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## FISCAL IMPACT REPORT

<b>SPONSOR</b> <u>Sen. Pope/Rep. Herndon</u>	<b>LAST UPDATED</b> <u>2/03/2025</u>
<b>SHORT TITLE</b> <u>Anti-Hazing Act</u>	<b>ORIGINAL DATE</b> <u>1/25/2025</u>
	<b>BILL NUMBER</b> <u>CS/Senate Bill 10/SECS</u>
	<b>ANALYST</b> <u>Hanika-Ortiz</u>

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

Agency/Program	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
County Jails	No fiscal impact	At least \$76.8	At least \$115.2	\$192.0	Recurring	County General Funds
Public Schools	No fiscal impact	At least \$100.0	At least \$100.0	At least \$200.0	Recurring	General Fund
NMAG/Local Law Enforcement	No fiscal impact	Indeterminate, but minimal	Indeterminate, but minimal	Indeterminate, but minimal	Recurring	General and County General Funds
Colleges and Universities	No fiscal impact	\$132.0 to \$433.0	\$132.0 to \$433.0	\$264.0 to \$866.0	Recurring	General, Other State and Federal Funds
<b>Total</b>	<b>No fiscal impact</b>	<b>At least \$309.0</b>	<b>At least \$347.0</b>	<b>At least \$656.0</b>	Recurring	

Parenteses ( ) indicate expenditure decreases.  
 \*Amounts reflect most recent analysis of this legislation.

### Sources of Information

LFC Files

#### Agency Analysis Received From

- New Mexico Higher Education Department (NMHED)
- New Mexico Institute of Mining and Technology (NMIMT)
- New Mexico Independent Community Colleges (NMICC)
- University of New Mexico (UNM)
- New Mexico Attorney General (NMAG)
- New Mexico Highlands University (NMHU)
- New Mexico State University (NMSU)

#### Agency Analysis was Solicited but Not Received From

Public Education Department (PED)

## SUMMARY

### Synopsis of Senate Bill 10

Senate Bill 10 (SB10) proposes the Anti-Hazing Act, to criminalize hazing incidents in public and private K-12 schools and colleges and universities and establish preventive measures for colleges and universities. Under the bill, both hazing and failure to report hazing are classified as misdemeanors with the NMAG and district attorneys having jurisdiction over enforcement.

Beginning the 2025 fall term, colleges and universities will be required to implement anti-hazing codes of conduct, establish hazing prevention committees, publicly report hazing incidents, and provide annual training to students and staff. Fraternities and sororities that participate in or fail to comply with the reporting requirements in the bill could face the loss of recognition.

This bill does not contain an effective date and, as a result, would go into effect 90 days after the Legislature adjourns if enacted, or June 20, 2025.

## **FISCAL IMPLICATIONS**

The consequences for hazing include loss of state funding from scholarships and awards. NMSU commented it currently does not remove state funding as part of its sanction process.

Larger universities suggest in total the cost to implement a prevention program and provide annual training, develop and maintain reporting systems and websites, and coordinate with appropriate state agencies and local law enforcement, is between \$397 thousand and \$1.3 million over three years, depending on the size of the campus and how much effort to date on this issue. For instance, NMSU has had a hazing prevention committee that meets monthly since 2023.

Smaller colleges may face challenges in funding prevention efforts and gathering data for reporting. However, some requirements could be executed with existing staff and resources.

In addition, this bill creates two new crimes classified as misdemeanors. Without additional data, this analysis assumes the new crimes will result in at least four students or others being admitted to county jails for a period not to exceed one year at a cost of \$19.2 thousand per inmate.

## **SIGNIFICANT ISSUES**

Because of nation-wide concerns about serious injury and death from hazing, the federal bipartisan Stop Campus Hazing Act (SCHA) was signed into law December 23, 2024. The Act requires colleges and universities that participate in federal student aid programs to start collecting hazing statistics by January 1, 2025, have anti-hazing policies in place by June 23, 2025, begin documenting violations by July 1, 2025, make publicly available those violations by December 23, 2025, and include hazing statistics in their required annual security reports starting with the 2026 report. The federal Department of Education is tasked with providing guidance to these institutions. Colleges and universities that fail to comply with the SCHA, which includes similar provisions in SB10, could face severe penalties, including the loss of federal funding.

According to HED, most institutions in New Mexico have anti-hazing policies in their codes of conduct. The biggest change for higher education institutions may be notifying students and organizations of anti-hazing policies, the anti-hazing training, and hazing prevention committees.

Section 3 (crimes and penalties) may apply to K-12 students in residential programs such as those from the New Mexico Military Institute or New Mexico School for the Arts, for example.

## **ADMINISTRATIVE IMPLICATIONS**

Private and public colleges and universities will use staffing resources to provide training, investigate allegations, report violations and maintain records, and to coordinate with police.

## CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

SB10 is similar to SB55 from the 2024 legislative session except it extends the prohibition against hazing for students attending any public or private K-12 school, not just post-secondary institutions, clarifies that reports of actual findings are to be publicly reported annually, identifies positions responsible for reporting hazing incidents, creates an additional misdemeanor penalty for failure to report hazing, and identifies the law enforcement entities in charge of enforcement.

## TECHNICAL ISSUES

NMAG notes that the definition of hazing is different than the definition included in the federal Stop Campus Hazing Act, which may create confusion, and that the lack of an umbrella definition for a “student organization” may result in overreach. Further, timelines and report requirements under the federal Stop Campus Hazing Act are different, which may create additional administrative burdens for higher education institutions.

NMAG also suggests that because the bill creates the crime of hazing for *intentionally* hazing another person, it may preclude prosecution for hazing behavior committed *knowingly* or *recklessly* (Model Penal Code, Section 2.02, General Requirements of Culpability). Also, if the intention is to say a good faith report does not result in sanctions or punishment from the institution for violating its policies (as opposed to the criminal justice system), that should be stated explicitly.

## AMENDMENTS

NMSU suggests amending the bill in three ways.

Page 3 lines 23 to page 4 line 3: Currently, the bill contains the language “any organization, association or student living group that knowingly permits hazing...shall forfeit any official recognition...” by the institution. NMSU is concerned this could result in the elimination of programs that enrich the lives of students. Changing “shall” to “may” will allow the institution to make a judgement call about withdrawing recognition and for how long. The current standard is to revoke a charter for long enough for all students associated with the organization to have left the university (four to six years).

Page 5 line 18: NMSU said that given student time commitments, it recommends changing “Fifty percent of the committee shall include students...” to “Committee members shall include at least two undergraduates and one graduate student currently attending the institution...”

Page 6 lines 2–6: NMSU recommends deleting these lines, noting “a student member of an organization that violated hazing rules could be an effective advocate for change.”

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