

SENATE BILL NO. 167

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR GREGORY (21).

1005S.01I

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Section A. Section 578.365, RSMo, is repealed and one new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

(1) Any activity which recklessly endangers the
16 physical health or safety of the student **[or]**, prospective
17 member, **or former member**, including but not limited to
18 physical brutality, whipping, beating, branding, exposure to

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

19 the elements, forced consumption of any food, liquor, drug
20 or other substance, or forced smoking or chewing of tobacco
21 products;

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

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

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

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

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

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

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

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

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

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

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

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

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