

SENATE BILL 148

57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025

INTRODUCED BY

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This document may incorporate amendments proposed by a committee, but not yet adopted, as well as amendments that have been adopted during the current legislative session. The document is a tool to show amendments in context and cannot be used for the purpose of adding amendments to legislation.

AN ACT

RELATING TO HAZING; ENACTING THE ANTI-HAZING ACT; CREATING THE CRIME OF HAZING; CREATING THE CRIME OF FAILING TO REPORT HAZING; CREATING A CIVIL CAUSE OF ACTION; PROVIDING FOR ADDITIONAL CONSEQUENCES; REQUIRING A CODE OF CONDUCT AND A HAZING PREVENTION COMMITTEE AT A POST-SECONDARY EDUCATIONAL INSTITUTION; REQUIRING HAZING PREVENTION EDUCATION; PROVIDING PENALTIES.

.229238.2SAAIC March 1, 2025 (9:51am)

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BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. [NEW MATERIAL] SHORT TITLE.--This act may be cited as the "Anti-Hazing Act".

SECTION 2. [NEW MATERIAL] DEFINITIONS.--As used in the Anti-Hazing Act:

A. "great physical harm" means physical harm of a type that causes physical loss of a bodily member or organ or functional loss of a bodily member or organ for a prolonged period of time;

B. "great psychological harm" means psychological harm that causes mental or emotional incapacitation for a prolonged period of time or that causes extreme behavioral change or severe physical symptoms that require psychological or psychiatric care;

C. "physical harm" means an injury to the body that causes substantial pain or incapacitation; and

D. "student organization" means an organization at a SEC→~~public school, private school or~~←SEC public or private post-secondary educational institution, such as a club, a society, an association, SEC→~~a varsity or junior varsity~~←SEC SEC→an←SEC athletic team, a club sports team, a fraternity, a sorority, a band or student government, in which two or more of the members are students enrolled at the SEC→~~public school, private school or~~←SEC public or private post-secondary educational institution, whether or not the organization is established or recognized by the SEC→~~public school, private~~

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~~school or~~←SEC public or private post-secondary educational institution.

SECTION 3. [NEW MATERIAL] HAZING--FAILURE TO REPORT--PENALTIES.--

A. Hazing consists of an intentional, knowing or reckless act committed by a student or prospective student, whether individually or in concert with other students or prospective students, at a SEC→~~public school, private school~~ or←SEC public or private post-secondary educational institution, against another student or prospective student, that:

(1) is committed in the course of an initiation into, an affiliation with or the maintenance of membership in a student organization; and

(2) causes or creates a risk, above the reasonable risk encountered in the course of participation in the SEC→~~public school, private school~~ or←SEC public or private post-secondary educational institution, of physical or psychological injury, including:

(a) whipping, beating, striking, electronic shocking, placing a harmful substance on someone's body or similar activity;

(b) causing, coercing or otherwise inducing sleep deprivation, exposure to the elements, confinement in a small space, extreme calisthenics or other

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similar activity;

(c) causing, coercing or otherwise inducing another person to consume food, liquid, alcohol, drugs or other substances;

(d) causing, coercing or otherwise inducing another person to perform sexual acts;

(e) an activity that places another person in reasonable fear of bodily harm through the use of threatening words or conduct;

(f) an activity against another person that includes a criminal violation of local, state, tribal or federal law; and

(g) an activity that induces, causes or requires another person to perform a duty or task that involves a criminal violation of local, state, tribal or federal law.

B. Whoever commits hazing is guilty of a misdemeanor.

C. Whoever commits hazing that results in physical harm or great psychological harm to a student or prospective student is guilty of a fourth degree felony.

D. Whoever commits hazing that results in great physical harm is guilty of a third degree felony.

E. Whoever commits hazing that results in death is guilty of a second degree felony.

F. Prosecution or conviction for a violation of a

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provision of this section does not preclude the prosecution or conviction under other applicable laws.

G. It is not a defense to hazing if either of the following applies:

(1) the victim or person against whom the hazing was directed acquiesced or consented, whether implied or expressed, to the conduct; or

(2) the conduct was sanctioned or approved by the student organization or the SEC→~~public school, private school or~~←SEC public or private post-secondary educational institution.

H. Failure to report hazing consists of an administrator, a faculty member, a coach, an employee, an independent contractor performing or overseeing school functions or a volunteer of a student organization of a SEC→~~public school, private school or~~←SEC public or private post-secondary educational institution who knows or reasonably should know of hazing conduct or activity described in the Anti-Hazing Act and fails to report the incident to a law enforcement agency.

I. Whoever commits failure to report hazing is guilty of a misdemeanor.

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

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SECTION 4. [NEW MATERIAL] CIVIL CAUSE OF ACTION--CREATION OF ORGANIZATIONAL LIABILITY--COLLATERAL CONSEQUENCES.--

A. A person who is subjected to hazing may commence a civil action for injury or damages, including mental and physical pain and suffering, that result from the hazing. The action may be brought against:

(1) participants in the hazing;

(2) a student organization in which local or national directors, trustees or officers authorized, requested, commanded or tolerated the hazing;

(3) an administrator, a faculty member, a coach, an employee, an independent contractor performing or overseeing school functions or a volunteer of a student organization who knew or reasonably should have known of the hazing and did not make reasonable attempts to prevent it; or

(4) a SEC→public school, private school

or←SEC public or private post-secondary educational institution for failing to take reasonable steps that could have been taken to prevent the hazing or for the actions of an administrator, a faculty member, a coach, an employee, an independent contractor performing or overseeing school functions or a volunteer of a student organization pursuant to the provisions of this subsection.

B. In addition to any civil liability prescribed in the Anti-Hazing Act, a person who participates in the hazing of

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another shall forfeit any entitlement to state-funded grants, scholarships or awards for a period of time determined by the SEC→~~public school, private school or~~←SEC public or private post-secondary educational institution.

C. In addition to any civil liability prescribed in the Anti-Hazing Act, a student organization that knew or reasonably should have known of hazing by the student organization's members or others subject to the student organization's direction or control, and did not make reasonable attempts to prevent it, shall forfeit any official recognition or approval granted by a SEC→~~public school, private school or~~←SEC public or private post-secondary educational institution.

SECTION 5. [NEW MATERIAL] REQUIREMENTS FOR POST-SECONDARY EDUCATIONAL INSTITUTIONS--REQUIRING A CODE OF CONDUCT--HAZING PREVENTION EDUCATION--HAZING PREVENTION COMMITTEE.--

A. A public or private post-secondary educational institution shall prohibit hazing committed on or off campus in the public or private post-secondary educational institution's student code of conduct.

B. Beginning with the 2025 fall academic term, a public or private post-secondary educational institution shall provide students with an educational program on the signs and dangers of hazing that shall, at a minimum, include information regarding the educational institution's policy against hazing,

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reporting protocols, the educational institution's hazing awareness, prevention and intervention initiatives and the civil and criminal consequences of hazing. The educational program on hazing shall be provided to students during new student orientation and at the beginning of each new academic year and may be offered in person or virtually. The educational program shall be posted on the educational institution's public website for students, faculty members, employees, parents or legal guardians and volunteers to view.

C. A public or private post-secondary educational institution's materials on student rights and responsibilities provided to student organizations, either electronically or in hard copy form, shall include information on the dangers of hazing, as well as a statement on the institution's anti-hazing policy.

D. A public or private post-secondary educational institution shall establish a hazing prevention committee to promote and address hazing prevention. The committee shall have a minimum of six members, including a designated chair appointed by the president or chancellor of the institution. Fifty percent of the committee members shall include students currently attending the public or private post-secondary educational institution, and at least one of the student positions shall be filled by a student from a student organization. The other fifty percent of the committee members



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shall include at least one faculty or staff member and one parent or legal guardian of a student currently enrolled at the institution. A student who is a member of a student organization for which a hazing violation was substantiated within the last twelve months may not participate in or be a member of the hazing prevention committee.

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