

FIRST REGULAR SESSION

SENATE BILL NO. 384

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR TRENT.

0094S.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Section A. Section 578.365, RSMo, is repealed and one new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 or causes a willful act,
3 occurring on or off the campus of a public or private
4 college or university, directed against a student or a
5 prospective member of an organization operating under the
6 sanction of a public or private college or university, that
7 recklessly endangers the mental or physical health or safety
8 of a student or prospective member for the purpose of
9 initiation or admission into or continued membership in any
10 such organization to the extent that such person is
11 knowingly placed at probable risk of the loss of life or
12 probable bodily or psychological harm. Acts of hazing
13 include:

14 (1) Any activity which recklessly endangers the
15 physical health or safety of the student or prospective
16 member, including but not limited to physical brutality,
17 whipping, beating, branding, exposure to the elements,

18 forced consumption of any food, liquor, drug or other
19 substance, or forced smoking or chewing of tobacco products;

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

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

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

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

34 4. Consent is not a defense to hazing. Section
35 565.010 does not apply to hazing cases or to homicide cases
36 arising out of hazing activity.

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

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

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

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

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

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

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

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