

**HB**

**189**

<TARGET><BILL>HB 189</BILL><SUBJECT>HB  
189</SUBJECT><COMM>HEDC28</COMM></TARGET>

**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**

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 a  
6 substantial risk of serious physical injury for the purpose of initiation into or affiliation  
7 with an organization operating in connection with an elementary, junior high,  
8 secondary, or postsecondary school.

9 (b) This section does not apply to an act or situation that arises from conduct  
10 that is reasonably expected to occur when participating in an athletic, physical  
11 education, military training, or similar program 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, faith-  
2 based group, athletic team, or similar group whose members are primarily students.

3 (e) Hazing is a class A misdemeanor.

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

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

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

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

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

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

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

31 **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.

# ALASKA STATE LEGISLATURE

*Representative Jonathan Kreiss-Tomkins*

House District 34

rep.jonathan.kreiss-tomkins@akleg.gov

Committees:

Transportation  
Fisheries  
State Affairs



State Capitol, Room 426  
Juneau, Alaska 99801-1182

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## **HB 189: Hazing Sponsor Statement**

More than one in ten victims of hazing express a desire for revenge, according to Professor Norm Pollard of Alfred University, who authored one of the first thorough studies of hazing in 1999. Hazing does not stop with the act itself, but engenders more hazing, abuse, and even suicide.

One in five American high school students admits to being directly involved in hazing their peers. Most stories go unreported. Those that surface are reminders of the harsh acts students can carry out on one another. The Juneau Empire reported in December 2008, for example, that Juneau high school athletes returned from a meet with “frostbitten hands and welts on backsides” that were the result of “being ordered to hold onto ice until the skin burned” and “being held down and paddled by a group of students.”

Professor Pollard says that public evidence of hazing usually points to an abundance of similar acts taking place in private. The same vicious cycles that underwrite bullying, harassment, and abuse also perpetuate hazing. Victims in turn haze others—or, worse, act destructively towards themselves. Alaska is one of only six states where hazing is not a crime.

HB 189 defines hazing and expands school district policies to include hazing. The bill prohibits reprisal against witnesses and grants immunity to those who report incidents of hazing in good faith, in order to bring to light the acts that do happen. These provisions already exist in law for harassment, intimidation, and bullying in schools. Our bill extends these sections to hazing. The bill also makes hazing a class A misdemeanor. Acts that result in serious injury or death are class B felonies.

The majority of states have recognized that schools, educators, and communities are together responsible for protecting students from hazing. This bill is a strong step towards ensuring our students are safe.

ALASKA STATE LEGISLATURE

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**HB 189: Hazing**  
**Relevant Definitions Currently in Statute**

In AS 14.33.200 - 14.33.250,

(1) "district" has the meaning given in AS 14.17.990;

(2) "harassment, intimidation, or **bullying**" means an intentional written, oral, or physical act, when the act is undertaken with the intent of threatening, intimidating, harassing, or frightening the student, and

(A) physically harms the student or damages the student's property;

(B) has the effect of substantially interfering with the student's education;

(C) is so severe, persistent, or pervasive that it creates an intimidating or threatening educational environment; or

(D) has the effect of substantially disrupting the orderly operation of the school;

(3) "school official" means an employee of a school, including a teacher, administrator, or noncertificated support staff or paraprofessional.

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## **HB 189: Hazing** **Explanation of Versions**

**Version A:** Original draft

**Version U:** Deleted duplicate Section 7, which reduced bill to 10 sections

**Version N:** Added "or affiliation with" on page 1, line 6, and page 4, line 3. This expands the definition to include not only acts for initiation into a group, but related to membership in any way.

# ALASKA STATE LEGISLATURE

*Representative Jonathan Kreiss-Tomkins*

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Juneau, Alaska 99801-1182

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## **HB 189: Hazing**

### **Explanation of Versions**

**Version A:** Original draft

**Version U:** Deleted duplicate Section 7, which reduced bill to 10 sections

**Version N:** Added "or affiliation with" on page 1, line 6, and page 4, line 3. This expands the definition to include not only acts for initiation into a group, but related to membership in any way.

**Version O: Section 1-** Removed "risk of physical injury" changed to "substantial risk of serious physical injury" on page 1, line 6. This was done to better reflect the language for reckless endangerment.

Deleted class b felony provision on the bill.

**Section 1(b)** deleted reference to "normal and customary" and replaced it with "conduct that is reasonably expected to occur when participating in athletic physical education, military training, or similar programs". This will provide a caveat to the definition of hazing.

**Section 7-** Added language that failure to report "shall" result in appropriate disciplinary action.

**Section 10-** The burden of proof of hazing was changed from "intentional act" to "knowingly" to correspond to the proof required in section one of the bill.

Changed language from "normal and customary" to "an act or situation that is reasonably expected to occur" on page 4, line 4. This is a conforming change.

# ALASKA STATE LEGISLATURE

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## **HB 189: Hazing Sectional Analysis**

**Sec 1.** Adds to AS 11.61. Subsection (a) defines hazing for as a crime. Section includes related provisions:

- **Sub (b)** exempts athletic or military programs that and are normal, customary, and sanctioned.
- **Sub (c)** prohibits consent of the victim as a defense against hazing.
- **Sub (d)** defines “organization” as one of a variety of groups whose members are primarily students.
- **Sub (e)** makes hazing a class A misdemeanor.
- **Sub (f)** makes hazing causing death or serious physical injury a class B felony.

*All further sections amend AS 14.33.200 - AS 14.33.250*

**Sec 2.** Requires school districts to add hazing to current policy against harassment, intimidation, or bullying.

**Sec 3.** Adds hazing to section regarding the characteristics of and the process for developing school district policy.

**Sec 4.** Adds hazing to DOE model policy against harassment, intimidation, or bullying.

**Sec 5.** Amends reporting requirements to include hazing. Clarifies that schools are required to report any event sponsored or sanctioned by the school, which relates to the 2007 Supreme Court case *Morse v. Frederick* relating to school jurisdictional issues.

**Sec 6.** Extends protections from retaliation to victims and witnesses of hazing.

**Sec 7.** Extends reporting requirements to appropriate school officials to include acts of hazing.

**Sec 8.** Extends discipline against those accusing falsely and in bad faith, or providing false information, to include acts of hazing.

**Sec 9.** Extends immunity from suit for good faith whistleblowers to include acts of hazing.

**Sec 10.** Defines “hazing” and “organization” for the purpose of school policy. This definition of “hazing” broadens the criminal definition by including acts that subject students to risk of mental or emotional injury or damage of their property.

# Fiscal Note

State of Alaska  
2013 Legislative Session

Bill Version: HB 189  
Fiscal Note Number: \_\_\_\_\_  
( ) Publish Date: \_\_\_\_\_

Identifier: HB189-DOC-OC-04-05-13  
Title: HAZING  
Sponsor: KREISS-TOMKINS  
Requester: House Education

Department: Department of Corrections  
Appropriation: Administration and Support  
Allocation: Office of the Commissioner  
OMB Component Number: 694

**Expenditures/Revenues**

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2014 Appropriation Requested	Included in Governor's FY2014 Request	Out-Year Cost Estimates					
			FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019
<b>OPERATING EXPENDITURES</b>								
Personal Services								
Travel								
Services								
Commodities								
Capital Outlay								
Grants & Benefits								
Miscellaneous								
<b>Total Operating</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**Fund Source (Operating Only)**

None								
<b>Total</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**Positions**

Full-time								
Part-time								
Temporary								

<b>Change in Revenues</b>								
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Estimated SUPPLEMENTAL (FY2013) cost: 0.0

Estimated CAPITAL (FY2014) cost: 0.0

**ASSOCIATED REGULATIONS**

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No  
If yes, by what date are the regulations to be adopted, amended or repealed?

**Why this fiscal note differs from previous version:**

This is the original version of the bill.
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Prepared By: Kevin Worley, Director  
Division: Administrative Services, Department of Corrections  
Approved By: Leslie Houston, Deputy Commissioner  
Department of Corrections

Phone: (907)465-4641  
Date: 04/05/2013 04:30 PM  
Date: 04/05/13

FISCAL NOTE ANALYSIS

STATE OF ALASKA  
2013 LEGISLATIVE SESSION

BILL NO. HB 189

**Analysis**

This bill makes it a crime to engage in hazing. Hazing is defined as knowingly engaging or creating a situation which subjects a student to the risk of physical injury for the purpose of initiation into or affiliation with an organization operating in connection with an elementary, junior high, secondary, or post-secondary school. Hazing is a class B felony.

This bill is not expected to cause a dramatic increase in convictions which would result in incarceration and, therefore, this bill has zero fiscal impact on the Department.

# Fiscal Note

State of Alaska  
2013 Legislative Session

Bill Version: HB 189  
Fiscal Note Number: \_\_\_\_\_  
( ) Publish Date: \_\_\_\_\_

Identifier: HB189-EED-K12-3-28-13  
Title: HAZING  
Sponsor: KREISS-TOMKINS  
Requester: House Education Committee

Department: Department of Education and Early Development  
Appropriation: Teaching and Learning Support  
Allocation: Student and School Achievement  
OMB Component Number: 2796

## Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2014 Appropriation Requested	Included in Governor's FY2014 Request	Out-Year Cost Estimates					
			FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019
<b>OPERATING EXPENDITURES</b>								
Personal Services								
Travel								
Services								
Commodities								
Capital Outlay								
Grants & Benefits								
Miscellaneous								
<b>Total Operating</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

## Fund Source (Operating Only)

None								
<b>Total</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

## Positions

Full-time								
Part-time								
Temporary								

<b>Change in Revenues</b>								
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Estimated SUPPLEMENTAL (FY2013) cost: 0.0

Estimated CAPITAL (FY2014) cost: 0.0

## ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No  
If yes, by what date are the regulations to be adopted, amended or repealed?

## Why this fiscal note differs from previous version:

Initial version.

Prepared By:	Susan McCauley, Director	Phone:	(907)465-2857
Division	Division of Teaching & Learning Support	Date:	03/28/2013 12:00 AM
Approved By:	Mike Hanley	Date:	03/28/13
	Commissioner		

**FISCAL NOTE ANALYSIS**

**STATE OF ALASKA  
2013 LEGISLATIVE SESSION**

**BILL NO. HB189**

**Analysis**

The proposed legislation adds hazing to current statutory language related to harassment, intimidation, and bullying. It requires districts to include the prohibition of hazing in policy language, provide provisions for the punishment of hazing including suspension and expulsion, and to report data regarding incidences of hazing that result in suspension or expulsion. Additionally, it permits the Department of Education & Early Development (DEED) to provide to school districts policy recommendations, training materials, and internet resources related to hazing.

DEED intends to address these responsibilities through current positions resulting in a zero fiscal note.

# Fiscal Note

State of Alaska  
2014 Legislative Session

Bill Version: HB 189  
Fiscal Note Number: \_\_\_\_\_  
( ) Publish Date: \_\_\_\_\_

Identifier: HB189-DOA-PDA-03-28-14  
Title: HAZING  
Sponsor: KREISS-TOMKINS  
Requester: House Education

Department: Department of Administration  
Appropriation: Legal and Advocacy Services  
Allocation: Public Defender Agency  
OMB Component Number: 1631

**Expenditures/Revenues**

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2015	Included in	Out-Year Cost Estimates				
	Appropriation Requested	Governor's FY2015 Request	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
<b>OPERATING EXPENDITURES</b>	<b>FY 2015</b>	<b>FY 2015</b>	<b>FY 2016</b>	<b>FY 2017</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>FY 2020</b>
Personal Services	***		***	***	***	***	***
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
<b>Total Operating</b>	***	0.0	***	***	***	***	***

**Fund Source (Operating Only)**

None							
<b>Total</b>	***	0.0	***	***	***	***	***

**Positions**

Full-time							
Part-time							
Temporary							

<b>Change in Revenues</b>							
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**Estimated SUPPLEMENTAL (FY2014) cost:** 0.0 (separate supplemental appropriation required)  
*(discuss reasons and fund source(s) in analysis section)*

**Estimated CAPITAL (FY2015) cost:** 0.0 (separate capital appropriation required)  
*(discuss reasons and fund source(s) in analysis section)*

**ASSOCIATED REGULATIONS**

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No  
If yes, by what date are the regulations to be adopted, amended or repealed?

**Why this fiscal note differs from previous version:**

Not applicable, initial version
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Prepared By:	Quinlan Steiner, Public Defender	Phone:	(907)334-4414
Division:	Public Defender Agency	Date:	03/28/2014 10:00 AM
Approved By:	Curtis Thayer, Commissioner	Date:	03/28/14
Agency:	Department of Administration		

FISCAL NOTE ANALYSIS

STATE OF ALASKA  
2014 LEGISLATIVE SESSION

BILL NO. HB189

**Analysis**

HB189 Creates a new crime of hazing, prohibiting conduct that subjects a student to the risk of physical injury for the purpose of initiation or membership in an organization connected to an educational institution.

The Public Defender Agency cannot reliably predict the number of new cases this may generate. The agency, therefore, submits an indeterminate fiscal note.

# Fiscal Note

State of Alaska  
2014 Legislative Session

Bill Version: HB 189  
Fiscal Note Number: \_\_\_\_\_  
( ) Publish Date: \_\_\_\_\_

Identifier: HB189-DOA-OPA-03-28-14  
Title: HAZING  
Sponsor: KREISS-TOMKINS  
Requester: House Education

Department: Department of Administration  
Appropriation: Legal and Advocacy Services  
Allocation: Office of Public Advocacy  
OMB Component Number: 43

**Expenditures/Revenues**

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2015	Included in	Out-Year Cost Estimates				
	Appropriation Requested	Governor's FY2015 Request	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
<b>OPERATING EXPENDITURES</b>	<b>FY 2015</b>	<b>FY 2015</b>					
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
<b>Total Operating</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**Fund Source (Operating Only)**

None							
<b>Total</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**Positions**

Full-time							
Part-time							
Temporary							

<b>Change in Revenues</b>							
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**Estimated SUPPLEMENTAL (FY2014) cost:** 0.0 *(separate supplemental appropriation required)*  
*(discuss reasons and fund source(s) in analysis section)*

**Estimated CAPITAL (FY2015) cost:** 0.0 *(separate capital appropriation required)*  
*(discuss reasons and fund source(s) in analysis section)*

**ASSOCIATED REGULATIONS**

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No  
If yes, by what date are the regulations to be adopted, amended or repealed?

**Why this fiscal note differs from previous version:**

Not applicable, initial version

Prepared By: Rick Allen, Director  
Division: Office of Public Advocacy  
Approved By: Curtis Thayer, Commissioner  
Agency: Department of Administration

Phone: (907)334-4414  
Date: 03/28/2014 05:00 PM  
Date: 03/28/14

FISCAL NOTE ANALYSIS

STATE OF ALASKA  
2014 LEGISLATIVE SESSION

BILL NO. HB 189

**Analysis**

HB189 Creates a new crime of hazing, prohibiting conduct that subjects a student to the risk of physical injury for the purpose of initiation or membership in an organization connected to an educational institution.

The Office of Public Advocacy anticipates no fiscal impact and therefore submits a zero fiscal note.

# Fiscal Note

State of Alaska  
2014 Legislative Session

Bill Version: HB 189  
Fiscal Note Number: \_\_\_\_\_  
( ) Publish Date: \_\_\_\_\_

Identifier: HB189-LAW-CRIM-03-28-14  
Title: HAZING  
Sponsor: KREISS-TOMKINS  
Requester: (H) EDC

Department: Department of Law  
Appropriation: Criminal Division  
Allocation: Criminal Justice Litigation  
OMB Component Number: 2202

**Expenditures/Revenues**

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2015 Appropriation Requested	Included in Governor's FY2015 Request	Out-Year Cost Estimates				
			FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
<b>OPERATING EXPENDITURES</b>	<b>FY 2015</b>	<b>FY 2015</b>	<b>FY 2016</b>	<b>FY 2017</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>FY 2020</b>
Personal Services	***		***	***	***	***	***
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
<b>Total Operating</b>	***	0.0	***	***	***	***	***

**Fund Source (Operating Only)**

None							
<b>Total</b>	***	0.0	***	***	***	***	***

**Positions**

Full-time							
Part-time							
Temporary							

<b>Change in Revenues</b>							
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**Estimated SUPPLEMENTAL (FY2014) cost:** 0.0 *(separate supplemental appropriation required)*  
*(discuss reasons and fund source(s) in analysis section)*

**Estimated CAPITAL (FY2015) cost:** 0.0 *(separate capital appropriation required)*  
*(discuss reasons and fund source(s) in analysis section)*

**ASSOCIATED REGULATIONS**

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No  
If yes, by what date are the regulations to be adopted, amended or repealed?

**Why this fiscal note differs from previous version:**

Initial version, not applicable.

Prepared By:	Loretta Withington, Division Operations Manager	Phone:	(907)465-5427
Division:	Department of Law	Date:	03/28/2014 12:00 AM
Approved By:	Michael C. Geraghty, Attorney General	Date:	03/28/14
Agency:	Department of Law		

FISCAL NOTE ANALYSIS

STATE OF ALASKA  
2014 LEGISLATIVE SESSION

BILL NO. HB 189

**Analysis**

The bill requires school districts to adopt policies that would prohibit hazing of students. It also allows the state to assist school districts in developing materials to prevent hazing.

The bill adopts a new crime that prohibits hazing – by prohibiting a person from acting or causing a situation that subjects the student to a risk of physical injury for the purpose of initiation or affiliation with an organization that operates in connection with a school. The penalty would be a class A misdemeanor if physical harm occurs to a student, or a class B felony if a student dies.

The fiscal impact on the Department of Law is indeterminate because the number of cases arising under the new law cannot be estimated.

SUSAN LIPKINS, Ph.D.

LICENSED PSYCHOLOGIST

14 VANDERVENTER AVENUE, PORT WASHINGTON, N.Y. 11050

TEL: 516-521-2518 E-MAIL: SUSANLIPKINS@AOL.COM

March 25, 2012

To Whom It May Concern:

I am writing in support of legislation that makes hazing an illegal act in the state of Alaska. Unfortunately, hazing has become more frequent, more violent and more sexualized in the past decade. Hazing rituals often begin in high school and are then repeated in college and in the military.

Legislation is needed in order to educate students, parents, and school personnel about hazing. Policies must address this issue in order to protect all students in Alaska.

I am a psychologist and the author of *Preventing Hazing: How Parents, Teachers and Coaches Can Stop the Violence, Harassment and Humiliation*. I am an expert in the field of hazing and in conflict and violence on campus.

Please feel free to contact me should further information be necessary.

Sincerely,

Dr. Susan Lipkins



R. Brian Crow, Ed.D.  
Professor  
Department of Sport Management

227 West Gym  
Slippery Rock, PA 16057-1326  
724.738.2392  
724.738.4858 FAX  
brian.crow@sru.edu

April 4, 2013

Representative Jonathan Kreiss-Tomkins  
Alaska State Legislature

Mr. Kreiss-Tomkins,

I was pleased to learn of your sponsorship of HB 189, which would make hazing a crime in the state of Alaska. As you know, hazing is already considered a criminal act in forty-four states, and your proposed legislation will hopefully raise awareness and strengthen prevention of hazing in schools across the state.

As a researcher and anti-hazing presenter at nearly 50 schools, colleges, and universities in the past several years, I can confirm that students and student-athletes, coaches, teachers, parents, and administrators pay increased attention to the consequences of hazing activity when they are legislatively supported.

I applaud your efforts in proposing HB 189, and wholeheartedly support the passage of this important legislation.

Respectfully,

R Brian Crow, Ed.D.  
Professor – Sport Management

# ALASKA STATE LEGISLATURE

*Representative Jonathan Kreiss-Tomkins*

House District 34

rep.jonathan.kreiss-tomkins@akleg.gov

Committees:  
Transportation  
Fisheries  
State Affairs



State Capitol, Room 426  
Juneau, Alaska 99801-1182

(907) 465-3732  
Toll Free: 1-888-461-3732  
Fax: (907) 465-2652

## HB 189: Hazing

### Names & Contact Information of Possible Testifiers

#### Will Testify Friday

**Carl Rose**, Exec Dir of Association of Alaska School Boards, Juneau, AK

[crose@asab.org](mailto:crose@asab.org)

*Testifying in person... but has doctor's appointment at 9:30*

**Gary Matthews**, Executive Director of Alaska Association of School Activities, Anchorage, AK

[garym@asaa.org](mailto:garym@asaa.org); 563.3723

*Calling from Anchorage LIO*

**Stephen Courtright**, music teacher at Mount Edgecumbe High School, Sitka, AK

[s.courtright@gmail.com](mailto:s.courtright@gmail.com); 738.2247

**Emily Sexton**, President of Alaska Association of Student Governments

[esxt@live.com](mailto:esxt@live.com); 388.0307

#### May Testify Monday

**Ryan Alsup**, Principal of Juneau Douglas High School, Juneau, AK

[Ryan.alsup@juneauschools.org](mailto:Ryan.alsup@juneauschools.org); 907.523.1501

**Norm Pollard**, Professor at Alfred University, Alfred, NY

[pollard@alfred.edu](mailto:pollard@alfred.edu); 607.871.2132

**Lori Klein**, Director of Student Resources Center, UAS

[lori.klein@uas.alaska.edu](mailto:lori.klein@uas.alaska.edu); 907.796.6529

**Hank Nuwer**, Professor at Franklin College, Franklin, IN

[hnuwer@hanknuwer.com](mailto:hnuwer@hanknuwer.com); 317.902.7937; 317.738.8745

**Dave Westol**, former CEO of Pheta Chi, IN

[david.westol@gmail.com](mailto:david.westol@gmail.com); 317.250.3799

**Dr. Susan Lipkins**, PhD, psychologist, Port Washington, NY

[susanlipkins@aol.com](mailto:susanlipkins@aol.com); 516.944.3786

**Dr. Elizabeth Allen**, University of Maine, Orono, ME

[elizabeth.allan@umit.maine.edu](mailto:elizabeth.allan@umit.maine.edu); 207.581.3166



4/5/13

To Whom it May Concern:

My name is Lori Klein, and I am the Student Conduct Officer and Director of the Student Resource Center at the University of Alaska Southeast. In my roles, I am dedicated to student success, which includes creating a safe environment for students to live, learn and thrive. In my role as Student Conduct Officer, I enforce the University of Alaska, Board of Regent's Student Code of Conduct (SCC). Included in the SCC are guidelines for acceptable and unacceptable behavior. Within the University of Alaska system, hazing is included under a heading of harassment as a violation of the UA Student Code of Conduct.

I am writing today to support the inclusion of hazing in the bill proposed by Representative Kreiss-Tomkins. While we have very few reports of hazing on the UAS campus, we believe that hazing should not be tolerated in any institution of learning. Thank you for your attention to this important issue.

Sincerely,

A handwritten signature in cursive script that reads 'Lori Klein'.

Lori Klein

UAS Student Conduct Officer

907-790-6529

laklein@uas.alaska.edu

# Alfred University

April 3, 2013

Representative Jonathan Kreiss-Tomkins  
Alaska State Capitol, Room 426  
Juneau, AK 99801

Dear Representative Jonathan Kreiss-Tomkins,

I want to encourage the Alaska state legislature to pass House Bill 189. When groups employ humiliation and danger to initiate new members into their groups, it becomes hazing. Research has shown the lack of a defined law, corresponding policies, and lack of enforcement all are contributing factors in increasing hazing. Creating a law that specifically makes hazing a crime will enable hazing prevention activities to give Alaskan students a clear understanding of what is acceptable, and what is not.

I became involved in hazing prevention almost fifteen years ago when Alfred University's (my employer) football team was caught hazing the rookie players. It was not clear to the coaches and staff why a group of first year athletes would allow themselves to be bound together and consume alcohol until they vomited, especially since they were trying to become part of the very group that was forcing them to engage in this behavior.

After our hazing incident, we embarked on the first national study of hazing practices amongst National Collegiate Athletic Association college athletes. We found that our incident, and those like it across the country, was not a matter of "boys will be boys," but a desperate desire to be part of a rite of passage initiation. Inductees wanted to prove their worthiness to become part of the group.

Our research found that hazing is pervasive across our college campuses:

- Eighty percent of NCAA college athletes experienced some form of hazing to join a college athletic team.
- One in five was subjected to unacceptable and potentially illegal hazing. They were kidnapped, beaten or tied up and abandoned. They were also forced to commit crimes – destroying property, making prank phone calls or harassing others.
- Half were required to participate in drinking contests or alcohol-related hazing.
- Only one in five participated exclusively in positive initiations, such as team trips or ropes courses.

Athletes most at risk for any kind of hazing for college sports were men; non-Greek members; and either swimmers, divers, soccer players, or lacrosse players. Hazing was most likely to occur in states with no anti-hazing laws and on campuses that were rural, residential, and had Greek systems. Having a Greek system on campus is a significant predictor of hazing, even though non-Greeks were most at risk of being hazed for athletics.

One of the most startling results was that hazing started younger than we thought. Of those athletes who reported they were hazed in college, 42 percent reported that they had also been hazed in high school and 5 percent said they were hazed in middle school. Those results prompted us the next year to undertake a

study of high school hazing. We found 48 percent of high school students who belonged to groups reported being subjected to hazing activities and 25 percent of those were first hazed before the age of 13.

These results were very concerning to us as researchers and should be alarming to you as legislators. Joining groups is a basic human need. Forming a sense of identity and belonging is a major developmental task for teenagers. Children of high school age, however, are just learning to distinguish between appropriate and inappropriate behavior. They need healthy adult supervision, role modeling, and guidance, without which initiation may easily go awry.

We found that 91 percent of high school students belong to at least one group. Nearly all of them (98%) experienced positive activities as part of joining these groups, and half of them experienced only positive activities. However, we also found:

- Both female and male students report high levels of hazing.
- The lower a student's grade point average the greater their risk of being hazed.
- Almost every type of high school group had significant levels of hazing.
- Even groups usually considered safe haze new members. For example, 24 percent of students involved in church groups were subjected to hazing activities.

Hazing hurts children, emotionally and physically.

- 71 percent of the students subjected to hazing reported negative consequences, such as getting into fights, being injured, fighting with parents, doing poorly in school, hurting other people, having difficulty eating, sleeping, or concentrating, or feeling angry, confused, embarrassed or guilty.
- Dangerous hazing activities are as prevalent among high school students (22%) as among college athletes (21%).
- Substance abuse in hazing is prevalent in high school (23%) and increases in college (51%).

Adults must share the responsibility when hazing occurs.

- Students were most likely to be hazed if they knew an adult who was hazed.
- 36 percent of the students said that they would not report hazing primarily because "There's no one to tell," or "Adults won't handle it right." (27%).

Students do not distinguish between "fun" and hazing.

- Only 14 percent said they were hazed, yet 48 percent said they participated in activities that are defined as hazing.
- 29 percent of students said they did things that are potentially illegal in order to join a group.
- Most students said they participated in humiliating, dangerous or potentially illegal activities as a part of joining a group because those activities are "fun and exciting."

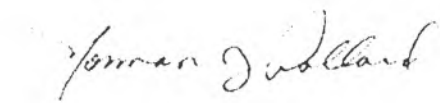
The question that remains is: what can be done about it? Fortunately, since we now know the scope of the problem, we are at a better place than we were ten - twenty years ago. Rather than solely relying on outside speakers to come and present for an hour on the horrors of hazing, we have viable - research based- prevention strategies readily accessible. Anyone wishing to develop a comprehensive prevention plan can do so; but prevention alone is not enough. As evidenced by 44 other states, enacting a state law specific to hazing is an important deterrent.

A critical element in the development of an effective and comprehensive plan is reducing the "contributing factors" for the problem. As mentioned, research has shown the lack of a defined law, corresponding policies, and lack of enforcement are all contributing factors. This bill is an important piece in the development of a comprehensive strategy. A specific hazing statute that is not diluted under the

definition of an already established quasi- related law allows the general public to be fully aware of this horrible and potentially dangerous act of violence. Additionally, knowing that hazing is associated with young people's desires to create a "rite of passage"; your actions will appropriately define hazing behaviors and allow educators, coaches and parents to teach the youth of Alaska better ways to develop meaningful bonding experiences. Your efforts will help reduce this type of needless violence.

I fully and unequivocally support your efforts to enact HB 189.

Sincerely,

A handwritten signature in cursive script that reads "Norman J. Pollard". The ink is dark and the signature is centered on the page.

Norman J. Pollard, Ed.D.  
Dean of Students