

SENATE BILL NO. 91

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-EIGHTH LEGISLATURE - FIRST SESSION

BY SENATORS FAIRCLOUGH, Dyson

Introduced: 3/29/13

Referred: Education, Judiciary

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to hazing."**

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

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

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

9 (b) This section does not apply to an act or situation that is normal and
10 customary in an athletic, physical education, military training, or similar program
11 sanctioned by a school.

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

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

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

3 (e) Except as provided in (f) of this section, hazing is a class A misdemeanor.

4 (f) Hazing is a class B felony if the person causes death or serious physical
5 injury.

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

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

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

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

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

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

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

2 **Sec. 14.33.210. Reporting of incidents of hazing, harassment, intimidation,**
 3 **or bullying. Each** [BEGINNING WITH THE 2007 - 2008 SCHOOL YEAR, EACH]
 4 school district shall report to the department by November 30 all incidents resulting in
 5 suspension or expulsion for hazing, harassment, intimidation, or bullying on school
 6 premises, [OR] on transportation systems used by schools, **or at school sponsored or**
 7 **school sanctioned activities** in the school year preceding the report. The department
 8 shall compile the data and report it to the appropriate committees of the Alaska House
 9 of Representatives and the Senate.

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

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

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

15 (b) A school employee, student, or volunteer who has witnessed, or has
 16 reliable information that a student has been subjected to hazing, harassment,
 17 intimidation, or bullying, whether verbal or physical, shall report the incident to an
 18 appropriate school official.

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

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

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

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

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

1 (4) "hazing" means an intentional act that subjects a student to the risk
2 of physical injury or severe mental or emotional injury, or injures a student, or the
3 student's property, for the purpose of initiation into or affiliation with an organization
4 operating in connection with an elementary, junior high, or secondary school, but does
5 not include an act or situation that is normal and customary in an athletic, physical
6 education, military training, or similar program sponsored or sanctioned by an
7 elementary, junior high, or secondary school;

8 (5) "organization" means a fraternity, sorority, association,
9 corporation, order, society, corps, cooperative, club, service group, social group,
10 athletic team, musical group, or similar group connected with an elementary, junior
11 high, or secondary school whose members are primarily students.