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LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS
53rd Legislature, 1st Session, 2017

Bill Number	<u>HB427/aHEC/aSEC</u>	Sponsor	<u>Youngblood & Williams Stapleton</u>
Tracking Number	<u>.206893.1</u>	Committee Referrals	<u>HEC/HJC;SEC</u>
Short Title	<u>Prohibit Hazing at Schools</u>		
Analyst	<u>Force</u>	Original Date	<u>2/22/17</u>
		Last Updated	<u>3/16/17</u>

BILL SUMMARY

Synopsis of SEC Amendment

The Senate Education Committee amendment to House Bill 427 as amended by the House Education Committee (HB427/aHEC/aSEC) would permit inclusion in student handbooks by other media than printing, such as electronic media, and clarify that a person (rather than only a student) commits hazing when acting against a student (rather than “another” student).

Synopsis of HEC Amendment

The House Education Committee amendment to House Bill 427 (HB427/aHEC) clarifies that the definition of “hazing” is any covered act committed by any person against another student, rather than only those committed by a student.

Synopsis of Original Bill

House Bill 427 (HB427) proposes to require all public schools and postsecondary educational institutions to adopt, post, and enforce a hazing prevention policy by adding a new section to the Public School Code, and an identical section to Chapter 21 NMSA1978, which addresses higher education. Hazing prevention policies must be printed in every student handbook and distributed to parents and students, and must contain a: definition of hazing; prohibition on hazing; prohibition against aiding or abetting hazing and solicitation to hazing; statement indicating that a victim’s consent to hazing is no defense; a description of investigative procedures; and description of when it would be appropriate to refer a hazing violation to law enforcement. Finally, the bill requires that hazing policies include a description of appropriate penalties, sanctions, and appeal mechanisms for persons and organizations in violation of anti-hazing policies, including the revocation or suspension of an organization’s permission to conduct operations at the school or educational institution, and disciplinary action for any staff knowingly involved in an act of hazing.

HB427 also creates exceptions to what may otherwise be considered violations of hazing policies for customary athletic events sponsored by an educational institution or school and an activity

that furthers the goals of a legitimate educational curriculum, extracurricular program, or military training program.

HB427 defines hazing, which means an intentional, knowing, or reckless act committed by a student against another student in connection with membership in any organization affiliated with the school or educational institution that contributes to a substantial risk or personal injury, mental harm, or degradation. The bill also includes definitions for “educational institution,” “organization,” and “student.” All included definitions are particular to their proposed statutory section.

FISCAL IMPACT

HB427/aHEC/aSEC makes no appropriation. Any fiscal impact would be specific to the school or institution promulgating the anti-hazing policy, and may include costs for printing new school handbooks.

SUBSTANTIVE ISSUES

The Higher Education Department (HED) notes the definition for hazing in the bill aligns with the National Collaborative for Hazing Research and Prevention’s definition, except that it does not consider a victim’s willingness to participate. HED also indicates that, while most postsecondary institutions in the state already prohibit hazing, HB427/aHEC/aSEC would compel standardization of policies, and ensure those organizations still lacking such policies adopt them.

According to StopHazing, an organization that promotes safe schools and campuses, and develops data-driven strategies for hazing prevention, 44 states and the District of Columbia currently have anti-hazing laws. Six states do not: Alaska, Hawaii, Montana, South Dakota, Wyoming, and New Mexico. Penalties in anti-hazing states run from no criminal sanctions, to low fines with some jail time, to large fines and prison sentences for felony-level hazing. HB427/aHEC/aSEC, however, does not criminalize hazing, instead merely requires schools and postsecondary institutions to adopt anti-hazing policies to be enforced at the school level.

InsideHazing.com provides statistics on hazing:

- More than 1.5 million high school students and 250 thousand college students are subjected to hazing each year;
- 91 percent of all high school students belong to at least one organization, 48 percent of those students reported being hazed;
- 5 percent of all college students admit they were hazed;
- 40 percent of those who were hazed reported that a coach or advisor was aware of the practice;
- 50 percent of female NCAA Division I athletes report being hazed;
- More than 20 percent of female NCAA athletes are subjected to alcohol hazing;
- 6 percent to 9 percent of female NCAA athletes who reported being hazed stated sexual conduct was part of the hazing;
- More than half of hazing acts are posted on the Internet for others to see;
- Many students believe that hazing is part of campus culture;

- 36 percent of students would not report activities because of a “no tell” policy within their organization; and
- 27 percent feel that adults would not be able to handle a hazing situation properly.

The University of Maryland notes that since 1970, there has been at least one hazing-related death per year, although the lack of a universal definition for hazing, or a centralized system for tracking hazing, makes it difficult to compile a comprehensive national list of such incidents.

TECHNICAL ISSUES

The exception to what might be considered hazing created for an activity that “furthers a legitimate” extracurricular or military program is vague. The sponsor may wish to consider amending the bill to define or clarify what is meant by “legitimate.”

RELATED BILLS

Relates to HB200/HFIS, Anti-Hazing Act, which criminalizes the act of hazing.

SOURCES OF INFORMATION

- Legislative Education Study Committee Files

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