

HOUSE JUDICIARY COMMITTEE SUBSTITUTE FOR
HOUSE BILL 27

55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021

AN ACT

RELATING TO HAZING; CREATING THE CRIMES OF HAZING AND
AGGRAVATED HAZING; PROVIDING PENALTIES.

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

SECTION 1. A new section of the Criminal Code is enacted
to read:

"~~[NEW MATERIAL]~~ HAZING--AGGRAVATED HAZING--PENALTIES.--

A. Hazing consists of an unlawful act,
intentionally or recklessly committed against a student or a
prospective student of a public or private post-secondary
educational institution:

(1) in connection with initiation into,
affiliation with, holding office in or maintaining membership
in any student organization, student body or private athletic
club, regardless of whether the organization, body or club is

.219758.3

underscored material = new
[bracketed material] = delete

1 officially recognized, sanctioned or authorized by an
2 educational institution;

3 (2) when such act intentionally or recklessly
4 endangers the physical health of, ridicules or humiliates the
5 student or prospective student; and

6 (3) when the conduct creates a substantial
7 risk of physical or mental injury to the student or prospective
8 student.

9 B. A person who commits hazing is guilty of a petty
10 misdemeanor and shall be sentenced pursuant to the provisions
11 of Subsection B of Section 31-19-1 NMSA 1978.

12 C. Aggravated hazing consists of an unlawful act,
13 intentionally committed against a person who is a student or
14 prospective student of a public or private post-secondary
15 educational institution:

16 (1) in connection with initiation into,
17 affiliation with, holding office in or maintaining membership
18 in any student organization, student body or private athletic
19 club, regardless of whether the organization, body or club is
20 officially recognized, sanctioned or authorized by an
21 educational institution;

22 (2) when such act is intended to endanger the
23 physical health of, ridicule or humiliate the student or
24 prospective student; and

25 (3) when such act causes painful temporary

1 disfigurement or temporary loss or impairment of the functions
2 of any member or organ of the body of the student or
3 prospective student or causes mental injury to the student or
4 prospective student.

5 D. A person who commits aggravated hazing is guilty
6 of a misdemeanor and shall be sentenced pursuant to the
7 provisions of Subsection A of Section 31-19-1 NMSA 1978.

8 E. Hazing shall not include any activity or conduct
9 that furthers legitimate curricular, extracurricular or
10 military training program goals; provided that the goals are
11 approved by the educational institution and the activity or
12 conduct furthers the goals in a manner that is appropriate,
13 contemplated by the educational institution and normal and
14 customary for similar programs at other educational
15 institutions.

16 F. It is not a defense in an action under this
17 section that the person against whom the hazing was directed
18 consented to or acquiesced in the hazing activity."

19 **SECTION 2. EFFECTIVE DATE.**--The effective date of the
20 provisions of this act is July 1, 2021.