

# **WEST VIRGINIA LEGISLATURE**

**2023 REGULAR SESSION**

**Introduced**

## **House Bill 3390**

By Delegate Walker

[Introduced February 13, 2023; 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 to  
 2 the Antihazing Law; modifying the definition of hazing to address any type of organization  
 3 whose members include students at any public or private institution of higher education.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 16. ANTIHAZING LAW.**

**§18-16-2. Definitions.**

1 As used in this article:

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

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

19           (3) "Organization" means any fraternity, sorority, association, corporation, order, society,  
20 corps, club, or similar group, or a national or international affiliate thereof, the membership of  
21 which is primarily made up of students or alumni of an institution of higher education.

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.