

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

Introduced

Senate Bill 440

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

[Introduced January 28, 2019; Referred
to the Committee on the Judiciary]

1 A BILL 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 ~~operating under the sanction of or recognized as an organization by~~ whose members include
6 students of an institution of higher education. The term includes, but is not limited to, any brutality
7 of a physical nature, such as whipping, beating, branding, forced consumption of any food, liquor,
8 drug, or other substance, or any other forced physical activity which could adversely affect the
9 physical health and safety of the individual or individuals, and includes any activity which would
10 subject the individual or individuals to extreme mental stress, such as sleep deprivation, forced
11 exclusion from social contact, forced conduct which could result in extreme embarrassment, or
12 any other forced activity which could adversely affect the mental health or dignity of the individual
13 or individuals, or any willful destruction or removal of public or private property: *Provided*, That
14 the implied or expressed consent or willingness of a person or persons to hazing shall not be a
15 defense under this section.

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

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NOTE: The purpose of this bill is to modify the definition of hazing to address any type of organization whose members include students at any public or private institution of higher education.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.