

**SENATE AMENDMENT NO. \_\_\_\_\_**

Offered by \_\_\_\_\_ of \_\_\_\_\_

Amend SS/Senate Bill No. 7, Page 9, Section 190.166, Line 85,

2 by inserting after all of said line the following:

3 "578.365. 1. A person commits the offense of hazing  
4 if he or she knowingly participates in or causes a willful  
5 act, occurring on or off the campus of a public or private  
6 college or university, directed against a student or a  
7 prospective member of an organization operating under the  
8 sanction of a public or private college or university, that  
9 recklessly endangers the mental or physical health or safety  
10 of a student or prospective member for the purpose of  
11 initiation or admission into or continued membership in any  
12 such organization to the extent that such person is  
13 knowingly placed at probable risk of the loss of life or  
14 probable bodily or psychological harm. Acts of hazing  
15 include:

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

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

26           (3) Any activity that requires the student or  
27 prospective member to perform a duty or task which involves  
28 a violation of the criminal laws of this state or any  
29 political subdivision in this state.

30           2. Public or private colleges or universities in this  
31 state shall adopt a written policy prohibiting hazing by any  
32 organization operating under the sanction of the institution.

33           3. Nothing in this section shall be interpreted as  
34 creating a new private cause of action against any  
35 educational institution.

36           4. Consent is not a defense to hazing. Section  
37 565.010 does not apply to hazing cases or to homicide cases  
38 arising out of hazing activity.

39           5. The offense of hazing is a class A misdemeanor,  
40 unless the act creates a substantial risk to the life of the  
41 student or prospective member, in which case it is a class D  
42 felony.

43           6. A person shall not be guilty of the offense of  
44 hazing if the person establishes all of the following:

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

48           (2) That he or she was the first person to call 911 or  
49 campus security to report the need for immediate medical  
50 assistance;

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

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

59           7. Notwithstanding subsection 6 of this section, a  
60 person shall be immune from prosecution under this section  
61 if the person establishes that the person rendered aid to  
62 the hazing victim before medical assistance, law  
63 enforcement, or campus security arrived on the scene of the  
64 hazing event. For purposes of this subsection, "aid"  
65 includes, but is not limited to, rendering cardiopulmonary  
66 resuscitation to the victim, clearing an airway for the  
67 victim to breathe, using a defibrillator to assist the  
68 victim, or rendering any other assistance to the victim that  
69 the person intended in good faith to stabilize or improve  
70 the victim's condition while waiting for medical assistance,  
71 law enforcement, or campus security to arrive."; and

72           Further amend the title and enacting clause accordingly.