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FISCAL IMPACT REPORT

LAST UPDATED _____

SPONSOR Maestas, A **ORIGINAL DATE** 1/30/2025

BILL

SHORT TITLE Anti-Hazing Act **NUMBER** Senate Bill 148

ANALYST Hanika-Ortiz

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT* (dollars in thousands)

Agency/Program	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Courts	No fiscal impact	Indeterminate but minimal	Indeterminate but minimal	Indeterminate but minimal	Recurring	General Fund
Public Defender	No fiscal impact	Indeterminate but moderate	Indeterminate but moderate	Indeterminate but minimal	Recurring	General Fund
County Jails	No fiscal impact	At least \$19.2	At least \$19.2	At least \$38.4	Recurring	County General Funds
NMCD	No fiscal impact	No fiscal impact	At least \$28.2	At least \$28.2	Recurring	General Fund
Colleges and Universities	No fiscal impact	At least \$649.0	At least \$649.0	At least \$1,298.0	Recurring	General, Other State and Federal Funds
K-12 Schools	No fiscal impact	At least \$100.0	At least \$100.0	At least \$200.0	Recurring	General Fund
Total	No fiscal impact	At least \$768.2	At least \$796.4	At least \$1,564.6	Recurring	

Parentheses () indicate expenditure decreases.

*Amounts reflect most recent analysis of this legislation.

Conflicts with Senate Bill 10

Sources of Information

LFC Files

Agency Analysis Received From

Higher Education Department (HED)
 New Mexico Institute of Mining and Technology (NMIMT)
 New Mexico Highlands University (NMHU)
 New Mexico State University (NMSU)
 University of New Mexico (UNM)
 Administrative Office of the Courts (AOC)
 New Mexico Attorney General (NMAG)

Agency Analysis was Solicited but Not Received From

Public Education Department (PED)

SUMMARY

Synopsis of Senate Bill 148

Senate Bill 148 (SB148) enacts the Anti-Hazing Act (Act) to create the new crimes of “hazing” and “failure to report hazing” with criminal penalties and consequences that include permitting a victim to commence a civil action for damages that include great physical or psychological harm. The bill defines the term “student organization” in a public or private school, college or university, such as a club, a society, an association, an athletic or club sports team, a fraternity or sorority, a music band or student government, whether or not the organization is established or recognized by the public or private school (presumably K-12) or post-secondary educational institution

Section 3 creates the crime of hazing, which is an “intentional, knowing, or reckless act,” whether committed by one or more, that was part of an affiliation with a student organization and that also risked physical or psychological injury, regardless of whether the student consents. Whoever commits hazing would be guilty of a misdemeanor. Under this section, the crime of hazing may be elevated to a second-degree felony depending on severity of physical or psychological injury. The bill also creates the crime of “failure to report hazing” and classifies it as a misdemeanor.

Section 4 allows a victim to commence a civil action for damages from hazing. The action may be brought against other participants, student organizations, school staff, volunteers, or colleges and universities for failing to help mitigate the risk. A student who participates in hazing also forfeits entitlements and a student organization that sanctions the activity forfeits official recognition.

Section 5 requires institutional policies to include prohibiting hazing. Beginning with the 2025 fall term and each fall thereafter, a college or university must provide students hazing prevention education, its institutional policies prohibiting hazing, its hazing reporting requirements, and the civil and criminal consequences of hazing another. Lastly, this section requires colleges and universities to establish a hazing prevention committee of students, school staff, and parents.

This bill does not contain an effective date and, as a result, would go into effect 90 days after the Legislature adjourns if enacted, or June 20, 2025.

FISCAL IMPLICATIONS

There is no exact estimate for what institutions expect to spend on programming and reporting requirements, but compliance may require significant administrative and financial resources.

The cost to implement anti-hazing education, committees and reporting systems, and coordinate with law enforcement, could be as high as \$1.3 million in total over three years the large universities reported, depending on the size of the campus and how much effort to date on the issue. For example, New Mexico State University (NMSU) has a hazing prevention committee that has met monthly since 2023. Smaller colleges should see fewer if any hazing acts but could

still face challenges meeting expectations. The University of New Mexico (UNM) noted training costs would be about \$15.3 thousand annually for its students.

The bill creates criminal penalties and civil remedies. The charges may be enhanced to felonies, depending upon the harm inflicted, and when combined with civil remedies, could contribute to an increased burden on public defenders, courts and jails. States with anti-hazing laws may see more civil lawsuits as personal injury lawyers pursue legal remedies for victims. Additional increased system costs beyond incarceration, such as costs to the judicial branch for increased trials or to law enforcement to investigate and arrest individuals for the new crimes under SB148, are not included in this analysis but could be moderate. However, such lawsuits are often high-profile, settling early to reduce the bad publicity, which may reduce the number that go to trial.

Incarceration drives costs in the criminal justice system, so any changes in the number of individuals in prison and jail and time served from this bill could have moderate fiscal impacts. The creation of any new crime, increase of felony degree, or increase of sentencing penalties will likely increase the population of prisons and jails, consequently increasing long-term costs for the state and county general funds. LFC estimates a marginal cost (the cost per each additional inmate) of \$19.2 thousand per county jail inmate per year, based on incarceration costs at the Metropolitan Detention Center. SB148 is anticipated to increase the number of incarcerated individuals.

Additionally, the second-degree felony in the bill is punishable by up to nine years in prison. The New Mexico Corrections Department reports the average cost to incarcerate one inmate in FY24 was \$56.7 thousand. Due to the high fixed costs of state prison facilities and administrative overhead, LFC estimates a marginal cost of \$28.2 thousand per year across prison facilities.

It is difficult to estimate how many individuals will be charged, convicted, or sent to jail or prison for new crimes. Without additional information, this analysis assumes at least one person will be incarcerated in county jails and one person in state correctional facilities each year for crimes. To account for time to adjudication, correctional facility costs are not anticipated to be incurred until one year after the bill takes effect, in FY27; however, county jail costs and a minimal cost may apply in FY26 for individuals detained before adjudication. This analysis estimates SB148 will increase annual prison costs by at least \$28.2 thousand in FY27 and at least \$56.4 in FY28.

A K-12 school, college or university that could have taken steps to prevent hazing but didn't, or staff that knew or reasonably should have known but did not make attempts to prevent it, are civilly liable. Schools are self-insured and costs to settle claims would likely come from state resources.

SIGNIFICANT ISSUES

Because of nation-wide concerns about severe injury and death from hazing, the federal bipartisan Stop Campus Hazing Act (SCHA) was signed into law December 23, 2024. The Act requires institutions that participate in federal student aid programs to start collecting hazing statistics, have anti-hazing policies in place, begin documenting violations by mid-year, make those violations publicly available by the end of 2025, and include hazing statistics in their

annual security reports starting with the 2026 report. Institutions that do not comply face loss of federal funding.

Under SCHA, the federal Department of Education will ensure institutions follow the policy, education and reporting requirements in the new Act. Section 3(J) also states the NMAG and district attorneys have concurrent jurisdiction to enforce provisions of SB148.

The consequence for hazing a student includes loss of state-funded scholarships and awards. NMSU noted it does not remove a student's state funding as part of sanctions or punishment.

On page 6(C) lines 21 to 25 to page 7 lines 1 to 3 “any organization, association or student living group that knowingly permits hazing...shall forfeit any official recognition...” by the institution. Changing “shall” to “may” will allow the institution to make a judgement call about withdrawing recognition and for how long. NMSU says the current standard is to revoke a charter long enough for all students associated with the organization to have left the university (four to six years).

On page 8 lines 11 to 18 universities also expressed concern about the makeup of the committees, given student time commitments. Therefore, NMSU recommended changing “Fifty percent of committee members shall include students...” to “Committee members shall include at least two undergraduates and one graduate student attending the institution...”

ADMINISTRATIVE IMPLICATIONS

Private and public colleges and universities would use staffing resources to provide training, investigate allegations, report and maintain records, and coordinate with police.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

This bill relates to Senate Bill 10. SB10 and SB148 have similar policy requirements for institutions, but SB148 is vague in terms of public reporting, and contains enhanced criminal penalties depending upon the harm.

OTHER SUBSTANTIVE ISSUES

Forty-four states have legal consequences for hazing activities. The six states without these laws include Alaska, Hawaii, Montana, South Dakota, Wyoming, New Mexico. HED reports that most institutions in New Mexico have anti-hazing policies in place in their student codes of conduct.