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**AGENCY BILL ANALYSIS
2024 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO:

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{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 26, 2024

Bill No: SB55a/SEC

Sponsor: Pope
Short Title: Anti-Hazing Act

Agency Name and Code NMICC 994
Number: _____
Person Writing Vanessa K. Hawker
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SECTION II: FISCAL IMPACT

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:

Senate Bill 55 as amended by the Senate Education Committee (SB 55a/SEC) maintains the misdemeanor penalty for anyone found guilty of hazing. SB 55a/SEC strikes the fourth-degree felony penalty for hazing that results in great bodily harm. The subsections are renumbered. Additionally, SB 55a/SEC stipulates that a hazing report is not subject to the Inspection of Public Records Act.

Senate Bill 55 (SB55) establishes the Anti-Hazing Act. Hazing is prohibited at post-secondary institutions.

Hazing defined. Hazing is an act

- committed during recruitment, initiation, pledging, admission or affiliation with a student organization, athletic team or living group; or
- any pastime or amusement engaged in with respect to an organization, athletic team or living group

that causes or is likely to cause bodily danger, physical harm, or serious psychological or emotional harm to a student or other person attending a post-secondary institution, regardless of the person's willingness to participate.

Hazing does not include practice, training, conditioning for intramural or club sports and national collegiate athletic association athletics or similar. Hazing activities that are not part of a customary athletic event are prohibited.

Individual consequences. Whoever commits hazing is guilty of a misdemeanor, however, if the hazing results in substantial bodily harm, whoever committed it is guilty of a fourth-degree felony. Whoever participates in having forfeits state-funded grants, scholarships or awards for a period of time determined by the post-secondary institution.

Organization, association, student living group consequences. Any student organization, association or student living group that permits hazing is liable for damages caused to a person or property. If the organization, association or student living group is a corporation, the directors of the corporation may be held individually liable for damages. Any organization, association or student living group that knowingly permits hazing to be conducted by its members or other subject to its direction or control shall forfeit any official recognition or approval granted by a post-secondary institution.

Post-secondary institution requirements. Institutions shall prohibit hazing in their codes of conduct. Beginning in the fall 2024 term, institutions shall provide students with an educational program on hazing. The program may be offered either in person or electronically. This program shall be incorporated into new student orientation.

Instructional materials provided to student organizations, athletic teams or living groups shall include a statement on the institution's anti-hazing policy and on the dangers of hazing.

Post-secondary institutions shall establish a hazing prevention committee with a minimum of six members. Fifty percent of the committee shall be composed of currently enrolled students, with at least one student position being filled by a student from a student organization, athletic team, or living group. The remaining fifty percent shall include at least one faculty or staff member and one parent or legal guardian of a currently enrolled student. Students who are members of an organization, athletic team or living group that was affiliated with a hazing violation within the last 12 months may not participate in or be a member of the hazing prevention committee.

Beginning in the 2024-25 academic year, institutions will maintain and publicly report actual findings of violation. SB55 stipulates the report requirements.

Hazing incident reporting. Any employee or volunteer at an institution who has reasonable

cause to believe hazing has occurred shall report the incident or cause a report to be made. This report shall be made at the first opportunity to do so.

An individual who witnesses hazing or has a reasonable cause to believe hazing has or will occur and makes a report in good faith may not be sanctioned or punished for the violation of hazing unless the person is directly engaged in the planning, directing or the act of hazing reported.

Social fraternity and sororities. SB55 provides specific requirements for social fraternities and sororities.

FISCAL IMPLICATIONS

SB55 does not appropriate funds. There will be institutional costs associated with developing training materials and the required outreach.

SIGNIFICANT ISSUES

New Mexico Independent Community Colleges (NMICC) is comprised of New Mexico's 8 independent community colleges (Clovis Community College, Central New Mexico College, Luna Community College, Mesalands Community College, New Mexico Junior College, Southeast New Mexico College, Santa Fe Community College, San Juan College), the New Mexico Military Institute, and both Northern New Mexico College and Western New Mexico University – four-year institutions that also serve a community college mission.

Hazing – activities that humiliate, degrade, abuses or endangers a person – regardless of the person's willingness to participate – has no place in post-secondary education. New Mexico is one of 6 states that does not have an anti-hazing law.

Higher education institutions have processes in place when there are allegations of students violating the institutional code of conduct. Elimination section 4.D. in SB 55, while retaining the remainder of SB 55, would allow the institutions to utilize processes already in place for allegations of violations of the institution code of conduct without the process being contained in state statute.