

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

Enrolled

Senate Bill 440

BY SENATORS PREZIOSO, BEACH, BLAIR, CLEMENTS,
IHLENFELD, MARONEY, SMITH, STOLLINGS, SYPOLT,
TAKUBO, TRUMP, HAMILTON, JEFFRIES, HARDESTY,
BALDWIN, AND ROMANO

[Passed February 28, 2019; in effect 90 days from
passage]

1 AN ACT to amend and reenact §18-16-2 of the Code of West Virginia, 1931, as amended, relating
2 to the Antihazing Law; and modifying the definition of “hazing” to address any type of
3 organization whose members include students at any public or private institution of higher
4 education.

Be it enacted by the Legislature of West Virginia:

ARTICLE 16. ANTIHAZING LAW.

§18-16-2. Definitions.

1 (a) “Hazing” means to cause any action or situation which recklessly or intentionally
2 endangers the mental or physical health or safety of another person or persons or causes another
3 person or persons to destroy or remove public or private property for the purpose of initiation or
4 admission into, or affiliation with, or as a condition for continued membership in, any organization
5 whose members include students of an institution of higher education. The term includes, but is
6 not limited to, any brutality of a physical nature, such as whipping, beating, branding, forced
7 consumption of any food, liquor, drug, or other substance, or any other forced physical activity
8 which could adversely affect the physical health and safety of the individual or individuals, and
9 includes any activity which would subject the individual or individuals to extreme mental stress,
10 such as sleep deprivation, forced exclusion from social contact, forced conduct which could result
11 in extreme embarrassment, or any other forced activity which could adversely affect the mental
12 health or dignity of the individual or individuals, or any willful destruction or removal of public or
13 private property: *Provided*, That the implied or expressed consent or willingness of a person or
14 persons to hazing shall not be a defense under this section.

15 (b) “Institution of higher education” or “institution” means any public or private institution
16 as defined in §18B-1-2 of this code.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

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Chairman, Senate Committee

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Chairman, House Committee

Originated in the Senate.

In effect 90 days from passage.

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Clerk of the Senate

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Clerk of the House of Delegates

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President of the Senate

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Speaker of the House of Delegates

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Day of, 2019.

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Governor