

Regular Session, 2004

SENATE BILL NO. 16

BY SENATOR B. GAUTREAUX

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AN ACT

To enact R.S. 17:183, relative to the hazing of students; to provide for legislative intent; to provide definitions; to prohibit hazing; to require city, parish, and other local public school boards to adopt, enforce, and post hazing policies; to provide for the required content of such policies; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:183 is hereby enacted to read as follows:

§183. Hazing; public elementary and secondary students; intent and findings; definitions; policies

R.S. 17:183 is all new law.

A.(1) It is the intent of the legislature that every public elementary and secondary school in this state shall be a safe, orderly, civil, and positive learning environment so that no student in this state feels threatened while in school.

(2) The legislature finds that while some forms of initiation for membership in student clubs and organizations constitute acceptable behavior, the hazing of students may degenerate into a dangerous form of intimidation and degradation.

B.(1) As used in this Section, "hazing" means any knowing behavior, whether by commission or omission, of any student to encourage, direct, order, or participate in any activity which subjects another student to potential physical, mental, or psychological harm for the purpose of initiation or admission into, affiliation with, continued membership in, or acceptance by existing members of any organization or

1 extracurricular activity at a public elementary or secondary school, whether such
2 behavior is planned or occurs on or off school property, including any school bus and
3 school bus stop.

4 (2) Hazing does not mean any adult-directed and school-sanctioned athletic
5 program practice or event or military training program.

6 C. Hazing is prohibited in public elementary and secondary schools.

7 D.(1) Each city, parish, and other local public school board shall develop,
8 adopt, and post a policy to enforce the prohibition in this Section against hazing and
9 to prevent its occurrence.

10 (2) Each such policy shall include, at a minimum, the following:

11 (a) A statement that hazing of students, as defined in Subsection B of this
12 Section, is prohibited.

13 (b) A statement that any solicitation to engage in hazing is prohibited.

14 (c) A statement that aiding and abetting another person who engages in
15 hazing is prohibited.

16 (d) A statement that consent of the hazing victim is not a defense.

17 (e) A statement that all students, teachers, and other school employees shall
18 take reasonable measures within the scope of their individual authority to prevent
19 violations of the policy.

20 (f) A description of the procedures for students, teachers, and other school
21 employees to report violations of the policy and the procedures to file a complaint for
22 a violation of the policy.

23 (g) Procedures to investigate reports or complaints of violations of the policy.

24 (h) A description of the circumstances under which a violation of the policy
25 shall be reported to the appropriate law enforcement agency.

26 (i) A description of the appropriate penalties and appeal mechanisms for
27 persons that violate the policy.

28 E. Nothing in this Section shall be construed to limit or exclude prosecution
29 of or punishment for any crime or to limit the right to pursue any civil remedy.

1 Section 2. This Act shall become effective upon signature by the governor or, if not
2 signed by the governor, upon expiration of the time for bills to become law without signature
3 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
4 vetoed by the governor and subsequently approved by the legislature, this Act shall become
5 effective on the day following such approval.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____