

LFC Requester: Austin Davidson

AGENCY BILL ANALYSIS
2024 REGULAR SESSION

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO:

Analysis.nmlegis.gov

{Analysis must be uploaded as a PDF}

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Check all that apply:

Original Amendment
Correction Substitute

Date 24JAN2024

Bill No: HB 225

Sponsor: Joshua Hernandez
Short Create a Crime of Hazing
Title: _____

Agency Name and Code 790-Department of Public Safety
Number: _____
Person Writing Brianne A. Bigej
Phone: 505-476-0098 Email Brianne.bigej@dps.nm.gov

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY24	FY25		
NFI	NFI	N/A	N/A

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY24	FY25	FY26		
NFI	NFI	NFI	N/A	N/A

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY24	FY25	FY26	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	NFI	NFI	NFI	NFI	N/A	N/A

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

This bill proposes to create the misdemeanor crime of hazing and defines it as an act intentionally or recklessly committed against a student or prospective student of a public or private K-12 school or a public or private post-secondary education institution as part of an initiation into an organization which causes substantial risk of physical or mental injury. The bill makes reporting mandatory for all educational personnel subject to a misdemeanor penalty for failure to report and just cause for suspension or termination under the School Personnel Act. Extreme acts of hazing would be considered aggravated hazing subject to a fourth-degree felony penalty and involve painful temporary disfigurement or temporary loss or impairment of the functions of any member or organ or substantial mental harm.

The bill creates a requirement that children under the age of 18 charged with hazing or aggravated hazing have access to pre-adjudication diversion services and creates exceptions for officially sanctioned conduct that furthers legitimate curricular, extracurricular, or military training program goals. The bill disallows the use of a defense that the victim of the hazing activity consented to or acquiesced to the activity.

The bill creates a confidential online reporting portal for hazing as maintained by the higher education department and requires collaboration by the DPS and local law enforcement in the investigation of reports submitted to the portal along with mandated reporting to the civil rights office of the US Department of Education. The confidentiality of the report and the reporting party along with the information received and maintained by the HED's online portal would not be subject to inspection under the IPRA.

The bill further requires that private and public post-secondary education institutions provide hazing prevention education to students and employees.

FISCAL IMPLICATIONS

There are no fiscal implications to DPS.

SIGNIFICANT ISSUES

There are no significant issues to DPS.

PERFORMANCE IMPLICATIONS

There are no significant issues to DPS.

ADMINISTRATIVE IMPLICATIONS

There are no significant issues to DPS.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

No conflict, duplication, companionship, or relationship issues to DPS

TECHNICAL ISSUES

No technical issues to DPS.

OTHER SUBSTANTIVE ISSUES

No other substantive issues to DPS.

ALTERNATIVES

Not applicable as no impact to DPS.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo.

AMENDMENTS

None at this time.