

By: Zaffirini

S.B. No. 1054

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the conduct that constitutes hazing and to the
3 application of hazing laws to certain former students of an
4 educational institution.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Sections 37.151(4) and (6), Education Code, are
7 amended to read as follows:

8 (4) "Student" means any person who:

9 (A) is registered in or in attendance at an
10 educational institution;

11 (B) has been accepted for admission at the
12 educational institution where the hazing incident occurs; ~~or~~

13 (C) intends to attend an educational institution
14 during any of its regular sessions after a period of scheduled
15 vacation; or

16 (D) was but currently is not enrolled at an
17 educational institution, and was while enrolled at the institution
18 and currently is a member of an organization the membership of which
19 consists primarily of students of that institution.

20 (6) "Hazing" means any intentional, knowing, or
21 reckless act, occurring on or off the campus of an educational
22 institution, by one person alone or acting with others, directed
23 against a student, that endangers the mental or physical health or
24 safety of a student for the purpose of pledging, being initiated

1 into, affiliating with, holding office in, or maintaining
2 membership in an organization. The term includes:

3 (A) any type of physical brutality, such as
4 whipping, beating, striking, branding, electronic shocking,
5 placing of a harmful substance on the body, or similar activity;

6 (B) any type of physical activity, such as sleep
7 deprivation, exposure to the elements, confinement in a small
8 space, calisthenics, or other activity that subjects the student to
9 an unreasonable risk of harm or that adversely affects the mental or
10 physical health or safety of the student;

11 (C) any activity involving consumption of a food,
12 liquid, alcoholic beverage, liquor, drug, or other substance, other
13 than an activity specified by Paragraph (F), that subjects the
14 student to an unreasonable risk of harm or that adversely affects
15 the mental or physical health or safety of the student;

16 (D) any activity that intimidates or threatens
17 the student with ostracism, that subjects the student to extreme
18 mental stress, shame, or humiliation, that adversely affects the
19 mental health or dignity of the student or discourages the student
20 from entering or remaining registered in an educational
21 institution, or that may reasonably be expected to cause a student
22 to leave the organization or the institution rather than submit to
23 acts described in this subdivision; [~~and~~]

24 (E) any activity that induces, causes, or
25 requires the student to perform a duty or task that involves a
26 violation of the Penal Code; and

27 (F) any activity that involves forcing or

1 coercing the student to consume an alcoholic beverage, liquor, or
2 drug or that creates an environment in which the student reasonably
3 feels forced or coerced to consume any of those substances.

4 SECTION 2. Section 51.936(c), Education Code, is amended to
5 read as follows:

6 (c) During the first three weeks of each semester,
7 each [~~Each~~] postsecondary educational institution shall distribute
8 to each student enrolled at the institution [~~during the first three~~
9 ~~weeks of each semester~~]:

10 (1) a summary of the provisions of Subchapter F,
11 Chapter 37; and

12 (2) a list of organizations that have been disciplined
13 for hazing or convicted for hazing on or off the campus of the
14 institution during the preceding three years.

15 SECTION 3. The change in law made by this Act applies only
16 to an offense committed on or after the effective date of this Act.
17 An offense committed before the effective date of this Act is
18 governed by the law in effect when the offense was committed, and
19 the former law is continued in effect for that purpose. For
20 purposes of this section, an offense was committed before the
21 effective date of this Act if any element of the offense was
22 committed before that date.

23 SECTION 4. This Act takes effect September 1, 2007.