

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, REGAN, TOMLINSON, SCHWANK,
VOGEL, YUDICHAK, BREWSTER, HUGHES, FOLMER, COSTA AND
VULAKOVICH, MARCH 23, 2018

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF
REPRESENTATIVES, AS AMENDED, JUNE 5, 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 MINORS, FURTHER PROVIDING FOR PURCHASE, CONSUMPTION,
6 POSSESSION OR TRANSPORTATION OF LIQUOR OR MALT OR BREWED
7 BEVERAGES AND PROVIDING FOR SAFE HARBOR FOR VIOLATION OF
8 SECTION 6308(A); in forfeiture of assets, further providing
9 for asset forfeiture; and making a related repeal.

10 ~~This act shall be referred to as the "Timothy J. Piazza~~ <--
11 ~~Antihazing Law."~~

12 The General Assembly of the Commonwealth of Pennsylvania
13 hereby enacts as follows:

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

CHAPTER 28ANTIHAZING

18 Sec.

19 2801. Definitions.

- 1 2802. Hazing.
- 2 2803. Aggravated hazing.
- 3 2804. Organizational hazing.
- 4 2805. Institutional hazing.
- 5 2806. Defenses prohibited.
- 6 2807. Forfeiture.
- 7 2808. Enforcement by institution and secondary school.
- 8 2809. Institutional reports.
- 9 2810. Safe harbor.
- 10 2811. CIVIL REMEDIES. <--

11 § 2801. Definitions.

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

15 "911 call." A transmission of information via a
16 telecommunications device to a public safety answering point for
17 the initial reporting of police, fire, medical or other
18 emergency situations.

19 "Alcoholic liquid." A substance containing liquor, spirit,
20 wine, beer, malt or brewed beverage or any combination thereof.

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

23 "Campus security officer." An employee of an institution of
24 higher education charged with maintaining the safety and
25 security of the property of the institution and the individuals
26 on the property.

27 "DRUG." A CONTROLLED SUBSTANCE OR DRUG AS DEFINED IN THE ACT <--
28 OF APRIL 14, 1972 (P.L.233, NO.64), KNOWN AS THE CONTROLLED
29 SUBSTANCE, DRUG, DEVICE AND COSMETIC ACT.

30 "Emergency services personnel." Individuals, including a

1 trained volunteer or a member of the armed forces of the United
2 States or the National Guard, whose official or assigned
3 responsibilities include performing or directly supporting the
4 performance of emergency medical and rescue services or
5 firefighting.

6 "Institution of higher education" or "institution." A <--
7 degree granting institution authorized to operate in this
8 Commonwealth or an institution licensed by the State Board of
9 Private Licensed Schools. AN INSTITUTION LOCATED WITHIN THIS <--
10 COMMONWEALTH AUTHORIZED TO GRANT AN ASSOCIATE OR HIGHER ACADEMIC
11 DEGREE.

12 "Law enforcement officer." An individual who, by virtue of
13 the individual's office or public employment, is vested by law
14 with a duty to maintain public order or to make arrests for
15 offenses, whether that duty extends to all offenses or is
16 limited to specific offenses, or an individual on active State
17 duty under 51 Pa.C.S. § 508 (relating to active duty for
18 emergency).

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

20 "Organization." Any of the following:

21 (1) A fraternity, sorority, association, corporation,
22 order, society, corps, club or service, social or similar
23 group, whose members are primarily MINORS, students or alumni <--
24 of the organization, AN INSTITUTION OR SECONDARY SCHOOL. <--

25 (2) A national or international organization with which
26 a fraternity or sorority or other organization as enumerated
27 under paragraph (1) is affiliated.

28 "Secondary school." A public or private school within this
29 Commonwealth that provides instruction in grades 7 through 12 or
30 a combination of grades 7 through 12.

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

3 "Student." An individual who attends or has applied to
4 attend or has been admitted to an institution or secondary
5 school.

6 § 2802. Hazing.

7 (a) Offense defined.--A person commits the offense of hazing
8 if the person intentionally, knowingly or recklessly, for the
9 purpose of initiating, admitting or affiliating a minor or
10 student into or with an organization, or for the purpose of
11 continuing or enhancing a minor or student's membership or
12 status in an organization, causes, COERCES OR FORCES a minor or <--
13 student to do any of the following:

14 (1) Violate Federal or State CRIMINAL law. <--

15 (2) Consume any food, liquid, alcoholic liquid, drug or
16 other substance which subjects the minor or student to a risk
17 of emotional or physical harm.

18 (3) Endure brutality of a physical nature, including
19 whipping, beating, branding, calisthenics or exposure to the
20 elements.

21 (4) Endure brutality of a mental nature, including
22 activity adversely affecting the mental health or dignity of
23 the individual, sleep deprivation, exclusion from social
24 contact or conduct that could result in extreme
25 embarrassment.

26 ~~(5) Endure any other forced activity which could <--~~
27 ~~adversely affect the health and safety of the individual.~~

28 (5) ENDURE BRUTALITY OF A SEXUAL NATURE. <--

29 (6) ENDURE ANY OTHER ACTIVITY THAT CREATES A REASONABLE
30 LIKELIHOOD OF BODILY INJURY TO THE MINOR OR STUDENT.

1 (b) Grading.--

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

4 (2) Hazing shall be a misdemeanor of the third degree if
5 it results in or may result in CREATES A REASONABLE <--
6 LIKELIHOOD OF bodily injury to the minor or student.

7 (c) Limitation.--Hazing shall not include reasonable and
8 customary athletic, LAW ENFORCEMENT or military training, <--
9 contests, competitions or events.

10 § 2803. Aggravated hazing.

11 (a) Offense defined.--A person commits the offense of
12 aggravated hazing if the person commits a violation of section
13 2802 (relating to hazing) that results in serious bodily injury
14 or death to the minor or student. AND: <--

15 (1) THE PERSON ACTS WITH RECKLESS INDIFFERENCE TO THE
16 HEALTH AND SAFETY OF THE MINOR OR STUDENT; OR

17 (2) THE PERSON CAUSES, COERCES OR FORCES THE CONSUMPTION
18 OF AN ALCOHOLIC LIQUID OR DRUG BY THE MINOR OR STUDENT.

19 (b) Grading.--Aggravated hazing shall be a felony of the
20 third degree.

21 § 2804. Organizational hazing.

22 (a) Offense defined.--An organization commits the offense of <--
23 organizational hazing if the organization THAT intentionally, <--
24 knowingly or recklessly promotes or facilitates a violation of
25 section 2802 (relating to hazing) or 2803 (relating to
26 aggravated hazing). <--

27 ~~(b) Grading.~~

28 ~~(1) Organizational hazing shall be a misdemeanor of the~~
29 ~~third degree if the organization intentionally, knowingly or~~
30 ~~recklessly promotes or facilitates a violation of section~~

1 2802.

2 ~~(2) Organizational hazing shall be a felony of the third~~
3 ~~degree if the organization intentionally, knowingly or~~
4 ~~recklessly promotes or facilitates a violation of section~~
5 ~~2803. COMMITS THE OFFENSE OF ORGANIZATIONAL HAZING AND SHALL~~ <--
6 ~~BE SUBJECT TO ANY OF THE FOLLOWING PENALTIES:~~

7 (1) A FINE OF NOT MORE THAN \$5,000, FOR EACH VIOLATION
8 OF SECTION 2802.

9 (2) A FINE OF NOT MORE THAN \$15,000, FOR EACH VIOLATION
10 OF SECTION 2803.

11 ~~(c) (B) Penalties.--In addition to any other sentence~~ <--
12 ~~imposed, if an organization commits the offense of~~
13 ~~organizational hazing, the organization shall be subject to such~~
14 ~~other relief as the court deems equitable, including forfeiture~~ <--
15 ~~of assets as provided under this chapter.~~

16 § 2805. Institutional hazing.

17 An institution which intentionally, knowingly or recklessly
18 promotes or facilitates a violation of section 2802 (relating to
19 hazing) or 2803 (relating to aggravated hazing) COMMITS THE <--
20 OFFENSE OF INSTITUTIONAL HAZING AND shall be subject to any of
21 the following penalties:

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

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

26 § 2806. Defenses prohibited.

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

29 (1) The consent of the minor or student was sought or
30 obtained.

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

3 § 2807. Forfeiture.

4 Upon conviction of a defendant under section 2803 (RELATING <--
5 TO AGGRAVATED HAZING) OR 2804 (relating to organizational
6 hazing) the court may, in addition to any other sentence
7 authorized under law, direct the defendant to forfeit property
8 which was involved in the violation for which the defendant was
9 convicted. The forfeiture shall be conducted in accordance with
10 42 Pa.C.S. §§ 5803 (relating to asset forfeiture), 5805
11 (relating to forfeiture procedure), 5806 (relating to motion for
12 return of property), 5807 (relating to restrictions on use),
13 5807.1 (relating to prohibition on adoptive seizures) and 5808
14 (relating to exceptions).

15 § 2808. Enforcement by institution and secondary school.

16 (a) Antihazing policy.--

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

24 (2) Each institution ~~and secondary school~~ shall provide <--
25 a copy of the policy, including the institution's ~~or~~ <--
26 ~~secondary school's~~ rules, penalties and program of
27 enforcement to each organization within the institution ~~or~~ <--
28 ~~secondary school~~. EACH SECONDARY SCHOOL SHALL ENSURE THAT <--
29 STUDENTS ARE INFORMED OF THE SECONDARY SCHOOL'S POLICY,
30 INCLUDING THE SECONDARY SCHOOL'S RULES, PENALTIES AND PROGRAM

1 OF ENFORCEMENT.

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

5 (b) Enforcement and penalties.--

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

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

15 (i) The imposition of fines.

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

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

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

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

29 (4) A policy adopted under this section shall apply to
30 each act conducted on or off campus or school property if the

1 acts are deemed to constitute hazing or any offense under
2 this chapter.

3 § 2809. Institutional reports.

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

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

12 (1) The name of the organization SUBJECT OF THE REPORT. <--

13 (2) The date when the organization SUBJECT was charged <--
14 with misconduct A VIOLATION OF THE INSTITUTION'S ANTIHAZING <--
15 POLICY OR FEDERAL OR STATE LAWS RELATED TO HAZING.

16 (3) The dates on which the institution issued any <--
17 citations.

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

20 (5) (3) A general description of the incident, the <--
21 findings and, if applicable, sanctions and charges.
22 VIOLATION, ANY INVESTIGATION AND FINDINGS BY THE INSTITUTION <--
23 AND, IF APPLICABLE, PENALTIES.

24 (6) (4) The date on which the matter was resolved. <--

25 (7) Additional information related to findings, if <--
26 available.

27 (c) Initial report.--THIS SECTION SHALL APPLY BEGINNING WITH <--
28 THE 2018-2019 ACADEMIC YEAR. The initial report shall include
29 information concerning violations that have been reported to
30 campus authorities or local law enforcement THE INSTITUTION for <--

1 the five consecutive years prior to the effective date of this
2 section to the extent the institution has retained information
3 concerning the violations.

4 (d) Personal identifying information.--The report shall not
5 include the personal identifying information of an individual.

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

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

12 (g) Duration.--An institution shall retain reports for five
13 years.

14 § 2810. Safe harbor.

15 (a) ~~Individual~~ IMMUNITY FOR THE INDIVIDUAL seeking medical <--
16 attention for another.--An individual shall not be prosecuted
17 for an offense under this chapter ~~or section 6308(a) (relating~~ <--
18 ~~to purchase, consumption, possession or transportation of liquor~~
19 ~~or malt or brewed beverages)~~ if the individual can establish all
20 of the following:

21 (1) A law enforcement officer first became aware of the
22 individual's violation of this chapter ~~or section 6308(a)~~ <--
23 because the individual placed a 911 call or contacted campus
24 security, police or emergency services, based on A reasonable <--
25 belief THAT another individual was in need of immediate <--
26 medical attention to prevent death or serious bodily injury.

27 (2) The individual reasonably believed the individual
28 was the first individual to make a 911 call or contact campus
29 security, police or emergency services and report that an
30 individual needed immediate medical attention to prevent

1 death or serious bodily injury.

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

5 (4) The individual remained with the individual needing
6 medical assistance until a campus security officer, police or
7 emergency services personnel arrived and the need for the
8 individual's presence had ended.

9 (b) ~~Individual~~ DERIVATIVE IMMUNITY FOR THE INDIVIDUAL <--
10 needing medical attention.--An individual needing medical
11 attention may not be prosecuted SHALL BE IMMUNE UNDER THIS <--
12 SECTION FROM PROSECUTION for an offense under this chapter or
13 section 6308(a) (RELATING TO PURCHASE, CONSUMPTION, POSSESSION <--
14 OR TRANSPORTATION OF LIQUOR OR MALT OR BREWED BEVERAGES) ONLY if
15 another individual against whom probable cause exists to charge
16 an offense under this chapter or section 6308(a) reported the <--
17 incident and remained with the individual needing medical
18 attention and the other individual qualifies for a safe harbor
19 under this section.

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

22 (1) THIS SECTION MAY NOT BAR PROSECUTING A PERSON FOR AN <--
23 OFFENSE UNDER THIS CHAPTER IF A LAW ENFORCEMENT OFFICER
24 LEARNS OF THE OFFENSE PRIOR TO AND INDEPENDENT OF THE ACTION
25 OF SEEKING OR OBTAINING EMERGENCY ASSISTANCE AS DESCRIBED IN
26 SUBSECTION (A).

27 ~~(1)~~ (2) This section shall not interfere with or prevent <--
28 the investigation, arrest, charging or prosecution of an
29 individual for a crime other than an offense under this
30 chapter or section 6308(a).

1 ~~(2)~~ (3) This section shall not bar the admissibility of <--
2 evidence in connection with the investigation and prosecution
3 for a crime other than an offense under this chapter or
4 section 6308(a).

5 ~~(3)~~ (4) This section shall not bar the admissibility of <--
6 evidence in connection with the investigation and prosecution
7 of a crime with regard to another defendant who does not
8 independently qualify for a safe harbor under this section.

9 (D) CIVIL IMMUNITY.--IN ADDITION TO ANY OTHER APPLICABLE <--
10 IMMUNITY OR LIMITATION ON CIVIL LIABILITY, A LAW ENFORCEMENT
11 OFFICER, CAMPUS SECURITY OFFICER OR PROSECUTING ATTORNEY WHO
12 ACTING IN GOOD FAITH, CHARGES A PERSON WHO IS THEREAFTER
13 DETERMINED TO BE ENTITLED TO IMMUNITY UNDER THIS SECTION SHALL
14 NOT BE SUBJECT TO CIVIL LIABILITY FOR THE FILING OF THE CHARGES.
15 § 2811. CIVIL REMEDIES.

16 NOTHING IN THIS CHAPTER PRECLUDES A CIVIL REMEDY OTHERWISE
17 PROVIDED BY LAW.

18 SECTION 2. SECTION 6308(F) OF TITLE 18 IS REPEALED:

19 § 6308. PURCHASE, CONSUMPTION, POSSESSION OR TRANSPORTATION OF
20 LIQUOR OR MALT OR BREWED BEVERAGES.

21 * * *

22 [(F) EXCEPTION FOR PERSON SEEKING MEDICAL ATTENTION FOR
23 ANOTHER.--A PERSON SHALL BE IMMUNE FROM PROSECUTION FOR
24 CONSUMPTION OR POSSESSION UNDER SUBSECTION (A) IF HE CAN
25 ESTABLISH THE FOLLOWING:

26 (1) THE ONLY WAY LAW ENFORCEMENT OFFICERS BECAME AWARE
27 OF THE PERSON'S VIOLATION OF SUBSECTION (A) IS BECAUSE THE
28 PERSON PLACED A 911 CALL, OR A CALL TO CAMPUS SAFETY, POLICE
29 OR EMERGENCY SERVICES, IN GOOD FAITH, BASED ON A REASONABLE
30 BELIEF AND REPORTED THAT ANOTHER PERSON WAS IN NEED OF

1 IMMEDIATE MEDICAL ATTENTION TO PREVENT DEATH OR SERIOUS
2 INJURY.

3 (2) THE PERSON REASONABLY BELIEVED HE WAS THE FIRST
4 PERSON TO MAKE A 911 CALL OR A CALL TO CAMPUS SAFETY, POLICE
5 OR EMERGENCY SERVICES, AND REPORT THAT A PERSON NEEDED
6 IMMEDIATE MEDICAL ATTENTION TO PREVENT DEATH OR SERIOUS
7 INJURY.

8 (3) THE PERSON PROVIDED HIS OWN NAME TO THE 911 OPERATOR
9 OR EQUIVALENT CAMPUS SAFETY, POLICE OR EMERGENCY OFFICER.

10 (4) THE PERSON REMAINED WITH THE PERSON NEEDING MEDICAL
11 ASSISTANCE UNTIL EMERGENCY HEALTH CARE PROVIDERS ARRIVED AND
12 THE NEED FOR HIS PRESENCE HAD ENDED.]

13 SECTION 3. TITLE 18 IS AMENDED BY ADDING A SECTION TO READ:
14 § 6308.1. SAFE HARBOR FOR VIOLATION OF SECTION 6308(A).

15 (A) IMMUNITY FOR THE INDIVIDUAL SEEKING MEDICAL ATTENTION
16 FOR ANOTHER.--AN INDIVIDUAL SHALL NOT BE PROSECUTED FOR AN
17 OFFENSE UNDER SECTION 6308(A) (RELATING TO PURCHASE,
18 CONSUMPTION, POSSESSION OR TRANSPORTATION OF LIQUOR OR MALT OR
19 BREWED BEVERAGES) IF THE INDIVIDUAL CAN ESTABLISH ALL OF THE
20 FOLLOWING:

21 (1) A LAW ENFORCEMENT OFFICER FIRST BECAME AWARE OF THE
22 INDIVIDUAL'S VIOLATION OF SECTION 6308(A) BECAUSE THE
23 INDIVIDUAL PLACED A 911 CALL OR CONTACTED CAMPUS SECURITY,
24 POLICE OR EMERGENCY SERVICES, BASED ON A REASONABLE BELIEF
25 THAT ANOTHER INDIVIDUAL WAS IN NEED OF IMMEDIATE MEDICAL
26 ATTENTION TO PREVENT DEATH OR SERIOUS BODILY INJURY.

27 (2) THE INDIVIDUAL REASONABLY BELIEVED THE INDIVIDUAL
28 WAS THE FIRST INDIVIDUAL TO MAKE A 911 CALL OR CONTACT CAMPUS
29 SECURITY, POLICE OR EMERGENCY SERVICES AND REPORT THAT THE
30 OTHER INDIVIDUAL NEEDED IMMEDIATE MEDICAL ATTENTION TO

1 PREVENT DEATH OR SERIOUS BODILY INJURY.

2 (3) THE INDIVIDUAL PROVIDED THE INDIVIDUAL'S OWN NAME TO
3 THE 911 OPERATOR OR EQUIVALENT CAMPUS SECURITY OFFICER,
4 POLICE OR EMERGENCY SERVICES PERSONNEL.

5 (4) THE INDIVIDUAL REMAINED WITH THE OTHER INDIVIDUAL
6 NEEDING MEDICAL ASSISTANCE UNTIL A CAMPUS SECURITY OFFICER,
7 POLICE OR EMERGENCY SERVICES PERSONNEL ARRIVED AND THE NEED
8 FOR THE INDIVIDUAL'S PRESENCE ENDED.

9 (B) IMMUNITY FOR THE INDIVIDUAL NEEDING MEDICAL ATTENTION.--
10 AN INDIVIDUAL NEEDING MEDICAL ATTENTION SHALL BE IMMUNE UNDER
11 THIS SECTION FROM PROSECUTION FOR AN OFFENSE UNDER SECTION
12 6308(A) IF ANOTHER INDIVIDUAL REPORTED THE INCIDENT AND REMAINED
13 WITH THE INDIVIDUAL NEEDING MEDICAL ATTENTION AND IS ENTITLED TO
14 IMMUNITY UNDER THIS SECTION.

15 (C) LIMITATIONS.--THE IMMUNITY DESCRIBED UNDER THIS SECTION
16 SHALL BE LIMITED AS FOLLOWS:

17 (1) THIS SECTION MAY NOT BAR PROSECUTING A PERSON FOR AN
18 OFFENSE UNDER SECTION 6308(A) IF A LAW ENFORCEMENT OFFICER
19 LEARNS OF THE OFFENSE PRIOR TO AND INDEPENDENT OF THE ACTION
20 OF SEEKING OR OBTAINING EMERGENCY ASSISTANCE AS DESCRIBED IN
21 SUBSECTION (A).

22 (2) THIS SECTION SHALL NOT INTERFERE WITH OR PREVENT THE
23 INVESTIGATION, ARREST, CHARGING OR PROSECUTION OF AN
24 INDIVIDUAL FOR A CRIME OTHER THAN AN OFFENSE UNDER SECTION
25 6308(A).

26 (3) THIS SECTION SHALL NOT BAR THE ADMISSIBILITY OF
27 EVIDENCE IN CONNECTION WITH THE INVESTIGATION AND PROSECUTION
28 FOR A CRIME OTHER THAN AN OFFENSE UNDER SECTION 6308(A).

29 (4) THIS SECTION SHALL NOT BAR THE ADMISSIBILITY OF
30 EVIDENCE IN CONNECTION WITH THE INVESTIGATION AND PROSECUTION

1 OF A CRIME WITH REGARD TO ANOTHER DEFENDANT WHO DOES NOT
2 INDEPENDENTLY QUALIFY FOR IMMUNITY UNDER THIS SECTION.

3 (D) GOOD FAITH IMMUNITY.--IN ADDITION TO ANY OTHER
4 APPLICABLE IMMUNITY OR LIMITATION ON CIVIL LIABILITY, A LAW
5 ENFORCEMENT OFFICER, CAMPUS SECURITY OFFICER OR PROSECUTING
6 ATTORNEY WHO, ACTING IN GOOD FAITH, CHARGES A PERSON WHO IS
7 THEREAFTER DETERMINED TO BE ENTITLED TO IMMUNITY UNDER THIS
8 SECTION SHALL NOT BE SUBJECT TO CIVIL LIABILITY FOR THE FILING
9 OF THE CHARGES.

10 (E) DEFINITIONS.--AS USED IN THIS SECTION, THE FOLLOWING
11 WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS
12 SUBSECTION UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:

13 "911 SYSTEM." A SYSTEM, INCLUDING ENHANCED 911 SERVICE AND A
14 WIRELESS E-911 SYSTEM, THAT PERMITS A PERSON DIALING 911 BY
15 TELEPHONE TO BE CONNECTED TO A PUBLIC SAFETY ANSWERING POINT,
16 VIA NORMAL TELEPHONE FACILITIES, FOR THE REPORTING OF POLICE,
17 FIRE, MEDICAL OR OTHER EMERGENCY SITUATIONS.

18 "CAMPUS SECURITY OFFICER." AN EMPLOYEE OF AN INSTITUTION OF
19 HIGHER EDUCATION CHARGED WITH MAINTAINING THE SAFETY AND
20 SECURITY OF THE PROPERTY OF THE INSTITUTION AND PERSONS ON THE
21 PROPERTY.

22 "EMERGENCY SERVICES PERSONNEL." INDIVIDUALS, INCLUDING A
23 TRAINED VOLUNTEER OR A MEMBER OF THE ARMED FORCES OF THE UNITED
24 STATES OR THE NATIONAL GUARD, WHOSE OFFICIAL OR ASSIGNED
25 RESPONSIBILITIES INCLUDE PERFORMING OR DIRECTLY SUPPORTING THE
26 PERFORMANCE OF EMERGENCY MEDICAL AND RESCUE SERVICES OR
27 FIREFIGHTING.

28 "LAW ENFORCEMENT OFFICER." A PERSON WHO BY VIRTUE OF THE
29 PERSON'S OFFICE OR PUBLIC EMPLOYMENT IS VESTED BY LAW WITH A
30 DUTY TO MAINTAIN PUBLIC ORDER OR TO MAKE ARRESTS FOR OFFENSES,

1 WHETHER THAT DUTY EXTENDS TO ALL OFFENSES OR IS LIMITED TO
2 SPECIFIC OFFENSES, OR A PERSON ON ACTIVE STATE DUTY UNDER 51
3 PA.C.S. § 508 (RELATING TO ACTIVE DUTY FOR EMERGENCY).

4 Section 2 4. Section 5803(a) of Title 42 is amended by <--
5 adding a paragraph to read:

6 § 5803. Asset forfeiture.

7 (a) Applicability.--Notwithstanding any law to the contrary,
8 this section shall apply to forfeitures conducted under the
9 following:

10 * * *

11 ~~(3.1) 18 Pa.C.S. § 2804 (relating to organizational~~ <--
12 ~~hazing) 2807 (RELATING TO FORFEITURE).~~ <--

13 * * *

14 Section 3 5. Repeals are as follows: <--

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

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

20 Section 4 6. The addition of 18 Pa.C.S. Ch. 28 is a <--
21 continuation of the act of December 15, 1986 (P.L.1595, No.175),

22 known as the Antihazing Law. Except as otherwise provided in 18
23 Pa.C.S. Ch. 28, all activities AND DUTIES initiated under the <--

24 Antihazing Law shall continue and remain in full force and
25 effect and may be completed under 18 Pa.C.S. Ch. 28. Orders,
26 regulations, rules and decisions which were made under the
27 Antihazing Law and which are in effect on the effective date of
28 this section shall remain in full force and effect until
29 revoked, vacated or modified under 18 Pa.C.S. Ch. 28.

30 Prosecutions and policies entered into under the Antihazing Law

1 are not affected nor impaired by the repeal of the Antihazing
2 Law.

3 Section ~~5~~ 7. The addition of 18 Pa.C.S. Ch. 28 and 42 <--
4 Pa.C.S. § 5803(a)(3.1) shall apply to causes of action which
5 accrue on or after the effective date of this section.

6 SECTION 8. THIS AMENDATORY ACT SHALL BE REFERRED TO AS THE <--
7 "TIMOTHY J. PIAZZA ANTIHAZING LAW."

8 Section ~~6~~ 9. This act shall take effect in 30 days. <--