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SENATE BILL 149

**57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025**

INTRODUCED BY

Antonio Maestas and Joshua N. Hernandez

AN ACT

RELATING TO CRIME; CREATING THE CRIME OF CYBERBULLYING;  
PROVIDING PENALTIES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. A new section of Chapter 30, Article 6 NMSA  
1978 is enacted to read:

"[NEW MATERIAL] CYBERBULLYING--PENALTIES.--

A. Cyberbullying consists of a person communicating  
directly or indirectly, in writing or electronically, with a  
public school or private school student with reckless disregard  
that the communication may have the effect of:

(1) placing the student in reasonable fear of  
physical harm;

(2) causing a substantially detrimental effect  
on the student's physical or mental health;

1 (3) substantially interfering with the  
2 student's academic performance; or

3 (4) substantially interfering with the  
4 student's ability to participate in or benefit from the  
5 services, activities or privileges provided by a school.

6 B. Whoever commits cyberbullying is guilty of a  
7 misdemeanor.

8 C. Whoever commits cyberbullying when the  
9 cyberbullying results in physical harm or great psychological  
10 harm is guilty of a fourth degree felony.

11 D. Whoever commits cyberbullying when the  
12 cyberbullying results in great physical harm is guilty of a  
13 third degree felony.

14 E. Whoever commits cyberbullying when the  
15 cyberbullying results in death is guilty of a second degree  
16 felony.

17 F. As used in this section:

18 (1) "great physical harm" means physical harm  
19 of a type that causes physical loss of a bodily member or organ  
20 or functional loss of a bodily member or organ for a prolonged  
21 period of time;

22 (2) "great psychological harm" means  
23 psychological harm that causes mental or emotional  
24 incapacitation for a prolonged period of time or that causes  
25 extreme behavioral change or severe physical symptoms that

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1 require psychological or psychiatric care;

2 (3) "physical harm" means an injury to the  
3 body that causes substantial pain or incapacitation; and

4 (4) "student" means any resident of New Mexico  
5 who is enrolled in a public or private school as defined in  
6 Subsection K or L of Section 22-1-2 NMSA 1978."

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