



LFC Requester: Sanchez

**PUBLIC EDUCATION DEPARTMENT
BILL ANALYSIS
2025 REGULAR SESSION**

SECTION I: GENERAL INFORMATION

Check all that apply:

Original Amendment
Correction Substitute

Date Prepared: 01/28 /25

Bill No: SB149

Agency Name and Code: PED - 924

Sponsor: Maestas

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Short Title: CRIME OF CYBERBULLYING

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SECTION II: FISCAL IMPACT

(Parenthesis () Indicate Expenditure Decreases)

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY26	FY27		
None	None	N/A	NFA

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY26	FY27	FY28		
None	None	None	N/A	NFA

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY26	FY27	FY28	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	None	None	None	None	N/A	NFA

Duplicates/Relates to Appropriation in the General Appropriation Act: None.

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: Senate Bill 149 (SB149) would create the crime of cyberbullying in a new section of [Article 6, Crimes Against Children and Dependents](#). SB149 classifies cyberbullying as a misdemeanor, escalating to a fourth-degree felony if it results in physical harm or significant psychological harm, a third-degree felony for great physical or psychological harm, and a second-degree felony if it leads to death. The provisions of the bill apply to students in Pre-K -12 public schools and private schools.

This bill does not provide an effective date. Laws go into effect 90 days after the adjournment of the Legislature enacting them, unless a later date is specified. If enacted, this bill would become effective June 20, 2025.

FISCAL IMPLICATIONS

This bill does not include an appropriation.

In New Mexico, misdemeanors may incur a fine of \$1,000, while fourth degree felonies may incur fines up to \$5,000.

SIGNIFICANT ISSUES

Nearly half of U.S. teens ages 13 to 17 ([46 percent](#)) report experiencing bullying or harassment online. Although there is no federal law that specifically applies to bullying or cyberbullying, many state and local laws have taken preventative action. In New Mexico, [The Safe Schools for All Students Act](#) defines cyberbullying and mandates that school boards and charter school governing bodies adopt bullying prevention policies that address bullying on school property or through electronic means using school resources. These policies must include a prohibition on bullying, a ban on retaliation against individuals who report or witness bullying, and a set of disciplinary actions to address and prevent future incidents. While the act provides a similar definition of cyberbullying as SB149, this new offense is separate from those requirements and would be incorporated into the criminal code.

PERFORMANCE IMPLICATIONS

None.

ADMINISTRATIVE IMPLICATIONS

None.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Relates to [SB148](#), The Anti-Hazing Act, which would create new legal definitions and penalties related to hazing in educational institutions.

Conflicts with [HB287](#), Telephone, Text & Social Media Crimes, which would make it unlawful to send a text message or to contact someone through social media with the intent to terrify,

intimidate, threaten, harass, annoy or offend.

TECHNICAL ISSUES

None.

OTHER SUBSTANTIVE ISSUES

It may be difficult to parse the gradations of cyberbullying present in SB149. While it would be considered a misdemeanor for cyberbullying to have an effect of “causing a substantially detrimental effect on the student’s physical ... health” it would be a fourth degree felony if the cyberbullying resulted in “physical harm.”

ALTERNATIVES

The sponsor may consider further specifying the differences between the levels of cyberbullying, or reducing the number of cyberbullying levels.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

None.

AMENDMENTS

None.