**South Carolina General Assembly**

124th Session, 2021-2022

**H. 4531**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Burns

Document Path: l:\council\bills\bh\7502ahb22.docx

Companion/Similar bill(s): 890, 4794

Introduced in the House on January 11, 2022

Currently residing in the House Committee on **Judiciary**

Summary: Hazing

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

11/10/2021 House Prefiled

11/10/2021 House Referred to Committee on **Judiciary**

1/11/2022 House Introduced and read first time ([House Journal‑page 46](file:///h:\hj\20220111.docx))

1/11/2022 House Referred to Committee on **Judiciary** ([House Journal‑page 46](file:///h:\hj\20220111.docx))

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=4531&session=124&summary=B) at the website

**VERSIONS OF THIS BILL**

[11/10/2021](file:///p:\pprever\2021-22\4531_20211110.docx)

**A** **BILL**

TO AMEND ARTICLE 6, CHAPTER 3, TITLE 16, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO UNLAWFUL HAZING, SO AS TO DEFINE NECESSARY TERMS AND RESTRUCTURE THE OFFENSES AND PENALTIES ASSOCIATED WITH UNLAWFUL HAZING.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Article 6, Chapter 3, Title 16 of the 1976 Code is amended to read:

“Article 6

Hazing

Section 16‑3‑505. As used in this article, the term:

(1) ‘Aggravated coercion’ means an organization member uses force or threatens to use force or violence to entice the victim to consume alcohol if the victim reasonably believes that the organization member has the present ability to carry out the threat or threatens to retaliate in the future by the infliction of physical harm to the victim or another person.

(2) ‘Great bodily injury’ means bodily injury which creates substantial risk of death or causes serious or permanent disfigurement.

(3) ‘Hazing’ means the wrongful striking, laying open hand upon, threatening with violence, or offering to do bodily harm by a superior student to a subordinate student with intent to punish or injure the subordinate student, or other unauthorized treatment by the superior student of a subordinate student of a tyrannical, abusive, shameful, insulting, or humiliating nature.

(4) ‘Organization’ means a fraternity, sorority, association, corporation, order, society, corps, cooperative, club, service group, social group, band, spirit group, athletic team, or similar group, including national and parent entities who sanction the underlying affiliates and whose members are primarily students or former students of an educational institution.

(5) ‘Representative’ means an officer, agent, director, trustee, or employee of an organization.

Section 16‑3‑510. It is unlawful for a person to intentionally or recklessly engage in acts which have a foreseeable potential for causing physical harm to a person for the purpose of initiation or admission into or affiliation with a chartered or nonchartered student, fraternal, or sororal organization. Fraternity, sorority, or other organization for purposes of this section means those chartered and nonchartered fraternities, sororities, or other organizations operating in connection with a school, college, or university. This section does not include customary athletic events or similar contests or competitions, or military training whether state, federal, or educational.

Section 16‑3‑520. It is unlawful for any person to knowingly permit or assist any person in committing acts made unlawful by Section 16‑3‑510 or to fail to report promptly any information within his knowledge of acts made unlawful by Section 16‑3‑510 to the chief executive officer of the appropriate school, college, or university.

Section 16‑3‑525. (A) A person who commits an act of hazing is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year, or both.

(B) A person who commits an act of hazing that results in the serious impairment of a bodily function of the victim is guilty of a felony and, upon conviction, must be fined not more than two thousand five hundred dollars or imprisoned not more than five years, or both.

(C) A person who commits an act of hazing that results in the death or great bodily injury of the victim or the person, through aggravated coercion or force, caused the victim to consume alcohol that resulted in a blood alcohol content of .30 percent by weight based on grams of alcohol per one hundred cubic centimeters of blood or caused the person to ingest an illegal substance is guilty of a felony and, upon conviction, must be fined not more than ten thousand dollars or imprisoned not more than fifteen years, or both.

(D) A victim may not be charged with a violation of this article even if the victim volunteered, participated, or consented to the hazing. The implied or express consent of a victim to acts which violate the provisions of this article is not a defense to another person charged with a violation of the article.

(E) Nothing in this section precludes any other civil remedy provided by law. And, the penalties provided in this section are in addition to the penalties provided for an underlying offense which carries a greater penalty, and any sentence imposed pursuant to this section must be served consecutively to a sentence imposed for an underlying offense.

Section 16‑3‑530. ~~Any person who violates the provisions of Sections 16‑3‑510 or 16‑3‑520 is guilty of a misdemeanor and, upon conviction, must be punished by a fine not to exceed five hundred dollars or by imprisonment for a term not to exceed twelve months, or both.~~

(A) A person serving as a representative of an organization who knew and failed to report to law enforcement that one or more of the organization’s members were hazing another person may subject the organization to the following penalties in the discretion of the court:

(1) a fine of not more than ten thousand dollars;

(2) forfeiture of any public funds received by the organization; or

(3) forfeiture of all rights and privileges of being an organization operating at the educational institution as determined by the court, provided a hazing incident pursuant to Section 16‑3‑525(C) must not be less than four years.

(B) The penalties provided in this section may be imposed in addition to any other penalty for other criminal offenses arising from the same incident.

~~Section 16‑3‑540.~~ ~~The implied or express consent of a person to acts which violate Section 16‑3‑510 does not constitute a defense to violations of Sections 16‑3‑510 or 16‑3‑520.~~”

SECTION 2. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 3. This act takes effect upon approval by the Governor.

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