

LFC Requester:	Scott Sanchez
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**AGENCY BILL ANALYSIS
2024 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO:

AgencyAnalysis.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 January 23, 2024
Bill No: SB 55

Sponsor: Pope
Short Title: Anti-Hazing Act

Agency Name and Code Number: NM Sentencing Commission – 354
Person Writing Keri Thiel
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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY24	FY25		

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY24	FY25	FY26		

(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						

(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

Synopsis:

SB 55 proposes the creation of the Anti-Hazing Act. The Act would prohibit hazing by any student or other person in attendance at a public or private post-secondary educational institution. The bill defines hazing as “any act committed as part of a person’s recruitment, initiation, pledging, admission into or affiliation with a student organization, athletic team or living group . . . that causes, or is likely to cause, bodily danger or physical harm or serious psychological or emotional harm to a student or other person attending a public or private post-secondary educational institution”. The offense of hazing would be a misdemeanor, unless it results in substantial bodily harm to another, in which case it would be a fourth degree felony. The Act would also require that any person who participates in the hazing of another forfeit any state-funded grants, scholarships, or awards.

The Anti-Hazing Act as proposed by SB 55 also includes definitions for “employee” and “reasonable cause”.

The Act would hold any student organization, association or student living group that permits hazing strictly liable for any resulting damages, and would extend liability to the individual directors of the student organization, association or student living group if the group is a corporation. The Act would also require that any student organization, association or student living group that knowingly permits hazing to be conducted by its members or others subject to its control shall forfeit any official recognition or approval granted by a public or private post-secondary education.

The Act would also require public and private institutes of post-secondary education to do the following:

- Prohibit both on-campus and off-campus hazing in its code of conduct;
- Provide students with an educational program on hazing;
- Provide employees with hazing-prevention education;
- Include a statement on the institution’s anti-hazing policy and the dangers of hazing in institutional materials on student rights and responsibilities given to student organizations, athletic teams or living groups;
- Establish a hazing prevention committee; and
- Maintain and publicly report actual findings of violations by any student organization,

athletic team or living group of the institution's code of conduct, anti-hazing policies, state or federal laws relating to hazing, or offenses related to alcohol, drugs, sexual assault, and physical assault.

The Act would also set forth requirements for social fraternity and sorority organizations to report to their affiliated public or private post-secondary educational institutions regarding the organizations' activities and any investigations related to hazing.

FISCAL IMPLICATIONS

Note: major assumptions underlying fiscal impact should be documented.

Note: if additional operating budget impact is estimated, assumptions and calculations should be reported in this section.

SIGNIFICANT ISSUES

New Mexico is currently one of only six states without anti-hazing laws. Of the 44 states with anti-hazing laws, 33 make the offense of hazing a misdemeanor, regardless of the resulting harm. (See "States with Anti-Hazing Laws" by StopHazing.org, available here: <https://stophazing.org/policy/state-laws/>.) The Act proposed by SB 55 would make New Mexico the 45th state to adopt an anti-hazing law, and the 11th of those states to make hazing a felony offense when the hazing results in serious bodily harm.

SB 55 would prohibit hazing by students and others in attendance at a public or private post-secondary educational institution. It does not define "in attendance" and it is unclear whether the prohibition against hazing would also apply to former students, non-students, or others who participate in hazing, particularly if the hazing takes place off-campus.

SB 55 also uses the terms "living groups" and "student living groups" seemingly interchangeably throughout the text of the bill. Neither term is defined, and it is unclear what is meant by the terms.

PERFORMANCE IMPLICATIONS

ADMINISTRATIVE IMPLICATIONS

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

AMENDMENTS