

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 a direct action which substantially endangers the physical*
7 *health of a minor or student for the purpose of recruitment, initiation into,*
8 *affiliation with, or enhancing or maintaining membership or status within any*
9 *organization, including but not limited to actions which coerce or force a minor*
10 *or a 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 serious*
14 *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 sexual nature; or*

18 *(e) Endure any other activity that creates a reasonable likelihood of serious*
19 *physical injury to the minor or student;*

20 *(2) "Organization":*

21 *(a) Means a number of persons who are associated with a school or*
22 *postsecondary education institution and each other, including a student*
23 *organization, fraternity, sorority, association, corporation, order, society,*
24 *corps, club, or similar group; and*

25 *(b) Includes any student organization registered pursuant to the policies of the*
26 *school or postsecondary education institution at any time during the*
27 *previous five (5) years; and*

1 (3) "Student" means an individual enrolled in a public or private school or
2 postsecondary program of study.

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

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

8 (2) It shall be a defense under this section that the act was part of reasonable and
9 customary:

10 (a) Interscholastic or intercollegiate athletic practices, competitions, or events;

11 (b) Law enforcement training; or

12 (c) Military training.

13 (3) Hazing in the first degree is a Class D felony. Any sentence imposed on a
14 defendant under this section shall run concurrently with any sentence imposed
15 under KRS 508.060 or 508.070 arising from the same act or occurrence.

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

18 (1) A person is guilty of hazing in the second degree when he or she recklessly
19 engages in an act of hazing.

20 (2) It shall be a defense under this section that the act was part of reasonable and
21 customary:

22 (a) Interscholastic or intercollegiate athletic practices, competitions, or events;

23 (b) Law enforcement training; or

24 (c) Military training.

25 (3) Hazing in the second degree is a Class A misdemeanor. Any sentence imposed on
26 a defendant under this section shall run concurrently with any sentence imposed
27 under KRS 508.060 or 508.070 arising from the same act or occurrence.

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

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

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