**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE “TUCKER HIPPS STUDENT ORGANIZATION ACT”; TO AMEND SECTION 59‑101‑200, RELATING TO THE PROHIBITION ON HAZING, SO AS TO EXPAND THE DEFINITION OF HAZING TO PROHIBIT A MEMBER OF A STUDENT ORGANIZATION FROM COMMANDING A STUDENT SEEKING MEMBERSHIP IN THE STUDENT ORGANIZATION FROM PERFORMING ANY ACT THAT MAY JEOPARDIZE THE HEALTH OR SAFETY OF THE STUDENT WHO IS SEEKING MEMBERSHIP, INCLUDING, BUT NOT LIMITED TO, A COMMAND TO USE A BEVERAGE ALCOHOL OR ANY OTHER DRUG, TO PROVIDE ADDITIONAL PENALTIES FOR VIOLATIONS, AND TO DEFINE NECESSARY TERMINOLOGY; AND TO AMEND SECTION 16‑3‑530, RELATING TO PENALTIES FOR THE CRIME OF HAZING, SO AS TO MAKE THE CRIME A FELONY WHEN HAZING RESULTS IN A LIFE‑THREATENING INJURY OR DEATH, AND TO PROVIDE PENALTIES.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. This act must be known and may be cited as the “Tucker Hipps Student Organization Act”.

SECTION 2. Section 59‑101‑200 of the 1976 Code is amended to read:

“Section 59‑101‑200. (A) For purposes of this section:

(1) ‘Student’ means a person enrolled in a state university, college, or other public institution of higher learning.

(2) ‘Student organization’ means an organization sanctioned or recognized by a public institution of higher learning and whose membership is based on, centered around, led, governed, and directed by students of that institution of higher learning. Student organizations may represent a wide range of interests and fields of study, and include social organizations such as fraternities and sororities. In a relationship between a member of a student organization and a person seeking membership into the organization, the member is considered the superior student to the student seeking membership, who is considered the subordinate student.

(3) ‘Superior student’ means a student who has attended a state university, college, or other public institution of higher learning longer than another student or who has an official position giving authority over another student.

(~~3~~4) ‘Subordinate student’ means a person who attends a state university, college, or other public institution of higher learning who is not defined as a ‘superior student’ in subitem ~~(2)~~(3).

(~~4~~5) ‘Hazing’ means the wrongful striking, laying open hand upon, threatening with violence, or offering to do bodily harm by a superior student to a subordinate student with intent to punish or injure the subordinate student, or other unauthorized treatment by the superior student of a subordinate student of a tyrannical, abusive, shameful, insulting, or humiliating nature.

(B) Hazing at all state supported universities, colleges, and public institutions of higher learning is prohibited. When an investigation has disclosed substantial evidence that a student has committed an independent act or acts of hazing, the student may be dismissed, expelled, suspended, or punished as the president of the school considers appropriate.

(C) In addition to the other provisions of this section, hazing means a member of a student organization directing a student seeking membership in the student organization to perform any act that may jeopardize the health or safety of the student seeking membership, including, but not limited to, a command to use a beverage alcohol or any other drug. If such a command is given and injury or death to the student seeking membership occurs, the student organization member who gave the command must be permanently banned from any student organization at any public institution of higher learning and the student organization must be permanently banned from the public college or university. If such a command is given but life‑threatening injury or death does not occur, the offending student organization must be banned from the public institution of higher learning of the student organization for ten years.

(D) The provisions of this section are in addition to the provisions of Article 6, Chapter 3 ~~of~~, Title 16.

(~~D~~E) The provisions of Section 30‑4‑40(a)(2) and 30‑4‑70(a)(1) continue to apply to hazing incidents.”

SECTION 3. Section 16‑3‑530 of the 1976 Code is amended to read:

“Section 16‑3‑530. (A) ~~Any~~ Except as provided in subsection (B), a person who violates the provisions of Sections 16‑3‑510 or 16‑3‑520 is guilty of a misdemeanor and, upon conviction, must be punished by a fine not to exceed five hundred dollars or by imprisonment for a term not to exceed twelve months, or both.

(B) A person whose violation of Sections 16‑3‑510 or 16‑3‑520 results in a life‑threatening injury or death is guilty of a felony and, upon conviction, must be punished by:

(1) a fine not to exceed five thousand dollars;

(2) imprisonment for a minimum term of five years but not to exceed twenty years; or

(3) both items (1) and (2).”

SECTION 4. This act takes effect upon approval by the Governor.

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