

<b>LFC Requester:</b>	<b>Marty Daly</b>
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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** 02/07/2024

**Bill No:** SB255

**Sponsor:** Mark Moores  
**Short Title:** Crime of Student Athlete Harassment

**Agency Name and Code Number:** 770 - NMCD  
**Person Writing:** Anisa Griego-Quintana  
**Phone:** 505-479-2296    **Email:** anisa.griego-quinta@cd.nm.gov

**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY24	FY25		
0	0	N/A	N/A

(Parenthesis ( ) Indicate Expenditure Decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY24	FY25	FY26		
0	0	0	N/A	N/A

(Parenthesis ( ) Indicate Expenditure Decreases)

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

	<b>FY24</b>	<b>FY25</b>	<b>FY26</b>	<b>3 Year Total Cost</b>	<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<b>Total</b>	0	Minimal	Minimal	Minimal	Recurring	General

(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 255 would create a tiered structure for athlete harassment, making it a misdemeanor for the first offense and a fourth degree felony for the second or subsequent offense after the first conviction. To be found guilty, conduct must have caused “a reasonable person to suffer substantial emotional distress.”

The bill defines student athlete harassment in more detail:

“Student athlete harassment consists of knowingly directing threats of violence or harm at a specific student athlete in which the harassment is related to the performance of the student athlete in an intercollegiate sport and is done with the intent to place the student athlete in reasonable fear for the student athlete's safety or the safety of the student athlete's immediate family. The conduct must be such that it would cause a reasonable person to suffer substantial emotional distress.”

Definitions:

"intercollegiate sport" means a sport played at the collegiate level for which eligibility requirements for participation by a student athlete are established by a national association for the promotion or regulation of collegiate athletics.

“student athlete” means an individual who engages in, is eligible to engage in or may be eligible in the future to engage in an intercollegiate sport.

**FISCAL IMPLICATIONS**

The only potential victims of this proposed new crime would be student athletes and their immediate families, and the harassment must relate to the performance of the athlete in an intercollegiate sport. The new crime overlaps with the existing more general offenses of harassment (NMSA 1978, Sec. 30-3A-2) and stalking (NMSA 1978, Sec. 30-3A-3). It is unknown how often student athlete harassment happens in New Mexico, but because the crime overlaps with other existing offenses, it is unlikely that there will be a substantial increased burden on NMCD as a result of this bill.

Therefore, the department’s financial implications would rely on the outcomes of prosecutions and convictions, potentially leading to a rise in individuals convicted of felonies. Depending on

their sentences, this could subsequently increase the prison population or those placed on community supervision. The average cost per inmate for the department, based on calculations from FY23 expenditures, is around \$57,103 a year or roughly \$156 per day. In comparison, the average cost to oversee an individual on community supervision is approximately \$6,108. The overall cost increase to the department as a result of this legislation is expected to be minimal.

### **SIGNIFICANT ISSUES**

None for the Corrections Department.

### **PERFORMANCE IMPLICATIONS**

None for the Corrections Department.

### **ADMINISTRATIVE IMPLICATIONS**

None for the Corrections Department.

### **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

None for the Corrections Department.

### **TECHNICAL ISSUES**

None for the Corrections Department.

### **OTHER SUBSTANTIVE ISSUES**

None for the Corrections Department.

### **ALTERNATIVES**

None proposed by the Corrections Department.

### **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

Status quo.

### **AMENDMENTS**

None proposed by the Corrections Department.