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Strasbaugh
4/9/13

CS FOR HOUSE BILL NO. 189()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-EIGHTH LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVES KREISS-TOMKINS, Millett, Tuck, Costello, Gruenberg, Kerttula, Herron, Nageak, Gattis

A BILL
FOR AN ACT ENTITLED

"An Act relating to hazing."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

*** Section 1.** AS 11.61 is amended by adding a new section to read:

Sec. 11.61.115. Hazing. (a) A person commits the crime of hazing if the person knowingly engages in an act or causes a situation that subjects a student to a substantial risk of serious physical injury for the purpose of initiation into or affiliation with an organization operating in connection with an elementary, junior high, secondary, or postsecondary school.

(b) This section does not apply to an act or situation that arises from conduct that is reasonably expected to occur when participating in an athletic, physical education, military training, or similar program sanctioned by a school.

(c) It is not a defense to a prosecution for a crime under this section that the individual against whom the act or situation was directed consented to or acquiesced in the act or situation.

(d) In this section, "organization" means a fraternity, sorority, association,

corporation, order, society, corps, cooperative, club, service group, social group, faith-based group, athletic team, or similar group whose members are primarily students.

(e) Hazing is a class A misdemeanor.

* **Sec. 2.** AS 14.33.200(a) is amended to read:

(a) **Each** [BY JULY 1, 2007, EACH] school district shall adopt a policy that prohibits the **hazing**, harassment, intimidation, or bullying of any student. Each school district shall share this policy with parents or guardians, students, volunteers, and school employees.

* **Sec. 3.** AS 14.33.200(b) is amended to read:

(b) The policy must be adopted through the standard policy-making procedure for each district that includes the opportunity for participation by parents or guardians, school employees, volunteers, students, administrators, and community representatives. The policy must emphasize positive character traits and values, including the importance of civil and respectful speech and conduct, and the responsibility of students to comply with the district's policy prohibiting **hazing**, harassment, intimidation, or bullying. The policy must also include provisions for an appropriate punishment schedule up to and including expulsion and reporting of criminal activity to local law enforcement authorities. School employees, volunteers, students, and administrators shall adhere to this policy.

* **Sec. 4.** AS 14.33.200(c) is amended to read:

(c) **The** [BY JANUARY 1, 2007, THE] department, in consultation with representatives of parents or guardians, school personnel, and other interested parties, may provide to school districts a model **hazing**, harassment, intimidation, and bullying prevention policy and training materials on the components that should be included in a district policy. Training materials may be disseminated in a variety of ways, including workshops and other staff developmental activities, and through the Internet website of the department. Materials included on the Internet website must include the model policy and recommended training and instructional materials. The department may provide a link to the school district's Internet website for further information.

* **Sec. 5.** AS 14.33.210 is amended to read:

Sec. 14.33.210. Reporting of incidents of hazing, harassment, intimidation,

1 **or bullying. Each** [BEGINNING WITH THE 2007 - 2008 SCHOOL YEAR, EACH]
2 school district shall report to the department by November 30 all incidents resulting in
3 suspension or expulsion for **hazing**, harassment, intimidation, or bullying on school
4 premises, [OR] on transportation systems used by schools, **or at school sponsored or**
5 **school sanctioned activities** in the school year preceding the report. The department
6 shall compile the data and report **the results** [IT] to the appropriate committees of the
7 Alaska House of Representatives and the Senate.

8 * **Sec. 6.** AS 14.33.220(a) is amended to read:

9 (a) A school employee, student, or volunteer may not engage in reprisal,
10 retaliation, or false accusation against a victim, witness, or person with reliable
11 information about an act of **hazing**, harassment, intimidation, or bullying.

12 * **Sec. 7.** AS 14.33.220(b) is amended to read:

13 (b) A school employee, student, or volunteer who has witnessed, or has
14 reliable information that a student has been subjected to **hazing**, harassment,
15 intimidation, or bullying, whether verbal or physical, shall report the incident to an
16 appropriate school official; **failure to report shall result in appropriate disciplinary**
17 **action.**

18 * **Sec. 8.** AS 14.33.220(c) is amended to read:

19 (c) This section does not prohibit discipline or other adverse action taken in
20 compliance with school district policies against a person who falsely and in bad faith
21 accuses a person of engaging in **hazing**, harassment, intimidation, or bullying or who
22 intentionally provides false information in connection with an investigation of an
23 alleged incident of **hazing**, harassment, intimidation, or bullying.

24 * **Sec. 9.** AS 14.33.230 is amended to read:

25 **Sec. 14.33.230. Immunity from suit.** A school employee, student, or
26 volunteer who reports an incident of **hazing**, harassment, intimidation, or bullying to a
27 school official and who makes this report in good faith is immune from a cause of
28 action for damages arising from a failure to remedy the reported incident or for
29 making the report.

30 * **Sec. 10.** AS 14.33.250 is amended by adding new paragraphs to read:

31 (4) "hazing" means an act knowingly committed that subjects a student

1 to the risk of physical injury or severe mental or emotional injury, or injures a student,
2 or the student's property, for the purpose of initiation into or affiliation with an
3 organization operating in connection with an elementary, junior high, or secondary
4 school, but does not include an act or situation that is reasonably expected to occur
5 when participating in an athletic, physical education, military training, or similar
6 program sponsored or sanctioned by an elementary, junior high, or secondary school;
7 (5) "organization" means a fraternity, sorority, association, corporation, order, society, corps,
8 cooperative, club, service group, social group, faith-based group, athletic team, musical
9 group, or similar group connected with an elementary, junior high, or secondary school whose
10 members are primarily students.