

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By \_\_\_\_\_

1 AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for  
2 Senate Bill No. 60, Page 54, Section 573.215, Line 13, by inserting after said section and line the  
3 following:  
4

5 "578.365. 1. This section shall be known and may be cited as "Danny's Law".

6 2. A person commits the offense of hazing if he or she knowingly, actively, and not under  
7 duress participates in, solicits another person to participate in, or causes or plans a willful act,  
8 occurring on or off the campus of a public or private college or university, directed against a student  
9 or a prospective member, current member, or former member of an organization operating under the  
10 sanction of a public or private college or university, that recklessly endangers the mental or physical  
11 health or safety of a student or prospective member, current member, or former member for the  
12 purpose of initiation or admission into or continued membership in any such organization to the  
13 extent that such person is knowingly placed at probable risk of the loss of life or probable bodily or  
14 psychological harm. Acts of hazing include:

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

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

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

25 ~~[2.]~~ 3. Public or private colleges or universities in this state shall adopt a written policy  
26 prohibiting hazing by any organization operating under the sanction of the institution.

27 ~~[3.]~~ 4. Nothing in this section shall be interpreted as creating a new private cause of action  
28 against any educational institution.

29 ~~[4.]~~ 5. Consent is not a defense to hazing. Section 565.010 does not apply to hazing cases or  
30 to homicide cases arising out of hazing activity.

Action Taken \_\_\_\_\_ Date \_\_\_\_\_

1           ~~[5.]~~ 6. The offense of hazing is a class A misdemeanor, unless the act creates a substantial  
2 risk to the life of the student ~~[or]~~, prospective member, current member, or former member, in which  
3 case it is a class D felony.

4           7. A person shall not be guilty of the offense of hazing if the person establishes all of the  
5 following:

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

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

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

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

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

24           9. For purposes of this section, the term "former member" means a person who is no longer  
25 affiliated with the chapter of the organization operating under the sanction of the public or private  
26 college or university, but who may be affiliated with the national chapter of the organization."; and  
27

28 Further amend said bill by amending the title, enacting clause, and intersectional references  
29 accordingly.