

## LEGISLATIVE BILL 1129

Approved by the Governor April 4, 1994

Introduced by Matzke, 47

AN ACT relating to crimes and offenses; to amend section 28-101, Revised Statutes Supplement, 1992; to create the offense of hazing; to define terms; to provide penalties; to harmonize provisions; and to repeal the original section.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 28-101, Revised Statutes Supplement, 1992, be amended to read as follows:

28-101. Sections 28-101 to 28-1348 and sections 2 and 3 of this act shall be known and may be cited as the Nebraska Criminal Code.

Sec. 2. (1) For purposes of this section and section 3 of this act:

(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 shall include whipping, beating, branding, 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; 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 shall be unlawful to commit the offense of hazing. Any person who commits the offense of hazing shall be guilty of a Class II misdemeanor.

(3) 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.

Sec. 3. Notwithstanding any provisions to the contrary, consent shall not be a defense to a prosecution pursuant to section 2 of this act.

Sec. 4. That original section 28-101, Revised Statutes Supplement, 1992, is repealed.