

LFC Requester:

Scott Sanchez

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: 1/29/25

Check all that apply:

Bill Number: SB149

Original Correction
Amendment Substitute

Sponsor: Sen. Antonio Maestas,
Rep. Joshua Hernandez

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

Short Title: Crime of Cyberbullying

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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
Total						

(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: SB149 would create a new criminal offense of “Cyberbullying” within the Criminal Code. Cyberbullying would consist of any written or electronic, direct or indirect communication with a public or private school student, with reckless disregard that such communication would have the effect of either:

1. Placing the student in reasonable fear of physical harm;
2. Causing a substantially detrimental effect to the student’s physical/mental health;
3. Substantially interfering with the student’s academic performance; or
4. Substantially interfering with the student’s ability to participate or benefit school services or activities.

Those who violate the crime of “Cyberbullying” are guilty of a misdemeanor offense, with escalating penalties depending on the extent of the resulting harm. Depending on whether the cyberbullying results in physical or great psychological harm, great physical harm, or death, the offender could be subject to fourth, third, or second-degree felony penalties.

FISCAL IMPLICATIONS

N/A

SIGNIFICANT ISSUES

N/A

PERFORMANCE IMPLICATIONS

While not explicit, the New Mexico Department of Justice may obtain prosecutorial authority over violations of this new crime should such prosecution be declined by the local county with original prosecutorial jurisdiction.

ADMINISTRATIVE IMPLICATIONS

N/A

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

N/A

TECHNICAL ISSUES

N/A

OTHER SUBSTANTIVE ISSUES

Bullying, including cyberbullying, is already defined under New Mexico law in the Safe Schools for All Students Act (Section 22-35-2 NMSA 1978). This Act does not provide for criminal penalties, but rather requires public schools to adopt anti-bullying policies and create bullying prevention programs. The definition in SB149 mirrors this definition. While a duplicative definition found elsewhere in New Mexico law may lead to confusion among school administrators tasked with implementing the Safe Schools for All Students Act, this new crime is wholly separate and distinct from those requirements, and would be included within the criminal code.

ALTERNATIVES

N/A

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo.

AMENDMENTS

N/A.