

SENATE SUBSTITUTE
FOR
SENATE BILL NO. 167
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Section A. Section 578.365, RSMo, is repealed and one new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 participates in, solicits another person to
5 participate in, or causes or plans a willful act, occurring
6 on or off the campus of a public or private college or
7 university, directed against a student [or], a prospective
8 member, or a former member of an organization operating
9 under the sanction of a public or private college or
10 university, that recklessly endangers the mental or physical
11 health or safety of a student [or], prospective member, or
12 former member for the purpose of initiation or admission
13 into or continued membership in any such organization to the
14 extent that such person is knowingly placed at probable risk
15 of the loss of life or probable bodily or psychological
16 harm. Acts of hazing include:

17 (1) Any activity which recklessly endangers the
18 physical health or safety of the student [or], prospective
19 member, or former member, including but not limited to
20 physical brutality, whipping, beating, branding, exposure to
21 the elements, forced consumption of any food, liquor, drug

22 or other substance, or forced smoking or chewing of tobacco
23 products;

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

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

33 [2.] 3. Public or private colleges or universities in
34 this state shall adopt a written policy prohibiting hazing
35 by any organization operating under the sanction of the
36 institution.

37 [3.] 4. Nothing in this section shall be interpreted
38 as creating a new private cause of action against any
39 educational institution.

40 [4.] 5. Consent is not a defense to hazing. Section
41 565.010 does not apply to hazing cases or to homicide cases
42 arising out of hazing activity.

43 [5.] 6. The offense of hazing is a class A
44 misdemeanor, unless the act creates a substantial risk to
45 the life of the student [or], prospective member, or former
46 member, in which case it is a class D felony.

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

49 (1) That he or she was present at an event where, as a
50 result of hazing, a person appeared to be in need of
51 immediate medical assistance;

52 (2) That he or she was the first person to call 911 or
53 campus security to report the need for immediate medical
54 assistance;

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

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

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