

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Section A. Section 578.365, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 578.365, to read as follows:

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

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

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

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

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

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

31 4. Consent is not a defense to hazing. Section 565.010 does
32 not apply to hazing cases or to homicide cases arising out of
33 hazing activity.

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

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

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

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

44 (3) That he or she provided his or her own name, the address

45 where immediate medical assistance was needed, and a description
46 of the medical issue to the 911 operator or campus security at the
47 time of the call; and

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

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