

issue could arguably also be prosecuted under this bill. This last observation would raise First Amendment issues. A person who stands up in a municipal bus and continually warns the passengers that the world will end tomorrow is arguably subject to this bill. What seems to be missing in the “intent” part of the bill is language that a person know or should know that his behavior could cause serious inconvenience. The fact that there are already criminal laws that address many prohibited behaviors covered by this bill could result in a person being needlessly over-charged and thus raise double jeopardy issues.

The portions of HB 75 that apply to school premises could have far-reaching and possibly unintended consequences. This is a felony offense and children engaging in pranks or horse play on school property could find themselves being charged with a felony under the bill. The cause-and-effect language in this bill is unclear; “causing serious inconvenience” is not defined. A child could say something in jest where the school policy in every case might be to evacuate the school. This could result in the child being charged with a felony. Therefore, there might be very broad school emergency policies, however reasonable, that in effect dictated what constituted “serious public inconvenience.”

FISCAL IMPLICATIONS

The AOC states that there will be a minimal administrative cost for statewide update, distribution, and documentation of statutory changes. Any additional fiscal impact on the judiciary would be proportional to the enforcement of this law and commenced prosecutions. New laws, amendments to existing laws, and new hearings have the potential to increase caseloads in the courts, thus requiring additional resources to handle the increase.

ADMINISTRATIVE IMPACT

HB 75 has no immediate administrative impact for SDE, but would require that public schools review and possibly amend their policies and student handbooks to ensure adequate notice to parents and school children that they could be criminalized for certain types of behavior including pranks. The only possible impact on the department would be that it may affect the way in which the school district must report acts of vandalism to it pursuant to Section 22-1-7, NMSA 1978.

TECHNICAL ISSUES

The definition of “school premises” in the bill omits mention of teacher housing which is part of the definition of “school building” contained in the Public School Code at 22-1-2W, NMSA 1978.

DW/njw