

N/A	N/A	N/A	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	N/A	N/A	N/A	N/A	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

SB255 creates 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.?" In addition to any punishment provided, the court shall also order a person convicted of student athlete harassment to participate in and complete a program of professional counseling at the person's own expense.

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.

The New Mexico Higher Education Department (NMHED) analysis of this bill focuses on the higher education implications of the proposed legislation. Additional insight may be obtained from other agencies' analyses.

FISCAL IMPLICATIONS

There is no appropriation associated with SB255.

SIGNIFICANT ISSUES

New Mexico has laws against harassment, typically categorized as disorderly conduct or stalking. However, these laws often require specific types of behavior like threats of violence, repeated unwanted contact, or interference with daily life. Simply criticizing or expressing negativity towards a student athlete wouldn't necessarily fall under these definitions. SB255, if enacted, would provide clearer legal grounds for prosecuting harassment targeting student athletes.

SB255 only addresses the situation of a collegiate athlete being harassed. It doesn't address the possibility of harassment of a high school athlete or other students in a higher education or K-12 setting.

PERFORMANCE IMPLICATIONS

There are no performance measures in SB255.

ADMINISTRATIVE IMPLICATIONS

There could be an additional burden on state courts and law enforcement if there number of harassment complaints resulting from the passage of SB255 was large.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

N/A

TECHNICAL ISSUES

N/A

OTHER SUBSTANTIVE ISSUES

N/A

ALTERNATIVES

N/A

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

If SB255 is not enacted, there would not be any specific law in place regarding harassment of collegiate athletes, and existing laws against harassment would apply.

AMENDMENTS

N/A