

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

Introduced

House Bill 2520

FISCAL
NOTE

BY DELEGATE WALKER, FLEISCHAUER, HANSEN, ESTEP-
BURTON, LONGSTRETH, PYLES, ANGELUCCI, WORRELL,
SYPOLT, AZINGER AND SUMMERS

[Introduced January 18, 2019; Referred
to the Committee on Education.]

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; 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.

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.