 (1) A fine of not more than \$5,000 for each violation of
28 section 2802.

29 (2) A fine of not more than \$15,000 for each violation
30 of section 2803.

1 § 2806. Defenses prohibited.

2 It shall not be a defense to any offense under this chapter
3 that any of the following apply:

4 (1) The consent of the minor or student was sought or
5 obtained.

6 (2) The conduct was sanctioned or approved by the
7 institution, secondary school or organization.

8 § 2807. Forfeiture.

9 Upon conviction of a defendant under section 2804 (relating
10 to organizational hazing) the court may, in addition to any
11 other sentence authorized under law, direct the defendant to
12 forfeit property which was involved in the violation for which
13 the defendant was convicted. The forfeiture shall be conducted
14 in accordance with 42 Pa.C.S. §§ 5803 (relating to asset
15 forfeiture), 5805 (relating to forfeiture procedure), 5806
16 (relating to motion for return of property), 5807 (relating to
17 restrictions on use), 5807.1 (relating to prohibition on
18 adoptive seizures) and 5808 (relating to exceptions).

19 § 2808. Enforcement by institution and secondary school.

20 (a) Antihazing policy.--

21 (1) Each institution and each governing board of a
22 secondary school shall adopt a written policy against hazing
23 and, pursuant to that policy, shall adopt rules prohibiting
24 students or other persons associated with an organization
25 operating under the sanction of or recognized as an
26 organization by the institution or secondary school from
27 engaging in hazing or an offense under this chapter.

28 (2) Each institution and secondary school shall provide
29 a copy of the policy, including the institution's or
30 secondary school's rules, penalties and program of

1 enforcement to each organization within the institution or
2 secondary school.

3 (3) Each institution and secondary school shall post the
4 policy on the institution's or the secondary school's
5 publicly accessible Internet website.

6 (b) Enforcement and penalties.--

7 (1) Each institution and each governing board of a
8 secondary school shall provide a program for the enforcement
9 of the policy required under subsection (a) and shall adopt
10 appropriate penalties for violations of the policy to be
11 administered by the individual or agency at the institution
12 or secondary school responsible for the sanctioning or
13 recognition of the organizations covered by the policy.

14 (2) Penalties under paragraph (1) may include any of the
15 following:

16 (i) The imposition of fines.

17 (ii) The withholding of diplomas or transcripts
18 pending compliance with the rules or payment of fines.

19 (iii) The rescission of permission for the
20 organization to operate on campus or school property or
21 to otherwise operate under the sanction or recognition of
22 the institution or secondary school.

23 (iv) The imposition of probation, suspension,
24 dismissal or expulsion.

25 (3) A penalty imposed under this section shall be in
26 addition to a penalty imposed for violation of an offense
27 under this chapter or the criminal laws of this Commonwealth
28 or for violation of any other institutional or secondary
29 school rule to which the violator may be subject.

30 (4) A policy adopted under this section shall apply to

1 each act conducted on or off campus or school property if the
2 acts are deemed to constitute hazing or any offense under
3 this chapter.

4 § 2809. Institutional reports.

5 (a) Maintenance.--Beginning with the 2018-2019 academic year
6 and each academic year thereafter, an institution shall maintain
7 a report of all violations of the institution's antihazing
8 policy or Federal or State laws related to hazing that are
9 reported to campus authorities or local law enforcement.

10 (b) Contents.--The report shall include all of the
11 following:

12 (1) The name of the organization.

13 (2) The date when the organization was charged with
14 misconduct.

15 (3) The dates on which the institution issued any
16 citations.

17 (4) The date the institution initiated the institution's
18 investigation.

19 (5) A general description of the incident, the findings
20 and, if applicable, sanctions and charges.

21 (6) The date on which the matter was resolved.

22 (7) Additional information related to findings, if
23 available.

24 (c) Initial report.--The initial report shall include
25 information concerning violations that have been reported to
26 campus authorities or local law enforcement for the five
27 consecutive years prior to the effective date of this section to
28 the extent the institution has retained information concerning
29 the violations.

30 (d) Personal identifying information.--The report shall not

1 include the personal identifying information of an individual.

2 (e) Time.--An institution shall post an initial report
3 required under this section on its publicly accessible Internet
4 website by January 15, 2019.

5 (f) Update.--An institution shall update the report
6 biannually on January 1 and August 1 and shall post the updated
7 report on its publicly accessible Internet website.

8 (g) Duration.--An institution shall retain reports for five
9 years.

10 § 2810. Safe harbor.

11 (a) Individual seeking medical attention for another.--An
12 individual shall not be prosecuted for an offense under this
13 chapter or section 6308(a) (relating to purchase, consumption,
14 possession or transportation of liquor or malt or brewed
15 beverages) if the individual can establish all of the following:

16 (1) A law enforcement officer first became aware of the
17 individual's violation of this chapter or section 6308(a)
18 because the individual placed a 911 call or contacted campus
19 security, police or emergency services, based on reasonable
20 belief another individual was in need of immediate medical
21 attention to prevent death or serious bodily injury.

22 (2) The individual reasonably believed the individual
23 was the first individual to make a 911 call or contact campus
24 security, police or emergency services and report that an
25 individual needed immediate medical attention to prevent
26 death or serious bodily injury.

27 (3) The individual provided the individual's own name to
28 the 911 operator or equivalent campus security officer,
29 police or emergency services personnel.

30 (4) The individual remained with the individual needing

1 medical assistance until a campus security officer, police or
2 emergency services personnel arrived and the need for the
3 individual's presence had ended.

4 (b) Individual needing medical attention.--An individual
5 needing medical attention may not be prosecuted for an offense
6 under this chapter or section 6308(a) if another individual
7 against whom probable cause exists to charge an offense under
8 this chapter or section 6308(a) reported the incident and
9 remained with the individual needing medical attention and the
10 other individual qualifies for a safe harbor under this section.

11 (c) Limitations.--The safe harbors described under this
12 section shall be limited as follows:

13 (1) This section shall not interfere with or prevent the
14 investigation, arrest, charging or prosecution of an
15 individual for a crime other than an offense under this
16 chapter or section 6308(a).

17 (2) This section shall not bar the admissibility of
18 evidence in connection with the investigation and prosecution
19 for a crime other than an offense under this chapter or
20 section 6308(a).

21 (3) This section shall not bar the admissibility of
22 evidence in connection with the investigation and prosecution
23 of a crime with regard to another defendant who does not
24 independently qualify for a safe harbor under this section.

25 Section 2. Section 5803(a) of Title 42 is amended by adding
26 a paragraph to read:

27 § 5803. Asset forfeiture.

28 (a) Applicability.--Notwithstanding any law to the contrary,
29 this section shall apply to forfeitures conducted under the
30 following:

1 * * *

2 (3.1) 18 Pa.C.S. § 2803 (relating to aggravated hazing).

3 * * *

4 Section 3. Repeals are as follows:

5 (1) The General Assembly finds that the repeal under
6 paragraph (2) is necessary to effectuate the addition of 18
7 Pa.C.S. Ch. 28.

8 (2) The act of December 15, 1986 (P.L.1595, No.175),
9 known as the Antihazing Law, is repealed.

10 Section 4. The addition of 18 Pa.C.S. Ch. 28 is a
11 continuation of the act of December 15, 1986 (P.L.1595, No.175),
12 known as the Antihazing Law. Except as otherwise provided in 18
13 Pa.C.S. Ch. 28, all activities initiated under the Antihazing
14 Law shall continue and remain in full force and effect and may
15 be completed under 18 Pa.C.S. Ch. 28. Orders, regulations, rules
16 and decisions which were made under the Antihazing Law and which
17 are in effect on the effective date of this section shall remain
18 in full force and effect until revoked, vacated or modified
19 under 18 Pa.C.S. Ch. 28. Prosecutions and policies entered into
20 under the Antihazing Law are not affected nor impaired by the
21 repeal of the Antihazing Law.

22 Section 5. The addition of 18 Pa.C.S. Ch. 28 and 42 Pa.C.S.
23 § 5803(a) (3.1) shall apply to causes of action which accrue on
24 or after the effective date of this section.

25 Section 6. This act shall take effect in 30 days.