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FISCAL IMPACT REPORT

SPONSOR Stapleton/
Youngblood ORIGINAL DATE 2/15/17 LAST UPDATED 3/13/17 HB 200/HFIS

SHORT TITLE Anti-Hazing Act SB _____

ANALYST Chilton

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY17	FY18	FY19	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	NFI	NFI	NFI	NFI		

(Parenthesis () Indicate Expenditure Decreases)

Related to House Bill 427

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)
Office of the Attorney General (OAG)
Public School Insurance Authority (PSIA)
Public Education Department (PED)
Central New Mexico Community College (CNM)
Children, Youth and Families Department (CYFD)
Higher Education Department (HED)
Western New Mexico University (WNMU)

Responses Not Received From

New Mexico Activities Association (NMAA)
General Services Department (GSD)
Other New Mexico institutes of Higher Education

SUMMARY

Synopsis of House Floor Substitute

House Bill 200 enacts a new section of the criminal code. It defines hazing as “willfully taking an action or creating a situation that recklessly or intentionally endangers the mental or physical health of another current or prospective student” for induction or initiation of a fellow student into a group, team, or private athletic club and makes it a misdemeanor for the person convicted of conducting hazing of another person at any New Mexico school or higher education institution

or in a private athletic club, but excludes coaching, training or conditioning or physical education, customary athletic events or school-sanctioned events from the definition.

FISCAL IMPLICATIONS

No fiscal impact is noted, although HED notes that “A strong state law along with strict school guidelines after the first instances of hazing could help reduce the need for costly litigation,” and therefore could be money-saving.

SIGNIFICANT ISSUES

It would appear as if HB 200/HFIS would condone acts “that recklessly or intentionally endanger the mental or physical health of” a student as long as those acts were carried out by someone other than a fellow student (e.g., a coach or other adult) or if they occurred in the context of “coaching, training, conditioning, physical education, customary athletic events or school-sanctioned events.”

PED notes that its regulations provide that anti-bullying education must be provided in New Mexico schools as part of health education. However, New Mexico is only one of 8 US states that does not have a specific statute prohibiting hazing per se.

In 2014, many news outlets reported on incidents of hazing among University of New Mexico women’s soccer team members. Certain team members required other newer members to ingest large amounts of alcohol, and two were hospitalized. Other incidents have been reported in recent years in high schools in Santa Fe, Valencia and Colfax Counties.

Like most institutions of higher education in New Mexico, the University of New Mexico has adopted a policy, detailed on its website, loborespect.unm.edu that states, in part, “The University of New Mexico prohibits hazing activities as requirements for acceptance, advancement, membership or continued measure of good standing in formal/informal student groups, clubs or athletic teams.”

New Mexico’s Senate Bill 78 of 2011 required all local school boards in this state to implement a bullying prevention program, although hazing was not specifically mentioned in that legislation. Virtually all states have passed anti-bullying legislation; in some of those (e.g., Utah, 2008), hazing is specifically included among types of bullying.

PERFORMANCE IMPLICATIONS

PSIA notes that “schools will be required to be more diligent in the review of off-site retreats and camps. NMPSIA loss prevention consultants will include policy review of compliance procedures in their audits.”

RELATED to House Bill 427, which much more extensively defines hazing and requires educational institutions to publish in student handbooks their anti-hazing policies, the minimum contents of which are also specified in House Bill 427.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Each school or higher educational institution would continue to deal with incidents of hazing in its own way, often as it would with other subsets of bullying.

AMENDMENTS

PED recommends that there be added a requirement for training for school administrators, coaches and other school personnel on a periodic basis.

LAC/sb/jle/al