



Senate Fiscal Agency
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BILL ANALYSIS

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Senate Bills 783 and 784 (as introduced 10-21-03)
Sponsor: Senator Michelle A. McManus (S. B. 783)
Senator Nancy Cassis (S. B. 784)
Committee: Judiciary

Date Completed: 3-8-04

CONTENT

Senate Bills 783 and 784 would amend the Michigan Penal Code and the Code of Criminal Procedure, respectively, to prescribe criminal penalties for "hazing" at an educational institution that resulted in injury or death, and to include in the sentencing guidelines hazing that resulted in serious injury or death. Senate Bill 784 is tie-barred to Senate Bill 783.

"Hazing" would mean an intentional, knowing, or reckless act by a person acting alone or with others that was directed against another person and endangered the mental or physical health or safety of the other person, and that was done for the purpose of pledging, being initiated into, affiliating with, holding office in, or maintaining membership in any organization, and would include any of the following done for that purpose:

- Physical brutality, such as whipping, beating, striking, branding, electronic shocking, placing of a harmful substance on the body, or similar activity.
- Physical activity, such as sleep deprivation, exposure to the elements, confinement in a small space, or calisthenics, that subjected the person to an unreasonable risk of harm or that adversely affected his or her mental or physical health or safety.
- Activity involving consumption of a food, liquid, alcoholic beverage, liquor, drug, or other substance that subjected the person to an unreasonable risk of harm or that adversely affected his or her mental or physical health or safety.
- Activity that intimidated or threatened another person with ostracism, subjected him or her to extreme mental stress, shame or humiliation, adversely affected him or her from enrolling in or remaining enrolled in a school or program, or reasonably could be expected to cause him or her to leave the organization or the educational institution rather than submit to the activity.
- Activity that induced, caused, or required another person to perform a duty or task that involved committing a crime or an act of hazing.

"Educational institution" would mean a public or private middle school, junior high school, high school, vocational school, college, or university located in Michigan.

Senate Bill 783

The bill would prohibit a person who attended an educational institution from engaging or participating in the hazing of another person. The prohibition would not apply to a person who was the subject of the hazing, regardless of whether he or she voluntarily allowed himself or herself to be hazed. It also would not apply to an activity that was normal and customary in an athletic, physical education, military training, or similar program sanctioned by the educational institution.

A violation would be a crime punishable as shown in Table 1, depending on whether it resulted in physical injury, serious injury, or death.

Table 1

Result	Level	Maximum Imprisonment	Maximum Fine
Physical injury	Misdemeanor	93 days	\$1,000
Serious injury	Misdemeanor	3 years	\$2,500
Death	Felony	20 years	\$10,000

A criminal penalty under the bill could be imposed in addition to any penalty that could be imposed for any other criminal offense arising from the same conduct.

It would not be a defense to a prosecution for hazing that the person against whom the hazing was directed consented to or acquiesced in the hazing.

“Serious injury” would mean “serious impairment of a body function” as defined elsewhere in the Penal Code and in the Michigan Vehicle Code (MCL 257.58c), i.e., one or more of the following:

- Loss of a limb or the use of a limb.
- Loss of a foot, hand, finger, or thumb or the use of a foot, hand, finger, or thumb.
- Loss of an eye or ear or the use of an eye or ear.
- Loss or substantial impairment of a bodily function.
- Serious visible disfigurement.
- A comatose state that lasts for more than three days.
- Measurable brain or mental impairment.
- A skull fracture or other serious bone fracture.
- Subdural hemorrhage or subdural hematoma.
- Loss of an organ.

Senate Bill 784

The bill would include hazing in the sentencing guidelines as shown in Table 2.

Table 2

Violation	Category	Class	Statutory Maximum Sentence
Hazing - serious injury	Person	F	3 years
Hazing - death	Person	B	20 years

Proposed MCL 750.411t (S.B. 783)
MCL 777.16t (S.B. 784)

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bills would have an indeterminate fiscal impact on State and local government.

There are no data to indicate how many offenders would be convicted of the proposed crimes. There are also no data available to determine if hazing offenders are already being prosecuted and convicted of existing crimes for injuries or deaths associated with the act of hazing. The bills would increase costs only to the extent that additional offenders were

convicted under the proposed statute or to the extent that offenders who presently are being convicted would receive additional consecutive sentences or longer sentences.

Local units of government incur the cost of intermediate sanctions, misdemeanor probation, and incarceration in a local facility, the costs of which vary by county. The State incurs the costs of felony probation at an average annual cost of \$1,800, as well as the cost of incarceration in a State facility at an average annual cost of \$28,000.

Fiscal Analyst: Bethany Wicksall

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.