

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 234
103RD GENERAL ASSEMBLY

0937H.02C

JOSEPH ENGLER, Chief Clerk

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Section A. Section 578.365, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 578.365, to read as follows: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. **This section shall be known and may be cited as "Danny's Law".**
2. A person commits the offense of hazing if he or she knowingly, **actively, and not under duress** participates in, **solicits another person to participate in**, or causes or plans 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, **current member, or former 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, **current member, or former 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, **current member, or former 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;

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

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

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

23 ~~[2-]~~ **3.** Public or private colleges or universities in this state shall adopt a written
24 policy prohibiting hazing by any organization operating under the sanction of the institution.

25 ~~[3-]~~ **4.** Nothing in this section shall be interpreted as creating a new private cause of
26 action against any educational institution.

27 ~~[4-]~~ **5.** Consent is not a defense to hazing. Section 565.010 does not apply to hazing
28 cases or to homicide cases arising out of hazing activity.

29 ~~[5-]~~ **6.** The offense of hazing is a class A misdemeanor, unless the act creates a
30 substantial risk to the life of the student ~~[or]~~, prospective member, **current member, or**
31 **former member**, in which case it is a class D felony.

32 **7. A person shall not be guilty of the offense of hazing if the person establishes all**
33 **of the following:**

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

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

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

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

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

53 **9. For purposes of this section, the term "former member" means a person who**
54 **is no longer affiliated with the chapter of the organization operating under the sanction**
55 **of the public or private college or university, but who may be affiliated with the national**
56 **chapter of the organization.**

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