

# 'REGARDLESS OF CONSENT' ANTI-HAZING LAW DEFINITIONS BY STATE

The map below depicts which states include the component of 'consent' in the definition of hazing within their anti-hazing law.

## Definition:

Hazing is any activity expected of someone joining or participating in a group that humiliates, degrades, abuses, or endangers them, regardless of a person's willingness to participate (Allan & Madden, 2008).

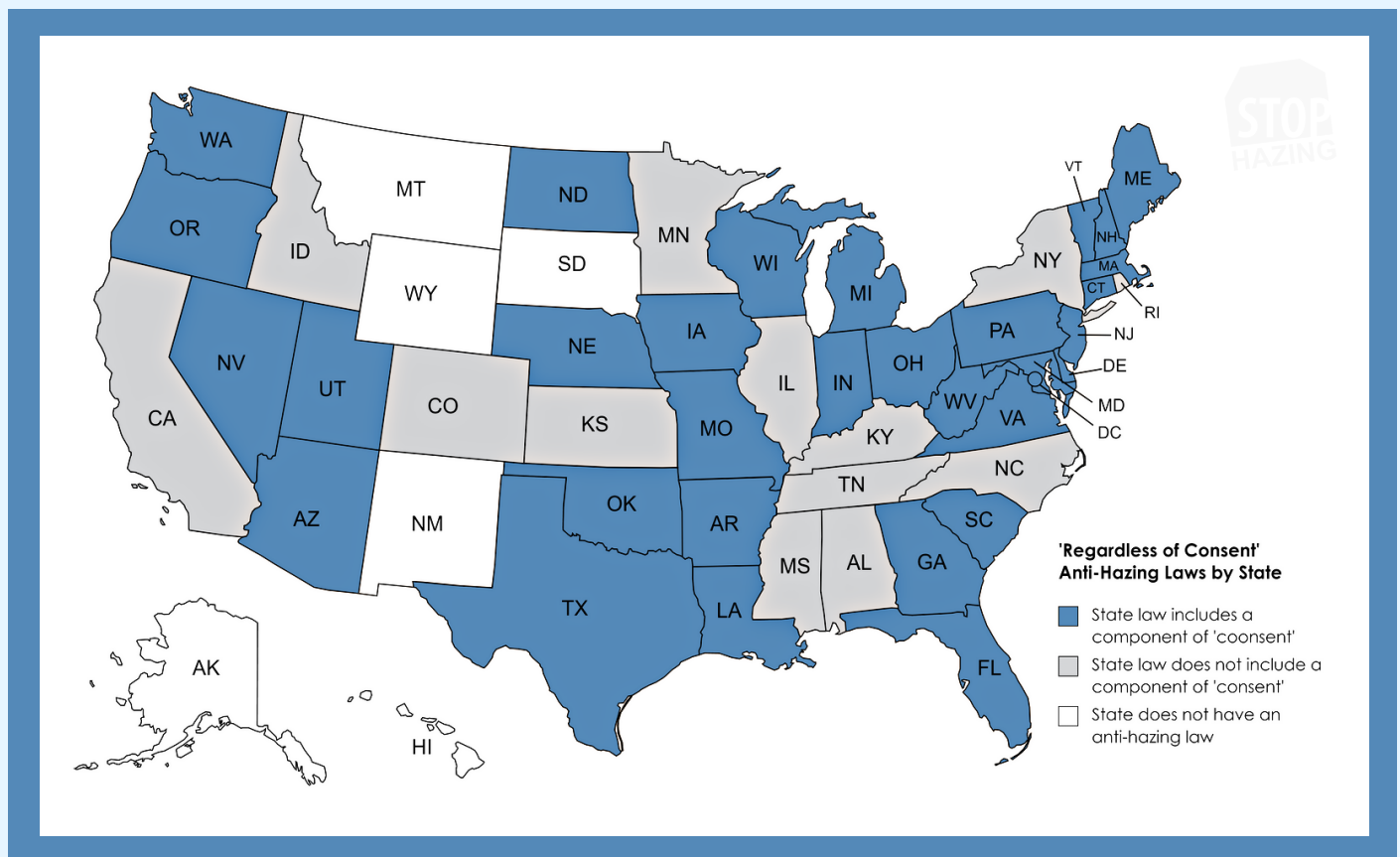
## The three key components:

1. It occurs in a group context
2. Humiliating, degrading, or endangering behavior
3. Happens regardless of consent or an individual's willingness to participate.

The third component of hazing (regardless of consent) often causes some confusion and demands more attention when talking about hazing or doing hazing prevention work. This particular component draws attention to the aspects of the context of hazing that can impede a true consent.

Hazing can happen regardless of an individual's willingness to participate. The willingness of a person to participate does not negate if hazing did or did not occur. Even if someone agrees to participate in a potentially hazardous action, it cannot be 'true consent' (or consent that is given freely) when considering coercive environments such as - peer pressure, power dynamics, intentional or unintentional threats, substance misuse (alcohol and other drug), the desire to belong to the group, or the withholding of information about what will occur - consent is never a valid defense for hazing.

Learn more about the definition of hazing and its three key components at:  
[www.stophazing.org/issue](http://www.stophazing.org/issue).



# 'REGARDLESS OF CONSENT' ANTI-HAZING LAWS BY STATE

STATE	DOES THE LAW INCLUDE A COMPONENT OF CONSENT?	CLAUSE WITHIN LAW PERTAINING TO CONSENT
<u>Alabama</u>	No	
<u>Alaska</u>	*No anti-hazing law	
<u>Arizona</u>	Yes	"...It is NOT a defense to hazing if either of the following applies: ... (1) the victim or person against whom the hazing was directed, acquiesced or <i>consented</i> , whether implied or expressed, to the conduct..."
<u>Arkansas</u>	No	
<u>California</u>	No	
<u>Colorado</u>	No	
<u>Connecticut</u>	Yes	"...The implied or express consent of the victim shall not be a defense in any action brought under this section."
<u>Delaware</u>	Yes	"...For purposes of this definition, any activity as described in this definition upon which the admission or initiation into or affiliation with or continued membership in an organization is directly or indirectly conditioned shall be presumed to be "forced" activity, the willingness of an individual to participate in such activity notwithstanding."
<u>Florida</u>	Yes	"...It is not a defense to a charge of hazing that: Consent of the victim had been obtained."

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STATE	DOES THE LAW INCLUDE A COMPONENT OF CONSENT?	CLAUSE WITHIN LAW PERTAINING TO CONSENT
<u>Georgia</u>	Yes	"...“Haze” or “hazing” means to subject a student to an activity which endangers or is likely to endanger the physical health of a student or coerces the student through the use of social or physical pressure to consume any food, liquid, alcohol, drug, or other substance which subjects the student to a likely risk of vomiting, intoxication, or unconsciousness regardless of a student’s willingness to participate in such activity."
Hawaii	*No anti-hazing law	
<u>Idaho</u>	No	
<u>Illinois</u>	No	
<u>Indiana</u>	Yes	"...“hazing” means forcing or requiring another person: (1) with or without the consent of the other person; and..."
<u>Iowa</u>	Yes	"...“forced activity” means any activity which is a condition of initiation or admission into, or affiliation with, an organization, regardless of a student’s willingness to participate in the activity."
<u>Kansas</u>	No	
<u>Kentucky</u>	No	
<u>Louisiana</u>	Yes	"... (1)This Section does not apply to an individual who is the subject of the hazing, regardless of whether the individual voluntarily allowed himself to be hazed. (2) It is not a defense to prosecution for a violation of this Section that the individual against whom the hazing was directed consented to or acquiesced in the hazing.

# 'REGARDLESS OF CONSENT' ANTI-HAZING LAWS BY STATE

STATE	DOES THE LAW INCLUDE A COMPONENT OF CONSENT?	CLAUSE WITHIN LAW PERTAINING TO CONSENT
<u>Maine</u>	Yes	"... <b>"Injurious hazing"</b> means any action or situation, including harassing behavior, that recklessly or intentionally endangers the mental or physical health of any school personnel or a student enrolled in school or any activity expected of a student as a condition of joining or maintaining membership in a group that humiliates, degrades, abuses or endangers the student, regardless of the student's willingness to participate in the activity."
<u>Maryland</u>	Yes	"...The implied or express consent of a student to hazing is not a defense under this section."
<u>Massachusetts</u>	Yes	"...Notwithstanding any other provisions of this section to the contrary, consent shall not be available as a defense to any prosecution under this action."
<u>Michigan</u>	Yes	"...(4) This section does not apply to an individual who is the subject of the hazing, regardless of whether the individual voluntarily allowed himself or herself to be hazed...(6) It is not a defense to a prosecution for a crime under this section that the individual against whom the hazing was directed consented to or acquiesced in the hazing."
<u>Minnesota</u>	No	
<u>Mississippi</u>	No	
<u>Missouri</u>	Yes	"...Consent is not a defense to hazing."
Montana	*No anti-hazing law	
<u>Nebraska</u>	Yes	"...Notwithstanding any provisions to the contrary, consent shall not be a defense to a prosecution pursuant to section 28-311.06."

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STATE	DOES THE LAW INCLUDE A COMPONENT OF CONSENT?	CLAUSE WITHIN LAW PERTAINING TO CONSENT
<u>Nevada</u>	Yes	"...Consent of a victim of hazing is not a valid defense to a prosecution conducted pursuant to this section."
<u>New Hampshire</u>	Yes	"...The implied or express consent of any person toward whom an act of hazing is directed shall not be a defense in any action brought under this section."
<u>New Jersey</u>	Yes	"...Notwithstanding any other provision of Title 2C of the New Jersey Statutes to the contrary, consent shall not be available as a defense to a prosecution under section 1 of P.L.1980, c.169 (C.2C:40-3)."
New Mexico	*No anti-hazing law	
<u>New York</u>	No	
<u>North Carolina</u>	No	
<u>North Dakota</u>	No	
<u>Ohio</u>	Yes	"...The negligence or consent of the plaintiff or any assumption of the risk by the plaintiff is not a defense to an action brought pursuant to this section."
<u>Oklahoma</u>	Yes	"...Any hazing activity described in subsection F of this section upon which the initiation or admission into or affiliation with an organization sanctioned or authorized by a public or private school or by any institution of higher education in this state is directly or indirectly conditioned shall be presumed to be a forced activity, even if the student willingly participates in such activity."



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STATE	DOES THE LAW INCLUDE A COMPONENT OF CONSENT?	CLAUSE WITHIN LAW PERTAINING TO CONSENT
<u>Oregon</u>	Yes	"...Consent of the person who is hazed is not a defense in a prosecution..."
<u>Pennsylvania</u>	Yes	"...It shall not be a defense...if the consent of the minor or student was sought or obtained."
<u>Rhode Island</u>	No	
<u>South Carolina</u>	Yes	"...The implied or express consent of a person to acts which violate Section 16-3-510 does not constitute a defense to violations of Sections 16-3-510 or 16-3-520."
<u>South Dakota</u>	*No anti-hazing law	
<u>Tennessee</u>	No	
<u>Texas</u>	Yes	"...It is not a defense to prosecution of an offense under this subchapter that the person against whom the hazing was directed consented to or acquiesced in the hazing activity."
<u>Utah</u>	Yes	...The conduct described in Subsection (5)(a) constitutes hazing, regardless of whether the school employee or student against whom the conduct is committed directed, consented to, or acquiesced in, the conduct.
<u>Vermont</u>	Yes	"...It is not a defense in an action under this subchapter that the person against whom the hazing was directed consented to or acquiesced in the hazing activity."

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STATE	DOES THE LAW INCLUDE A COMPONENT OF CONSENT?	CLAUSE WITHIN LAW PERTAINING TO CONSENT
<u>Virginia</u>	Yes	"...“hazing” means to recklessly or intentionally endanger the health or safety of a student or students or to inflict bodily injury on a student or students in connection with or for the purpose of initiation, admission into or affiliation with or as a condition for continued membership in a club, organization, association, fraternity, sorority, or student body regardless of whether the student or students so endangered or injured participated voluntarily in the relevant activity."
<u>Washington</u>	Yes	"...“hazing” includes any act committed...which subjects the person to risk of such harm, regardless of the person’s willingness to participate."
<u>West Virginia</u>	Yes	"...the implied or expressed consent or willingness of a person or persons to hazing shall not be a defense under this section."
<u>Wisconsin</u>	Yes	"...In this section “forced activity” means any activity which is a condition of initiation or admission into or affiliation with an organization, regardless of a student’s willingness to participate in the activity."
Wyoming	*No anti-hazing law	
<u>Washington, D.C.</u>	Yes	"...The implied or expressed consent of a student shall not be a defense under this section."

Questions about this resource? Contact StopHazing at [info@stophazing.org](mailto:info@stophazing.org)

Suggested citation:

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