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Committees:

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Sponsor Testimony
Senate Bill 329
Wednesday, November 28, 2018
Senator Kevin Bacon
Senate Government Oversight and Reform Committee

Chairman Coley, Vice-Chairman Uecker, Ranking Member Schiavoni and Members of the Senate Government Oversight and Reform Committee, thank you for the opportunity to provide sponsor testimony on Senate Bill 329. This legislation closes a loophole in state law governing hazing and enhances the penalty for compelling any person to validate their membership in a social group in a manner that causes them to substantially risk their mental or physical well-being.

I became aware of the need for this legislation after being interviewed by the Dayton Daily News last year. In a 2014 incident, a University of Dayton football player decided to press charges against the university after sustaining a concussion during a team event where freshmen members were pressured to binge drink. Citing that the player was already a member of the team and therefore the event was not an initiation event, the university's lawyer filed a motion to dismiss the charges. Fortunately, the judge denied the motion to dismiss. However, after hearing this story, it is apparent that we must clarify Ohio's hazing law to make certain that it is not interpreted improperly.

As you may be aware, ORC 2903.31 limits hazing to acts of "initiation" into an organization, leaving students vulnerable to potentially dangerous acts after they have officially joined the organization. Senate Bill 329 seeks to close this loophole by expanding the definition of hazing to include activities to affirm, continue, or reinstate membership with an organization. SB 329 also increases the penalty for hazing from a fourth degree misdemeanor to a first-degree misdemeanor.

The bill maintains that in order to be considered hazing, such acts must contain an element of significant hazard to the victim. To be charged with hazing under Ohio's criminal statute, the prosecution must establish that the perpetrator caused the victim to undergo "substantial risk of causing mental or physical harm." As is the case under current law, the school administration can also be charged with hazing if they are found to have recklessly permitted such hazing to have taken place. Corresponding civil liability also exists on the part of both school administrations that recklessly permit hazing as well as the actual perpetrator(s) of the act.

The language used in SB 329 is similar with that used in House Bill 360, an anti-bullying and hazing bill, which passed through the House with strong support.

Thank you for your consideration. I will be happy to answer any questions the committee may have.