



State University of New York

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Memorandum to Presidents

OFFICE OF THE PROVOST

Date: October 4, 1988

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From: Office of University Counsel and
Vice Chancellor for Legal Affairs

Subject: Hazing - Penal Law Revisions

To: Presidents, State-Operated Campuses

Effective November 1, 1988, conduct known as hazing will be subject to greater criminal penalties (Chapter 86 of the Laws of 1988, copy attached). These legislative amendments also expand the definition of hazing to include actions which do not result in actual injury.

- Under the revised law, a person can be found guilty of hazing in the first degree (a Class A misdemeanor) if, in the course of a person's "initiation into or affiliation with any organization," that person "intentionally or recklessly engages in conduct which creates a substantial risk of physical injury to such other person or a third person and thereby causes such injury" (Penal Law, §120.16). A conviction of this offense now carries a potential penalty of a fine of up to \$1000, one year in jail, or both. (Under former law, hazing was considered to be a violation punishable by no more than a fine of up to \$250, 15 days in jail, or both.)

- A new offense designated as hazing in the second degree (a violation) incorporates a nearly identical definition except that no actual injury to any person need be proven (Penal Law, §120.17).

These Penal Law revisions do not affect the definition of hazing found in the State University Trustees' Rules for the Maintenance of Public Order (8 NYCRR Part 535, see Memorandum to Presidents, Vol. 80, No. 14, October 17, 1980). Any references in student handbooks or other publications to the Penal Law sanctions for hazing should be reviewed and amended as appropriate.

**PENAL LAW—HAZING IN THE FIRST DEGREE—CLASS
“A” MISDEMEANOR**

CHAPTER 86

S. 419-A, A.674-A

Approved May 23, 1988, effective Nov. 1, 1988

AN ACT to amend the penal law, in relation to hazing and to repeal subdivision four of section 240.25 of such law relating thereto

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

§ 1. Section 120.16 of the penal law, as added by chapter seven hundred sixteen of the laws of nineteen hundred eighty-three, is amended and a new section 120.17 is added to read as follows:

§ 120.16 Hazing in the first degree

A person is guilty of hazing in the first degree when, in the course of another person's initiation into or affiliation with any organization, he intentionally or recklessly engages in conduct which creates a substantial risk of physical injury to such other person or a third person and thereby causes such injury.

Hazing in the first degree is a class A misdemeanor.

§ 120.17 Hazing in the second degree

A person is guilty of hazing in the second degree when, in the course of another person's initiation or affiliation with any organization, he intentionally or recklessly engages in conduct which creates a substantial risk of physical injury to such other person or a third person.

Hazing in the second degree is a violation.

§ 2. Subdivision four of section 240.25 of such law is REPEALED.

§ 3. This act shall take effect on the first day of November next succeeding the date on which it shall have become a law.