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SENATE BILL NO. 864

Offered January 8, 2003

Prefiled January 7, 2003

*A BILL to amend and reenact § 18.2-56 of the Code of Virginia, relating to hazing.*

Patron—Saslaw

Referred to Committee for Courts of Justice

**Be it enacted by the General Assembly of Virginia:**

**1. That § 18.2-56 of the Code of Virginia is amended and reenacted as follows:**

§ 18.2-56. Hazing unlawful; civil and criminal liability; duty of school, etc., officials.

It shall be unlawful to haze, or otherwise mistreat so as to cause bodily injury, any student at any school, college, or university.

Any person found guilty thereof shall be guilty of a Class 1 misdemeanor, unless the injury would be such as to constitute a felony, and in that event the punishment shall be inflicted as is otherwise provided by law for the punishment of such felony.

Any person receiving bodily injury by hazing or mistreatment shall have a right to sue, civilly, the person or persons guilty thereof, whether adults or infants.

The president, or other presiding official of any school, college or university, receiving appropriations from the state treasury shall, upon satisfactory proof of the guilt of any student found guilty of hazing or mistreating another student so as to cause bodily injury, ~~expel~~ *sanction and discipline* such student or students so found guilty; ~~and in accordance with the institution's policies and procedures. The institution's policies and procedures shall provide for expulsions or other appropriate discipline based on the facts and circumstances of each case. The president or other presiding official of any school, college or university, receiving appropriations from the state treasury, shall make report thereof of such hazing or mistreating of another student so as to cause bodily injury to the attorney for the Commonwealth of the county or city in which such school, college or university is, who shall present the same to the grand jury of such city or county convened next after such report is made to him.~~

*For the purposes of this section, "hazing or otherwise mistreating so as to cause bodily injury" means to recklessly or intentionally endanger the health or safety of a student or students in connection with or for the purpose of initiation, admission into or affiliation with or as a condition for continued membership in a club, organization, association, fraternity, sorority, or student body that causes or results in bodily injury regardless of whether the student or students so injured participated voluntarily in the relevant activity.*

*The provisions of this section shall be in addition to and not in lieu of or to supercede any other applicable federal or state law or local ordinance, including, but not limited to, criminal laws on assault, assault and battery, bodily wounding, sexual assault, and the unlawful possession, purchasing, handling, or furnishing of alcohol, controlled substances or marijuana, firearms or other weapons.*

INTRODUCED

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