

LFC Requester:

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### AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

#### SECTION I: GENERAL INFORMATION

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

Date Prepared: 01/30/2025

Check all that apply:

Bill Number: SB148

Original  Correction   
Amendment  Substitute

Sponsor: Sen. Antonio Maestas

Agency Name and Code Number: 305 – New Mexico Department of Justice

Person Writing

Short Title: Anti-Hazing Act

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#### SECTION II: FISCAL IMPACT

##### APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		

(Parenthesis ( ) indicate expenditure decreases)

##### REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		

(Parenthesis ( ) indicate revenue decreases)

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

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>						

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:  
 Duplicates/Relates to Appropriation in the General Appropriation Act

**SECTION III: NARRATIVE**

*This analysis is neither a formal Opinion nor an Advisory Letter issued by the New Mexico Department of Justice. This is a staff analysis in response to a committee or legislator’s request. The analysis does not represent any official policy or legal position of the NM Department of Justice.*

**BILL SUMMARY**

Synopsis:

Section 1 and 2 lay out the short title and applicable definitions.

Section 3 defines hazing as an intentional, knowing or reckless act that is committed as part of a student or prospective student’s initiation into, affiliation with, or maintenance in a student organization which causes or creates a risk of physical or psychological injury, and includes a non-exhaustive list of seven prohibited hazing activities. Hazing is presumptively a misdemeanor offense, but may be elevated to a fourth, third, or second degree felony depending on the nature of the resulting harm. Section 3 also creates a new misdemeanor crime of failing to report hazing, which penalizes an educational institution’s administrators, faculty, coaches and other employees and independent contractors who know or reasonably should know of hazing conduct and fail to report the incident(s) to law enforcement.

Section 4 authorizes a person subjected to hazing to commence a civil action for damages resulting from the hazing against: (1) participants in the hazing; (2) a student organization whose officers or directors authorized, requested, commanded, or tolerated the hazing; (3) an administrator, faculty member, coach, employee, independent contractor or volunteer who knew or should have known of the hazing and failed to take reasonable preventative steps; and/or (4) the educational institution itself for failing to take reasonable preventative steps. In addition to this potential civil liability, people who participate in hazing shall forfeit entitlement to state-funded grants, awards and scholarships, and student organizations who knew or reasonably should have known of hazing but failed to make attempts to prevent it shall forfeit official approval or recognition by the educational institution.

Section 5 outlines requirements for post-secondary educational institutions, including:

- Prohibiting hazing committed on or off campus in the student code of conduct;
- Establishing a hazing education program for students, comprised of information about the institution’s policy, reporting protocols, criminal and civil consequences of hazing, and other awareness, prevention and intervention measures;
- Disseminating the institutions materials on student rights and responsibilities to student organizations, including information on the dangers of hazing;
- Creating a hazing prevention committee comprised of students, faculty, and parents, to promote the institutions hazing prevention initiatives.

## **FISCAL IMPLICATIONS**

N/A

Note: major assumptions underlying fiscal impact should be documented.

Note: if additional operating budget impact is estimated, assumptions and calculations should be reported in this section.

## **SIGNIFICANT ISSUES**

N/A

## **PERFORMANCE IMPLICATIONS**

Section 3(J) states that the New Mexico Department of Justice and the District Attorney in the county of jurisdiction have concurrent jurisdiction to enforce the provisions of this Act.

## **ADMINISTRATIVE IMPLICATIONS**

N/A

## **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

*Conflict & Relationship with SB10 (Anti-Hazing Act sponsored by Senator Harold Pope)*

SB10 similarly addresses the issue of hazing, creating a new criminal penalty for hazing and failing to report hazing, authorizing a civil cause of action and other collateral consequences against student organizations for hazing violations, and requiring certain policy, training and reporting measures by higher educational institutions.

While SB148 largely mirrors SB10's policy and training requirements for higher educational institutions, SB148 contains enhanced criminal penalties for hazing depending on the resulting harm, and expands the list of individuals and entities that may be subject to civil penalties.

## **TECHNICAL ISSUES**

N/A

## **OTHER SUBSTANTIVE ISSUES**

N/A

## **ALTERNATIVES**

N/A

## **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

Status Quo.

## **AMENDMENTS**

N/A