

1 AN ACT relating to hazing.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 508 IS CREATED TO  
4 READ AS FOLLOWS:

5 *As used in Sections 1 to 4 of this Act, unless the context requires otherwise:*

- 6 *(1) "Hazing" means an action which endangers the mental or physical health of a*  
7 *minor or student for the purpose of recruitment, initiation into, affiliation with,*  
8 *or enhancing or maintaining membership or status within any organization,*  
9 *including but not limited to actions which cause, coerce, or force a minor or a*  
10 *student to:*  
11 *(a) Violate federal or state criminal law;*  
12 *(b) Consume any food, liquid, alcoholic liquid, drug, tobacco product, or other*  
13 *controlled substance which subjects the minor or student to a risk of mental*  
14 *harm or physical injury;*  
15 *(c) Endure brutality of a physical nature, including whipping, beating or*  
16 *paddling, branding, or exposure to the elements;*  
17 *(d) Endure brutality of a mental nature, including personal servitude, sleep*  
18 *deprivation, or circumstances which would cause a reasonable person to*  
19 *suffer substantial mental distress;*  
20 *(e) Endure brutality of a sexual nature; or*  
21 *(f) Endure any other activity that creates a reasonable likelihood of mental*  
22 *harm or physical injury to the minor or student;*  
23 *(2) "Student" means an individual enrolled in a public or private school or*  
24 *postsecondary program of study; and*  
25 *(3) "Organization" means a number of persons who are associated with a school or*  
26 *postsecondary educational institution and each other, including a student*  
27 *organization, fraternity, sorority, association, corporation, order, society, corps,*

1 club, or similar group.

2 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 508 IS CREATED TO  
3 READ AS FOLLOWS:

4 (1) A person is guilty of hazing in the first degree when he or she intentionally or  
5 wantonly participates in an act of hazing that results in serious physical injury or  
6 death to a minor or student.

7 (2) It shall not be a defense under this section that the:

8 (a) Consent of the minor or student was sought or obtained; or

9 (b) Conduct was sanctioned or approved by an organization.

10 (3) Hazing in the first degree is a Class D felony.

11 ➔SECTION 3. A NEW SECTION OF KRS CHAPTER 508 IS CREATED TO  
12 READ AS FOLLOWS:

13 (1) A person is guilty of hazing in the second degree when he or she recklessly  
14 participates in an act of hazing.

15 (2) It shall not be a defense under this section that the:

16 (a) Consent of the minor or student was sought or obtained; or

17 (b) Conduct was sanctioned or approved by an organization.

18 (3) It shall be a defense under this section that the act was part of reasonable and  
19 customary:

20 (a) Athletic competitions or events;

21 (b) Law enforcement training; or

22 (c) Military training.

23 (4) Hazing in the second degree is a Class A misdemeanor.

24 ➔SECTION 4. A NEW SECTION OF KRS CHAPTER 508 IS CREATED TO  
25 READ AS FOLLOWS:

26 Nothing in Sections 1 to 4 of this Act shall be construed to create or imply a new cause  
27 of action against any educational institution.

1      ➔Section 5. This Act may be cited as Lofton's Law.

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