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SENATE BILL NO. 448

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee for Courts of Justice
on January 29, 2014)

(Patron Prior to Substitute—Senator Norment)

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

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; penalty.

It shall be unlawful to haze 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.

Any person receiving bodily injury by hazing 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 hazing another student, sanction and discipline such student 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 *and shall be consistent with the model policies established by the Department of Education or the State Council of Higher Education for Virginia, as applicable.* The president or other presiding official of any school, college or university receiving appropriations from the state treasury shall report hazing which causes bodily injury to the attorney for the Commonwealth of the county or city in which such school, college or university is, who shall 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 or to inflict bodily injury on 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 or injured participated voluntarily in the relevant activity.

2. That the Department of Education, the State Council of Higher Education for Virginia, and the Department of Criminal Justice Services shall establish model policies regarding the prevention of and appropriate disciplinary action for hazing as defined in § 18.2-56 of the Code of Virginia.