

SECOND REGULAR SESSION

# HOUSE BILL NO. 1443

102ND GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE SMITH (155).

3725H.011

DANA RADEMAN MILLER, Chief Clerk

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## 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.

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Section A. Section 578.365, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 578.365, to read as follows: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

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

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.

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

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

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

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

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

27 **6. A person shall not be guilty of the offense of hazing if the person establishes all**  
28 **of the following:**

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

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

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

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

39 **7. Notwithstanding subsection 6 of this section, a person shall be immune from**  
40 **prosecution under this section if the person establishes that the person rendered aid to**  
41 **the hazing victim before medical assistance, law enforcement, or campus security**  
42 **arrived on the scene of the hazing event. For purposes of this subsection, "aid"**  
43 **includes, but is not limited to, rendering cardiopulmonary resuscitation to the victim,**  
44 **clearing an airway for the victim to breathe, using a defibrillator to assist the victim, or**  
45 **rendering any other assistance to the victim that the person intended in good faith to**  
46 **stabilize or improve the victim's condition while waiting for medical assistance, law**  
47 **enforcement, or campus security to arrive.**

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