

1 AN ACT relating to hazing.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 508 IS CREATED TO
4 READ AS FOLLOWS:

5 *As used in Sections 1 to 4 of this Act, unless the context requires otherwise:*

6 *(1) "Hazing" means an action which endangers the mental or physical health of a*
7 *minor or a student for the purpose of initiation into, affiliation with, or*
8 *enhancing membership or status within any organization, including but not*
9 *limited to actions which cause, coerce, or force a minor or a student to do any of*
10 *the following:*

11 *(a) Violate federal or state criminal law;*

12 *(b) Consume any food, liquid, alcoholic liquid, drug, or other controlled*
13 *substance which subjects the minor or student to a risk of mental harm or*
14 *physical injury;*

15 *(c) Endure brutality of a physical nature, including whipping, beating,*
16 *branding, or exposure to the elements;*

17 *(d) Endure brutality of a mental nature, including personal servitude, sleep*
18 *deprivation, or circumstances which would cause a reasonable person to*
19 *suffer substantial mental distress;*

20 *(e) Endure brutality of a sexual nature; or*

21 *(f) Endure any other activity that creates a reasonable likelihood of physical*
22 *injury to the minor or student;*

23 *(2) "Student" means an individual enrolled in a public or private school or*
24 *postsecondary program of study; and*

25 *(3) "Organization" means a number of persons who are associated with a school or*
26 *postsecondary education institution and each other, including a student*
27 *organization, fraternity, sorority, association, corporation, order, society, corps,*

1 club, or similar group.

2 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 508 IS CREATED TO
3 READ AS FOLLOWS:

4 (1) A person is guilty of hazing in the first degree when he or she wantonly causes
5 serious physical injury or death or extreme mental distress to a minor or student
6 by an act of hazing.

7 (2) It shall not be a defense under this section that:

8 (a) The consent of the minor or student was sought or obtained; or

9 (b) The conduct was sanctioned or approved by an organization.

10 (3) Hazing in the first degree is a Class C felony.

11 ➔SECTION 3. A NEW SECTION OF KRS CHAPTER 508 IS CREATED TO
12 READ AS FOLLOWS:

13 (1) A person is guilty of hazing in the second degree when he or she recklessly causes
14 physical injury or mental distress to a minor or student by an act of hazing.

15 (2) It shall be a defense under this section that the physical injury arose from
16 reasonable and customary athletic competitions or events, law enforcement
17 training, or military training.

18 (3) It shall not be a defense under this section that:

19 (a) The consent of the minor or student was sought or obtained; or

20 (b) The conduct was sanctioned or approved by an organization.

21 (4) Hazing in the second degree is a Class D felony.

22 ➔SECTION 4. A NEW SECTION OF KRS CHAPTER 508 IS CREATED TO
23 READ AS FOLLOWS:

24 (1) A person is guilty of hazing in the third degree when he or she recklessly engages
25 in hazing a minor or student.

26 (2) It shall be a defense under this section that the act was part of reasonable and
27 customary athletic competitions or events, law enforcement training, or military

- 1 training.
- 2 (3) It shall not be a defense under this section that:
- 3 (a) The consent of the minor or student was sought or obtained; or
- 4 (b) The conduct was sanctioned or approved by an organization.
- 5 (4) Hazing in the third degree is a Class A misdemeanor.