

HAZING PENALTIES

2010 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Carol Spackman Moss

Senate Sponsor: Patricia W. Jones

Cosponsors:  
Jackie Biskupski

Susan Duckworth

Neil A. Hansen

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LONG TITLE

General Description:

This bill amends provisions of the Utah Criminal Code related to hazing.

Highlighted Provisions:

This bill:

- ▶ provides a penalty for a charge of hazing when an alcoholic product, drug, or other substance is involved; and
- ▶ makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

**76-5-107.5**, as last amended by Laws of Utah 2008, Chapter 292

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*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **76-5-107.5** is amended to read:

**76-5-107.5. Prohibition of "hazing" -- Definitions -- Penalties.**

(1) A person is guilty of hazing if that person intentionally, knowingly, or recklessly commits an act or causes another to commit an act that:

- 30 (a) (i) endangers the mental or physical health or safety of another;
- 31 (ii) involves any brutality of a physical nature such as whipping, beating, branding,
- 32 calisthenics, bruising, electric shocking, placing of a harmful substance on the body, or
- 33 exposure to the elements;
- 34 (iii) involves consumption of any food, ~~[liquor]~~ alcoholic product, drug, or other
- 35 substance or any other physical activity that endangers the mental or physical health and safety
- 36 of an individual; or
- 37 (iv) involves any activity that would subject the individual to extreme mental stress,
- 38 such as sleep deprivation, extended isolation from social contact, or conduct that subjects
- 39 another to extreme embarrassment, shame, or humiliation; and
- 40 (b) (i) is for the purpose of initiation, admission into, affiliation with, holding office
- 41 in, or as a condition for continued membership in any organization; or
- 42 (ii) if the actor knew that the victim is a member of or candidate for membership with
- 43 a school team or school organization to which the actor belongs or did belong within the
- 44 preceding two years.
- 45 (2) It is not a defense to prosecution of hazing that a person under 21, against whom
- 46 the hazing was directed, consented to or acquiesced in the hazing activity.
- 47 (3) An actor who hazes another is guilty of a:
- 48 (a) class B misdemeanor ~~[if there are no aggravating circumstances]~~ except as
- 49 provided in Subsection (3)(b), (c), (d), or (e);
- 50 (b) class A misdemeanor if the act involves:
- 51 (i) the operation or other use of a motor vehicle;
- 52 (ii) the consumption of an alcoholic product as defined in Section 32A-1-105; or
- 53 (iii) the consumption of a drug or a substance as defined in Section 76-5-113;
- 54 (c) third degree felony if the act involves the use of a dangerous weapon as defined in
- 55 Section 76-1-601;
- 56 (d) third degree felony if the hazing results in serious bodily injury to a person; or
- 57 (e) second degree felony if hazing under Subsection (3)(d) involves the use of a

58 dangerous weapon as defined in Section 76-1-601.

59 (4) A person who in good faith reports or participates in reporting of an alleged hazing  
60 is not subject to any civil or criminal liability regarding the reporting.

61 (5) (a) This section does not apply to military training or other official military  
62 activities.

63 (b) Military conduct is governed by Title 39, Chapter 6, Utah Code of Military Justice.

64 (6) (a) A prosecution under this section does not bar a prosecution of the actor for:

65 (i) any other offense for which the actor may be liable as a party for conduct  
66 committed by the person hazed; or

67 (ii) any offense, caused in the course of the hazing, that the actor commits against the  
68 person who is hazed.

69 (b) Under Subsection (6)(a)(i) a person may be separately punished, both for the  
70 hazing offense and the conduct committed by the person hazed.

71 (c) Under Subsection (6)(a)(ii) a person may not be punished both for hazing and for  
72 the other offense, but shall be punished for the offense carrying the greater maximum penalty.