

N/A	N/A	N/A	N/A	N/A

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	N/A	N/A	N/A	N/A	N/A	N/A

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:

Similar to 2025 SB10 and 2024 SB55

Duplicates/Relates to Appropriation in the General Appropriation Act:

SECTION III: NARRATIVE

BILL SUMMARY

The New Mexico Higher Education Department (NMHED) analysis of this bill focuses on the higher education implications of the proposed legislation. Additional insight may be obtained from other agencies' analyses.

SB148 creates the Anti-Hazing Act. The act creates the crime of hazing, ranging from a misdemeanor to a second-degree felony; and the misdemeanor of failing to report hazing; prosecutable by the New Mexico Department of Justice (Attorney General's Office) and District Attorneys (DA). The bill also creates a civil cause of action and institutional liability against participants in hazing, authority figures (as identified) who tolerate hazing; and institutions that fail to take reasonable steps to prevent it. It provides additional penalties; requires postsecondary institutions to prohibit hazing in codes of conduct; to provide student education; and to establish hazing prevention committees.

The definition of the crime of hazing consists of an intentional, knowing, or reckless act by a student or prospective student (individually or in concert with others) at a public or private school or a public or private postsecondary institution, against another student or prospective student that:

- Is committed in the course of an initiation into, affiliation with, or maintenance of membership in a student organization.

- Causes or creates a risk, above the reasonable risk normally encountered at the school, of physical or psychological harm, including:
 - whipping, beating, striking, electronic shocking, placing a harmful substance on someone's body or similar activity;
 - causing, coercing, or inducing sleep deprivation, exposure to the elements, confinement in a small space, extreme calisthenics, or similar activity;
 - causing, coercing, or inducing another to consume food, liquid, alcohol, drugs, or other substances;
 - causing, coercing or inducing another to perform a sexual act; and activity that places another in reasonable fear of bodily harm by threatening words or conduct;
 - an activity against another person that includes a criminal violation; or
 - an activity that induces, causes, or requires another to perform a duty or task involving criminal violation.

Several levels of penalties are defined in SB148:

- hazing is a misdemeanor;
- hazing that results in physical harm or great psychological harm to a student or prospective student is a fourth-degree felony;
- hazing that results in great physical harm to a student or prospective student is a third-degree felony;
- hazing that results in death is a second-degree felony.

Prosecution under this law does not preclude prosecution or conviction under other applicable laws.

It is not a defense to hazing if either of the following apply:

- the victim acquiesced or consented, whether by implication or expressly.
- the conduct was sanctioned or approved by the student organization or school.

SB148 also defines the crime of failing to report hazing. This consists of an administrator, faculty member, coach, employee, independent contractor, or volunteer of a student organization, who knows or reasonably should know of hazing and fails to report it to a law enforcement agency. Failure to report hazing is a misdemeanor.

SB148 specifies a civil cause of action. A person subjected to hazing may bring a civil action for resulting injury or damages, including physical pain and suffering, against:

- participants in the hazing;
- student organizations whose directors, trustees, or officers commanded or tolerated the hazing;
- administrators, faculty members, coaches, employees, independent contractors or volunteers who knew or should have known of the hazing and did not make reasonable attempts to prevent it; or

- a public or private school or postsecondary institution that fails to take reasonable steps to prevent the hazing or the acts of the culpable administrator or other person.

In addition to civil liability, a participant in hazing shall forfeit state-funded grants, scholarship, or awards for a period of time determined by the institution; and a student organization that knew or should have known of hazing without taking reasonable steps to prevent it shall forfeit any official recognition or approval by the institution.

Public and private postsecondary institutions shall prohibit hazing on or off campus in their official codes of conduct. By the fall semester of 2025, institutions must provide students with an educational program on the signs and dangers of hazing that, at a minimum, includes information about institutional policy, reporting protocols, institutional hazing awareness, prevention and intervention initiatives, and civil and criminal consequences of hazing. The program must be provided during new student orientation, in person or virtually, and must be posted on the institution's website. An institution's materials on student rights and responsibilities but be provided to student organizations and must include information on dangers of hazing and anti-hazing policy.

Finally, postsecondary institutions must establish committees to promote and address hazing prevention; with at least six members including a chair appointed by the president or chancellor. Fifty percent (50%) of members shall be currently enrolled students, at least one position filled by a member of a student organization; the other members must include a faculty or staff member and a parent of an enrolled student. A student who belongs to a student organization with a hazing violation within the last 12 months shall not be a member.

FISCAL IMPLICATIONS

SIGNIFICANT ISSUES

New Mexico is one of six states and only state in the Southwest that does not have legal sanctions against hazing. Most institutions in New Mexico have anti-hazing policies in their codes of conduct. This bill would codify these practices and ensure that students and staff know of those policies and have a safe and easy way to report violations.

PERFORMANCE IMPLICATIONS

ADMINISTRATIVE IMPLICATIONS

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

SB148 is similar to 2025 SB10 and 2024 SB55, as amended.

TECHNICAL ISSUES

N/A

OTHER SUBSTANTIVE ISSUES

N/A

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

If SB148 does not pass, there would not be a law in New Mexico listing penalties for hazing. Postsecondary education institutions would continue to enforce existing anti-hazing policies.

AMENDMENTS

N/A