

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) "Organization":*

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

1 (b) Includes any student organization registered pursuant to the policies of the
2 school or postsecondary education institution at any time during the
3 previous five (5) years; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27 (b) Law enforcement training; or

1 (c) Military training.

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

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

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

9 ➔Section 5. KRS 164.7874 is amended to read as follows:

10 As used in KRS 164.7871 to 164.7885:

11 (1) "Academic term" means a semester or other time period specified in an
12 administrative regulation promulgated by the authority;

13 (2) "Academic year" means a period consisting of at least the minimum school term, as
14 defined in KRS 158.070;

15 (3) "ACT score" means the composite score achieved on the American College Test at
16 a national test site on a national test date or the college admissions examination
17 administered statewide under KRS 158.6453(5)(b)5. if the exam is the ACT, or an
18 equivalent score, as determined by the authority, on the SAT administered by the
19 College Board, Inc.;

20 (4) "Authority" means the Kentucky Higher Education Assistance Authority;

21 (5) "Award period" means the fall and spring consecutive academic terms within one
22 (1) academic year;

23 (6) "Council" means the Council on Postsecondary Education created under KRS
24 164.011;

25 (7) "Eligible high school student" means any person who:

26 (a) Is a citizen, national, or permanent resident of the United States and Kentucky
27 resident;

- 1 (b) Was enrolled after July 1, 1998:
- 2 1. In a Kentucky high school for at least one hundred forty (140) days of
- 3 the minimum school term unless exempted by the authority's executive
- 4 director upon documentation of extreme hardship, while meeting the
- 5 KEES curriculum requirements, and was enrolled in a Kentucky high
- 6 school at the end of the academic year;
- 7 2. In a Kentucky high school for the fall academic term of the senior year
- 8 and who:
- 9 a. Was enrolled during the entire academic term;
- 10 b. Completed the high school's graduation requirements during the
- 11 fall academic term; and
- 12 c. Was not enrolled in a secondary school during any other academic
- 13 term of that academic year; or
- 14 3. In the Gatton Academy of Mathematics and Science in Kentucky, the
- 15 Craft Academy for Excellence in Science and Mathematics, or in high
- 16 school at a model and practice school under KRS 164.380 while meeting
- 17 the Kentucky educational excellence scholarship curriculum
- 18 requirements;
- 19 (c) Has a grade point average of 2.5 or above at the end of any academic year
- 20 beginning after July 1, 1998, or at the end of the fall academic term for a
- 21 student eligible under paragraph (b) 2. of this subsection; and
- 22 (d) Is not a convicted felon *or has not been convicted of hazing under Section 2*
- 23 *or 3 of this Act;*
- 24 (8) "Eligible postsecondary student" means a citizen, national, or permanent resident of
- 25 the United States and Kentucky resident, as determined by the participating
- 26 institution in accordance with criteria established by the council for the purposes of
- 27 admission and tuition assessment, who:

- 1 (a) Earned a KEES award;
- 2 (b) Has the required postsecondary GPA and credit hours required under KRS
3 164.7881;
- 4 (c) Has remaining semesters of eligibility under KRS 164.7881;
- 5 (d) Is enrolled in a participating institution as a part-time or full-time student; and
- 6 (e) Is not a convicted felon *or has not been convicted of hazing under Section 2*
7 *or 3 of this Act*;
- 8 (9) "Full-time student" means a student enrolled in a postsecondary program of study
9 that meets the full-time student requirements of the participating institution in
10 which the student is enrolled;
- 11 (10) "Grade point average" or "GPA" means the grade point average earned by an
12 eligible student and reported by the high school or participating institution in which
13 the student was enrolled based on a scale of 4.0 or its equivalent if the high school
14 or participating institution that the student attends does not use the 4.0 grade scale;
- 15 (11) "High school" means any Kentucky public high school, the Gatton Academy of
16 Mathematics and Science in Kentucky, the Craft Academy for Excellence in
17 Science and Mathematics, a high school of a model and practice school under KRS
18 164.380, and any private, parochial, or church school located in Kentucky that has
19 been certified by the Kentucky Board of Education as voluntarily complying with
20 curriculum, certification, and textbook standards established by the Kentucky Board
21 of Education under KRS 156.160;
- 22 (12) "KEES" or "Kentucky educational excellence scholarship" means a scholarship
23 provided under KRS 164.7871 to 164.7885;
- 24 (13) "KEES award" means:
- 25 (a) For an eligible high school student, the sum of the KEES base amount for
26 each academic year of high school plus any KEES supplemental amount, as
27 adjusted pursuant to KRS 164.7881; and

- 1 (b) For a student eligible under KRS 164.7879(3)(e), the KEES supplemental
2 amount as adjusted pursuant to KRS 164.7881;
- 3 (14) "KEES award maximum" means the sum of the KEES base amount earned in each
4 academic year of high school plus any KEES supplemental amount earned;
- 5 (15) "KEES base amount" or "base amount" means the amount earned by an eligible
6 high school student based on the student's GPA pursuant to KRS 164.7879;
- 7 (16) "KEES curriculum" means five (5) courses of study, except for students who meet
8 the criteria of subsection (7)(b)2. of this section, in an academic year as determined
9 in accordance with an administrative regulation promulgated by the authority;
- 10 (17) "KEES supplemental amount" means the amount earned by an eligible student
11 based on the student's ACT score pursuant to KRS 164.7879;
- 12 (18) "KEES trust fund" means the Wallace G. Wilkinson Kentucky educational
13 excellence scholarship trust fund;
- 14 (19) "On track to graduate" means the number of cumulative credit hours earned as
15 compared to the number of hours determined by the postsecondary education
16 institution as necessary to complete a bachelor's degree by the end of eight (8)
17 academic terms or ten (10) academic terms if a student is enrolled in an
18 undergraduate program that requires five (5) years of study;
- 19 (20) "Participating institution" means an "institution" as defined in KRS 164.001 that is
20 eligible to participate in the federal Pell Grant program, executes a contract with the
21 authority on terms the authority deems necessary or appropriate for the
22 administration of its programs, and:
- 23 (a) 1. Is publicly operated;
- 24 2. Is licensed by the Commonwealth of Kentucky and has operated for at
25 least ten (10) years, offers an associate or baccalaureate degree program
26 of study not comprised solely of sectarian instruction, and admits as
27 regular students only high school graduates, recipients of a High School

1 Equivalency Diploma, or students transferring from another accredited
2 degree granting institution; or

3 3. Is designated by the authority as an approved out-of-state institution that
4 offers a degree program in a field of study that is not offered at any
5 institution in the Commonwealth; and

6 (b) Continues to commit financial resources to student financial assistance
7 programs; and

8 (21) "Part-time student" means a student enrolled in a postsecondary program of study
9 who does not meet the full-time student requirements of the participating institution
10 in which the student is enrolled and who is enrolled for at least six (6) credit hours,
11 or the equivalent for an institution that does not use credit hours.

12 ➔Section 6. This Act may be cited as Lofton's Law.