

2003 SESSION

SENATE SUBSTITUTE

030649536

SENATE BILL NO. 864

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee for Courts of Justice
on January 22, 2003)

(Patron Prior to Substitute—Senator Saslaw)

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

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~~ *constitutes* a felony, ~~and in that event which case 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 ~~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 such hazing 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 take such action as he deems appropriate.~~ *expel, sanction and discipline* such student *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 such hazing 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 take such action as he deems appropriate.*

For the purposes of this section, "hazing " 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 regardless of whether the student or students so endangered participated voluntarily in the relevant activity.

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