

FIRST REGULAR SESSION

[PERFECTED]

SENATE SUBSTITUTE NO. 2 FOR

SENATE BILL NO. 167

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR GREGORY (21).

1005S.04P

KRISTINA MARTIN, Secretary

AN ACT

To repeal section 578.365, RSMo, and to enact in lieu thereof one new section relating to the offense of hazing, with penalty provisions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 578.365, RSMo, is repealed and one new
2 section enacted in lieu thereof, to be known as section 578.365,
3 to read as follows:

578.365. 1. **This section shall be known and may be**
2 **cited as "Danny's Law".**

3 2. A person commits the offense of hazing if he or she
4 knowingly, **actively, and not under duress** participates in,
5 **solicits another person to participate in,** or causes **or**
6 **plans** a willful act, occurring on or off the campus of a
7 public or private college or university, directed against a
8 student or a prospective member, **current member, or former**
9 **member** of an organization operating under the sanction of a
10 public or private college or university, that recklessly
11 endangers the mental or physical health or safety of a
12 student or prospective member, **current member, or former**
13 **member** for the purpose of initiation or admission into or
14 continued membership in any such organization to the extent
15 that such person is knowingly placed at probable risk of the

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

16 loss of life or probable bodily or psychological harm. Acts
17 of hazing include:

18 (1) Any activity which recklessly endangers the
19 physical health or safety of the student or prospective
20 member, **current member, or former member**, including but not
21 limited to physical brutality, whipping, beating, branding,
22 exposure to the elements, forced consumption of any food,
23 liquor, drug or other substance, or forced smoking or
24 chewing of tobacco products;

25 (2) Any activity which recklessly endangers the mental
26 health of the student or prospective member, **current member,**
27 **or former member**, including but not limited to sleep
28 deprivation, physical confinement, or other extreme stress-
29 inducing activity; or

30 (3) Any activity that requires the student or
31 prospective member, **current member, or former member** to
32 perform a duty or task which involves a violation of the
33 criminal laws of this state or any political subdivision in
34 this state.

35 [2.] 3. Public or private colleges or universities in
36 this state shall adopt a written policy prohibiting hazing
37 by any organization operating under the sanction of the
38 institution.

39 [3.] 4. Nothing in this section shall be interpreted
40 as creating a new private cause of action against any
41 educational institution.

42 [4.] 5. Consent is not a defense to hazing. Section
43 565.010 does not apply to hazing cases or to homicide cases
44 arising out of hazing activity.

45 [5.] 6. The offense of hazing is a class A
46 misdemeanor, unless the act creates a substantial risk to
47 the life of the student [or], prospective member, **current**

48 member, or former member, in which case it is a class D
49 felony.

50 7. A person shall not be guilty of the offense of
51 hazing if the person establishes all of the following:

52 (1) That he was present at an event where, as a result
53 of hazing, a person appeared to be in need of immediate
54 medical assistance;

55 (2) That he was the first person to call 911 or campus
56 security to report the need for immediate medical assistance;

57 (3) That he provided his own name, the address where
58 immediate medical assistance was needed, and a description
59 of the medical issue to the 911 operator or campus security
60 at the time of the call; and

61 (4) That he remained at the scene with the person in
62 need of immediate medical assistance until medical
63 assistance, law enforcement, or campus security arrived and
64 that he cooperated with such personnel on the scene.

65 8. Notwithstanding subsection 7 of this section to the
66 contrary, a person shall be immune from prosecution under
67 this section if the person establishes that the person
68 rendered aid to the hazing victim before medical assistance,
69 law enforcement, or campus security arrived on the scene of
70 the hazing event. For purposes of this subsection, the term
71 "aid" includes, but is not limited to, rendering
72 cardiopulmonary resuscitation to the victim, clearing an
73 airway for the victim to breathe, using a defibrillator to
74 assist the victim, or rendering any other assistance to the
75 victim that the person intended in good faith to stabilize
76 or improve the victim's condition while waiting for medical
77 assistance, law enforcement, or campus security to arrive.

78 9. For purposes of this section, the term "former
79 member" means a person who is no longer affiliated with the

80 chapter of the organization operating under the sanction of
81 the public or private college or university, but who may be
82 affiliated with the national chapter of the organization.

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