

LEGISLATIVE BILL 710

Approved by the Governor March 30, 2016

Introduced by Hughes, 44.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-311.06, Reissue Revised Statutes of Nebraska; to change provisions relating to hazing; to provide severability; and to repeal the original section. Be it enacted by the people of the State of Nebraska,

Section 1. Section 28-311.06, Reissue Revised Statutes of Nebraska, is amended to read:

28-311.06 (1) For purposes of this section, hazing means and ~~section 28-311.07:~~

~~(a) Hazing shall mean any activity by which a person intentionally or recklessly endangers the physical or mental health or safety of an individual for the purpose of initiation into, admission into, affiliation with, or continued membership with any organization as defined in subdivision (1)(b) of this section. Such hazing activity includes~~ shall include whipping, beating, branding, an act of sexual penetration, an exposure of the genitals of the body done with intent to affront or alarm any person, a lewd fondling or caressing of the body of another person, forced and prolonged calisthenics, prolonged exposure to the elements, forced consumption of any food, liquor, beverage, drug, or harmful substance not generally intended for human consumption, prolonged sleep deprivation, or any brutal treatment or the performance of any unlawful act which endangers the physical or mental health or safety of any person or the coercing of any such activity. ; and

~~(b) Organization shall mean an organization of student members operating under the sanction of a postsecondary educational institution but shall not include the alumni organization or any corporation which owns the house or real estate of such organization.~~

(2) It is ~~shall be~~ unlawful to commit the offense of hazing. Any person who commits the offense of hazing is ~~shall be~~ guilty of a Class II misdemeanor.

(3) If the offense of hazing is committed for the purpose of initiation into, admission into, affiliation with, or continued membership with an organization of student members operating under the sanction of a postsecondary educational institution and such offense is committed by members of such organization, such organization ~~Any organization as defined in subdivision (1)(b) of this section whose members commit the offense of hazing in violation of the provisions of this section shall be punished by a fine of not more than ten thousand dollars. Such organization shall not include the alumni organization or any corporation which owns the house or real estate of such organization.~~

Sec. 2. If any section in this act or any part of any section is declared invalid or unconstitutional, the declaration shall not affect the validity or constitutionality of the remaining portions.

Sec. 3. Original section 28-311.06, Reissue Revised Statutes of Nebraska, is repealed.