

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 160, Page 13,
2 Section 178.787, Line 48, by inserting after all of said section and line the following:

3
4 "578.365. 1. This section shall be known and may be cited as "Danny's Law".

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

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

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

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

24 [~~2.~~] 3. Public or private colleges or universities in this state shall adopt a written policy
25 prohibiting hazing by any organization operating under the sanction of the institution.

26 [~~3.~~] 4. Nothing in this section shall be interpreted as creating a new private cause of action
27 against any educational institution.

28 [~~4.~~] 5. Consent is not a defense to hazing. Section 565.010 does not apply to hazing cases or
29 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.