

1 **SENATE FLOOR VERSION**

2 February 11, 2025

3 SENATE BILL NO. 944

By: Guthrie

4  
5  
6 An Act relating to crimes and punishments; amending  
7 21 O.S. 2021, Section 1190, which relates to hazing;  
8 defining terms; removing certain provision; modifying  
9 provisions of certain offenses; modifying provisions  
10 of certain penalties; providing certain civil  
11 penalties; directing deposit of civil penalties into  
12 certain fund; prohibiting certain defense; providing  
13 certain liability exception; authorizing certain  
14 disciplinary process; requiring certain assistance;  
15 creating misdemeanor and felony offenses; providing  
16 penalties; requiring development of certain  
17 educational plan; establishing plan criteria;  
18 requiring certain report; establishing report  
19 criteria; requiring certain posting; updating  
20 statutory language; creating the Anti-Hazing  
21 Revolving Fund; specifying permissible sources of  
22 funding; authorizing certain expenditures by the  
23 Oklahoma State Regents for Higher Education;  
24 providing for codification; and providing an  
effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 21 O.S. 2021, Section 1190, is  
amended to read as follows:

Section 1190. A. For purposes of this section:

1. "Educational institution" means any public or private school  
or institution of higher education in this state;

1       2. "Endangers the physical health" shall include, but not be  
2 limited to, any brutality of a physical nature, such as whipping;  
3 beating; branding; forced calisthenics; exposure to the elements;  
4 forced consumption of any food, alcoholic beverage as defined in  
5 Section 506 of Title 37 of the Oklahoma Statutes, low-point beer as  
6 defined in Section 163.2 of Title 37 of the Oklahoma Statutes, drug,  
7 controlled dangerous substance, or other substance; or any other  
8 forced physical activity which could adversely affect the physical  
9 health or safety of the individual;

10       3. "Endangers the mental health" shall include any activity,  
11 except those activities authorized by law, which would subject the  
12 individual to extreme mental stress, such as prolonged sleep  
13 deprivation, forced prolonged exclusion from social contact, forced  
14 conduct which could result in extreme embarrassment, or any other  
15 forced activity which could adversely affect the mental health or  
16 dignity of the individual;

17       4. "Hazing" means an activity which recklessly or intentionally  
18 endangers the mental health or physical health or safety of a  
19 student for the purpose of initiation or admission into or  
20 affiliation with or for the purpose of continuance or enhancement of  
21 status in any organization that operates subject to the sanction of  
22 an educational institution in this state; and

23       5. "Organization" means a club, association, corporation,  
24 order, society, corps, private club, fraternity, sorority, varsity

1 or club athletic team, or similar group that is sanctioned or  
2 authorized by the governing board of an educational institution and  
3 whose members are primarily students or alumni of one or more  
4 educational institutions.

5 B. No student organization or any person associated with any  
6 organization sanctioned or authorized by the governing board of any  
7 ~~public or private school or institution of higher education~~  
8 educational institution in this state shall engage or participate in  
9 hazing.

10 ~~B.~~ ~~Any hazing activity described in subsection F of this~~  
11 ~~section upon which the initiation or admission into or affiliation~~  
12 ~~with an organization sanctioned or authorized by a public or private~~  
13 ~~school or by any institution of higher education in this state is~~  
14 ~~directly or indirectly conditioned shall be presumed to be a forced~~  
15 ~~activity, even if the student willingly participates in such~~  
16 ~~activity.~~

17 C. A copy of the policy or the rules and regulations of the  
18 ~~public or private school or institution of higher education~~  
19 educational institution which prohibits hazing shall be given to  
20 each student enrolled in the ~~school or~~ institution and shall be  
21 deemed to be part of the bylaws of all organizations operating at  
22 the ~~public school or the institution of higher education~~ educational  
23 institution.

24

1 D. Any organization sanctioned or authorized by the governing  
2 board of a public or private school or of an institution of higher  
3 education in this state which violates subsection ~~A~~ B of this  
4 section, upon conviction, shall be guilty of a misdemeanor, and may  
5 be punishable by a fine ~~of~~ not more than One Thousand Five Hundred  
6 Dollars (\$1,500.00), by a civil penalty not more than Fifteen  
7 Thousand Dollars (\$15,000.00), or by both such fine and civil  
8 penalty, and the ~~forfeit~~ forfeiture for a period ~~of~~ not less than  
9 one (1) year ~~all~~ of the rights and privileges of being an  
10 organization organized or operating at the ~~public or private school~~  
11 ~~or at the institution of higher education~~ educational institution.

12 E. 1. Any individual convicted of violating the provisions of  
13 subsection A ~~B~~ of this section shall be guilty of a misdemeanor, ~~and~~  
14 ~~may be~~ if such violation did not result in the seriously bodily  
15 injury or death of another person, punishable by imprisonment in the  
16 county jail for a term not to exceed ninety (90) days ~~in the county~~  
17 ~~jail,~~ ~~or by the imposition of a fine not to exceed Five Hundred~~  
18 ~~Dollars (\$500.00)~~ Five Thousand Dollars (\$5,000.00), by a civil  
19 penalty not more than Fifteen Thousand Dollars (\$15,000.00), or by  
20 ~~both~~ any such imprisonment, and fine, and civil penalty.

21 2. Any individual convicted of violating the provisions of  
22 subsection B of this section shall be guilty of a felony, if such  
23 violation results in the serious bodily injury or death of another  
24 person, punishable by imprisonment in the custody of the Department

1 of Corrections for a term not more than ten (10) years, by a fine  
2 not more than Fifteen Thousand Dollars (\$15,000.00), by a civil  
3 penalty not more than Fifteen Thousand Dollars (\$15,000.00), or by  
4 any such imprisonment, fine, and civil penalty.

5 3. Any civil penalties assessed pursuant to this subsection and  
6 subsection D of this section shall be deposited into the Anti-Hazing  
7 Revolving Fund created in Section 2 of this act.

8 F. 1. The implied or expressed consent of the person or  
9 persons against whom the hazing was directed shall not be a defense  
10 to any action brought pursuant to the provisions of this section.

11 2. The argument that the conduct was sanctioned or approved by  
12 the educational institution or organization or was traditional or  
13 customary shall not be a defense to any action brought pursuant to  
14 the provisions of this section.

15 G. 1. A student or organization who, in good faith, reports or  
16 participates in reporting an allegation of hazing to local law  
17 enforcement or to the educational institution in advance of any  
18 hazing activity or who takes reasonable steps to prevent hazing in  
19 the future is not subject to any civil or criminal liability that  
20 arises from such reported hazing.

21 2. A person who acts in good faith and in a timely manner shall  
22 be immune from prosecution for any criminal offenses related to  
23 alcohol possession, consumption, or distribution if the person:

24 a. (1) requests emergency medical assistance,

1           (2) acts in concert with another person who requests  
2           emergency medical assistance, or

3           (3) is the individual for whom medical assistance was  
4           requested, and

5        b. (1) provides his or her own full name if requested by  
6           medical or law enforcement personnel,

7           (2) provides any other relevant information requested  
8           by medical or law enforcement personnel,

9           (3) remains with, or is, the person for which  
10          emergency medical assistance was requested, and

11          (4) cooperates with medical and law enforcement  
12          personnel.

13        3. Any person who is not immune from prosecution pursuant to  
14        the provisions of this subsection shall be subject to the  
15        educational institution's standard disciplinary process.

16        H. 1. Any person who actively directs or engages in an act of  
17        hazing which results in the injury of another person, shall, to the  
18        extent possible without causing danger or peril to himself or  
19        herself or others, give reasonable assistance to the injured person.  
20        Reasonable assistance includes immediately seeking or reporting the  
21        need for medical assistance.

22        2. A violation of a provision of this subsection in which no  
23        seriously bodily injury or death occurs shall, upon conviction, be a  
24        misdemeanor punishable by imprisonment in the county jail for a term

1 not to exceed one (1) year, by a fine not more than One Thousand  
2 Dollars (\$1,000.00), or by both such imprisonment and fine.

3 3. A violation of a provision of this subsection in which  
4 seriously bodily injury or death occurs shall, upon conviction, be a  
5 felony punishable by imprisonment in the custody of the Department  
6 of Corrections for a term not to exceed five (5) years, by a fine  
7 not more than Two Thousand Dollars (\$2,000.00), or by both such  
8 imprisonment and fine.

9 I. 1. The State Regents for Higher Education shall develop a  
10 statewide educational plan to prevent hazing at educational  
11 institutions and provide such plan to all students as well as all  
12 staff or volunteers that advise or coach organizations. Such plan  
13 shall:

14 a. include information regarding hazing awareness,  
15 prevention, intervention, and the institution's  
16 policies on hazing, and

17 b. be conducted in-person or online and shall verify  
18 attendance. A student who does not complete the  
19 educational program within thirty (30) days of  
20 enrollment may not participate in any organizations  
21 until the completion of such program.

22 2. Each private educational institution in this state shall  
23 develop an educational plan to prevent hazing and provide such plan  
24

1 to all students as well as all staff or volunteers that advise or  
2 coach organizations. Such plan shall:

3 a. include information regarding hazing awareness,  
4 prevention, intervention, and the institution's  
5 policies on hazing, and

6 b. be conducted in-person or online and shall verify  
7 attendance. A student who does not complete the  
8 educational program within thirty (30) days of  
9 enrollment may not participate in any organizations  
10 until the completion of such program.

11 National organizations shall provide separate and supplemental  
12 hazing prevention education for their local affiliate chapters that  
13 operate within this state.

14 J. 1. On or after the effective date of this act, each  
15 educational institution shall maintain and publicly report actual  
16 findings of violations of the educational institution's code of  
17 conduct or federal or state laws related to hazing that are reported  
18 to campus authorities, local law enforcement, national  
19 organizations, or any organization formally affiliated with the  
20 educational institution.

21 2. Such report shall include:

22 a. the name of the organization,

23 b. the date on which the organization was charged with a  
24 violation pursuant to this section,

- 1           c. the dates on which the event occurred,  
2           d. the date the investigation was initiated,  
3           e. a general description of the incident, charges,  
4           findings, and sanctions placed on the organization,  
5           and  
6           f. the date on which the investigation ended with a  
7           finding that a violation occurred.

8           3. Investigations that do not result in a finding of a formal  
9 violation of the student code of conduct shall not be included in  
10 the report.

11           4. The report shall not include any personal identifying  
12 information of the individual student members and shall be subject  
13 to the requirements of the federal Family Educational Rights and  
14 Privacy Act of 1974.

15           5. Each educational institution shall update such report at  
16 least ten (10) calendar days before the start of each academic  
17 semester.

18           6. Reports required pursuant to the provisions of this  
19 subsection shall be made available on the educational institution's  
20 website in a prominent location. The webpage that contains the  
21 reports shall include a statement notifying the public:

- 22           a. of the availability of additional information related  
23           to findings, sanctions, and organizational sanction  
24           completion,

1           b. where additional information that is not protected  
2           under the federal Family Educational Rights and  
3           Privacy Act of 1974 may be obtained, and

4           c. that the educational institution is required to  
5           provide such additional information pursuant to the  
6           Oklahoma Open Records Act.

7           7. Each educational institution shall furnish a printed notice  
8           of the nature and availability of such report and the website  
9           address where it can be found to attendees of student orientation.

10          8. Each educational institution shall maintain reports as they  
11          are updated for five (5) years.

12          9. Each educational institution shall report to local  
13          authorities within seventy-two (72) hours any hazing allegation that  
14          involved a significant risk of serious bodily injury or death.

15          ~~For purposes of this section:~~

16          ~~1. "Hazing" means an activity which recklessly or intentionally~~  
17          ~~endangers the mental health or physical health or safety of a~~  
18          ~~student for the purpose of initiation or admission into or~~  
19          ~~affiliation with any organization operating subject to the sanction~~  
20          ~~of the public or private school or of any institution of higher~~  
21          ~~education in this state;~~

22          ~~2. "Endanger the physical health" shall include but not be~~  
23          ~~limited to any brutality of a physical nature, such as whipping,~~  
24          ~~beating, branding, forced calisthenics, exposure to the elements,~~

1 ~~forced consumption of any food, alcoholic beverage as defined in~~  
2 ~~Section 506 of Title 37 of the Oklahoma Statutes, low point beer as~~  
3 ~~defined in Section 163.2 of Title 37 of the Oklahoma Statutes, drug,~~  
4 ~~controlled dangerous substance, or other substance, or any other~~  
5 ~~forced physical activity which could adversely affect the physical~~  
6 ~~health or safety of the individual; and~~

7 ~~3. "Endanger the mental health" shall include any activity,~~  
8 ~~except those activities authorized by law, which would subject the~~  
9 ~~individual to extreme mental stress, such as prolonged sleep~~  
10 ~~deprivation, forced prolonged exclusion from social contact, forced~~  
11 ~~conduct which could result in extreme embarrassment, or any other~~  
12 ~~forced activity which could adversely affect the mental health or~~  
13 ~~dignity of the individual.~~

14 SECTION 2. NEW LAW A new section of law to be codified  
15 in the Oklahoma Statutes as Section 1190.a of Title 21, unless there  
16 is created a duplication in numbering, reads as follows:

17 There is hereby created in the State Treasury a revolving fund  
18 for the Oklahoma State Regents for Higher Education to be designated  
19 the "Anti-Hazing Revolving Fund". The fund shall be a continuing  
20 fund, not subject to fiscal year limitations, and shall consist of  
21 all monies received by the Oklahoma State Regents for Higher  
22 Education from fines collected pursuant to Section 1190 of Title 21  
23 of the Oklahoma Statutes provided for the purpose of hazing  
24 education programs. All monies accruing to the credit of the fund

1 are hereby appropriated and may be budgeted and expended by the  
2 Oklahoma State Regents for Higher Education for the purpose provided  
3 for in this act. Expenditures from the fund shall be made upon  
4 warrants issued by the State Treasurer against claims filed as  
5 prescribed by law with the Director of the Office of Management and  
6 Enterprise Services for approval and payment.

7 SECTION 3. This act shall become effective November 1, 2025.

8 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY  
9 February 11, 2025 - DO PASS

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