

<b>LFC Requester:</b>	<b>Hanika-Ortiz</b>
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**AGENCY BILL ANALYSIS - 2025 REGULAR SESSION**

**WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO**

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*(Analysis must be uploaded as a PDF)*

**SECTION I: GENERAL INFORMATION**

*{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}*

**Date Prepared:** 2 February 2025 *Check all that apply:*  
**Bill Number:** SB148 Original  Correction   
 Amendment  Substitute

**Sponsor:** Maestas, Hernandez **Agency Name and Code** NM Independent Community Colleges 994  
**Short Title:** Anti-Hazing Act **Number:** \_\_\_\_\_  
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**SECTION II: FISCAL IMPACT**

**ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	<b>FY25</b>	<b>FY26</b>	<b>FY27</b>	<b>3 Year Total Cost</b>	<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<b>Total</b>	Indeterminate	Indeterminate	Indeterminate		R	Institutional Operating Funds

(Parenthesis ( ) Indicate Expenditure Decreases)

Relates to: Senate Bill 10

**SECTION III: NARRATIVE**

**BILL SUMMARY**

Synopsis:

Senate Bill 148 (SB148) establishes the Anti-Hazing Act, creating two crimes – hazing and failure to report, establishing a cause for civil action, requiring hazing protection committees at post-secondary education institutions, requiring prevention education, providing penalties.

***Hazing defined.*** Hazing is an intentional, knowing or reckless act committed by a student or a prospective student either acting alone or in concert with other students or prospective students at either a public or private school or public or private post-secondary institution that

- is committed in the course of initiation into, an affiliation with, or the maintenance of membership in a student organization; and
- causes or creates a risk above the reasonable risk of physical or psychological injury.

SB148 lists provides lists of included activities which create risks above reasonable risks.

The individual upon whom hazing was directed cannot give implied or expressed consent to hazing. An organization cannot sanction or approve hazing activities.

***Individual consequences.*** Whoever commits hazing is guilty of a misdemeanor, however,

- If the hazing results in physical harm or great psychological harm, whoever committed the act of hazing is guilty of a fourth-degree felony.
- Whoever commits hazing that results in great physical harm is guilty of a third-degree felony.
- Whoever commits hazing that results in death is guilty of a second-degree felony.

Prosecution or conviction under Anti-Hazing Act does not preclude prosecution or conviction under other laws.

Any person who participates in hazing shall forfeit any state-funded grants, scholarships, or awards for a period of time determined by the school or post-secondary institution.

***Failure to report hazing.*** Any administrator, faculty member, coach, employee, independent contractor (performing or overseeing school functions) or volunteer at an institution who knows or reasonably should know of hazing conduct and fails to report the incident to a law enforcement agency is guilty of a misdemeanor.

***Concurrent Jurisdiction.*** The state department of justice and the district attorney in the county of jurisdiction have concurrent jurisdiction to enforce the Anti-Hazing Act.

***Civil Cause of Action.*** An individual who has been subjected to hazing may bring civil action for injury or damages, including mental and physical pain and suffering against:

- the participants in the hazing;
- the student organization which requested, commanded, or tolerated hazing;
- administrators, faculty members, coaches, employees, independent contractors overseeing school functions, or volunteers of a student organization of knew or reasonably should have known of the hazing and did not make reasonable attempts to prevent it; or
- public or private schools, public or private post-secondary institutions for failing to take reasonable steps to prevent hazing.

***Organization consequences.*** Any student organization that knew or reasonably should have known of hazing by the student organization's members or others subject to its direction or control and the organization did not make reasonable attempts to prevent the hazing shall forfeit any official recognition or approval granted by the public or private school or public or private post-secondary institution.

***Public and Private Post secondary institution requirements.***

Code of conduct, instructional materials

Institutions shall prohibit hazing both off- and on-campus in their codes of conduct. Beginning in the fall 2025 term, institutions shall provide students with an educational program on hazing. The program may be offered either in person or electronically. This

program shall be incorporated into new student orientation. The program must be posted on the institution's website for public viewing.

Instructional materials provided to student organizations shall include a statement on the institution's anti-hazing policy and on the dangers of hazing.

#### Hazing prevention committee

Post-secondary institutions shall establish a hazing prevention committee with a minimum of six members. The chair shall be appointed by the institution's president. Fifty percent of the committee shall be composed of currently enrolled students, with at least one student position being filled by a student from a student organization. The remaining fifty percent shall include at least one faculty member or staff member and one parent or legal guardian of a currently enrolled student. Students who are members of an organization that was affiliated with a hazing violation within the last 12 months may not participate in or be a member of the hazing prevention committee.

### **FISCAL IMPLICATIONS**

SB148 does not contain an appropriation. There will be post secondary institution costs associated with the hazing prevention committee.

### **SIGNIFICANT ISSUES**

New Mexico Independent Community Colleges (NMICC) is comprised of New Mexico's 8 independent community colleges (Clovis Community College, Central New Mexico College, Luna Community College, Mesalands Community College, New Mexico Junior College, Southeast New Mexico College, Santa Fe Community College, San Juan College), the New Mexico Military Institute, and both Northern New Mexico College and Western New Mexico University – four-year institutions that also serve a community college mission.

Hazing – activities that humiliate, degrade, abuse or endangers a person – regardless of the person's willingness to participate – has no place in post-secondary education. Six states (Montana, Wyoming, South Dakota, Alaska, Hawai'i, New Mexico) do not have an anti-hazing law.

### **RELATIONSHIP**

SB10 and SB148 both create the Anti-Hazing Act. SB10 focuses on post secondary institutions. SB10 creates both civil and criminal penalties.