

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for
2 Senate Bill No. 72, Page 81, Section 575.205, Line 11, by inserting after all of said section and line
3 the following:
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5 "578.365. 1. A person commits the offense of hazing if he or she knowingly participates in
6 or causes a willful act, occurring on or off the campus of a public or private college or university,
7 directed against a student or a prospective member of an organization operating under the sanction
8 of a public or private college or university, that recklessly endangers the mental or physical health or
9 safety of a student or prospective member for the purpose of initiation or admission into or
10 continued membership in any such organization to the extent that such person is knowingly placed
11 at probable risk of the loss of life or probable bodily or psychological harm. Acts of hazing include:

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

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

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

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

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

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

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

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

Action Taken _____ Date _____

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

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

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

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

11 7. Notwithstanding subsection 6 of this section, a person shall be immune from prosecution
12 under this section if the person establishes that the person rendered aid to the hazing victim before
13 medical assistance, law enforcement, or campus security arrived on the scene of the hazing event.
14 For purposes of this subsection, "aid" includes, but is not be limited to, rendering cardiopulmonary
15 resuscitation to the victim, clearing an airway for the victim to breathe, using a defibrillator to assist
16 the victim, or rendering any other assistance to the victim that the person intended in good faith to
17 stabilize or improve the victim's condition while waiting for medical assistance, law enforcement, or
18 campus security to arrive."; and

19
20 Further amend said bill by amending the title, enacting clause, and intersectional references
21 accordingly.