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## FISCAL IMPACT REPORT

ORIGINAL DATE 03/04/11

SPONSOR Garcia, M.H. LAST UPDATED \_\_\_\_\_ HB 494

SHORT TITLE Create Crime of Bullying SB \_\_\_\_\_

ANALYST Sanchez, C.

### APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY11	FY12		
	NFI		

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Administrative Office of the Courts (AOC)

Department of Health (DOH)

Public Education Department (PED)

### SUMMARY

#### Synopsis of Bill

House Bill 494 creates the crime of bullying. The bill defines bullying and imposes petty misdemeanor and misdemeanor penalties upon those found guilty of bullying.

### FISCAL IMPLICATIONS

No significant fiscal impact is identified.

### SIGNIFICANT ISSUES

Almost 30% of youth in the United States (or over 5.7 million) are estimated to be involved in bullying as either a bully, a target of bullying or both. In a national survey of students in grades 6-10, 13% reported bullying others, 11% reported being the target of bullies and another 6% said that they bullied others and were bullied themselves. (Nansel, Overpeck, Pilla, Ruan, Simons-Morton, & Scheidt, *Bullying Behaviors Among US Youth: Prevalence and Association With Psychosocial Adjustment*, 2001)

Bullying takes on different forms in male and female youth. While both male and female youth

say that others bully them by making fun of the way they look or talk, males are more likely to report being hit, slapped or pushed. Female youth are more likely than males to report being the targets of rumors and sexual comments. While male youth target both boys and girls, female youth most often bully other girls, using more subtle and indirect forms of aggression than boys. For example, instead of physically harming others, they are more likely to spread gossip or encourage others to reject or exclude another girl. (Journal of American Medical Association, 2001)

According to the Department of Health (DOH), for children and youth who are bullied, bullying can affect their concentration in school and can lead them to avoid school in some cases. If bullying continues for some time, it can begin to affect children and youth's self-esteem and feelings of self-worth. It also can increase their social isolation, leading them to become withdrawn and depressed, anxious and insecure. In extreme cases, bullying can be devastating for children and youth, with long-term consequences. Researchers have found that years later adults who were bullied as youth have higher levels of depression and poorer self-esteem than other adults. (Rigby, K., Health consequences of bullying and its prevention in schools, 2001)

In New Mexico, more than one-third (37.3%) of students were in a physical fight within the 30 days preceding the Youth Risk and Resiliency Survey. A fight was more common among boys (44.5%) than among girls (29.8%). Also, 15% of New Mexico students were in a physical fight and bullied on school property within the 30 days preceding the survey. Additionally, 7.2% of students did not go to school on at least one day in the preceding month because they felt unsafe at school. (NM YRRS, 2009; [www.youthrisk.org](http://www.youthrisk.org)) Among high school students, 19.5% had been bullied on school property with girls being bullied at a higher rate than boys, 21.2% compared to 17.7%. (NM YRRS, 2009)

According to DOH, in addition there appears to be a strong relationship between bullying other students and experiencing later legal and criminal problems as an adult. In one study, 60% of those characterized as bullies in grades 6-9 had at least one criminal conviction by age 24. Chronic bullies seem to maintain their behaviors into adulthood, negatively influencing their ability to develop and maintain positive relationships. (Olweus D., Bullying at School: What we know and What we can do, 1993)

## **ADMINISTRATIVE IMPLICATIONS**

Currently, a bullying incident is reported to a law enforcement agent, that report is categorized as a “simple assault” or “public affray.” In addition, extreme incidence of bullying may result in battery charges. The court system categorizes bullying under “simple assault” or “public affray.”

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

HB494 is related to SB 78 (School District Bullying Prevention Programs) and SJM 5 (Study Effects of Bullying).

**OTHER SUBSTANTIVE ISSUES**

In November 2006, the New Mexico Public Education Department (PED) adopted a Bullying Prevention Rule (NMAC 6.12.7) that required all public school districts, including charter schools, to adopt and implement an Anti-Bullying Policy, no later than April 1, 2007

The PED developed a School District Anti-Bullying Policy Guidance Document to support all public school districts, including charter schools, to develop and implement a policy (<http://www.ped.state.nm.us/sfsb/tools/>).

The PED also requires all public school districts, including charter schools, to have a Safe School Plan in place. These plans include the Bullying Prevention Policy that they have adopted.

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

Status Quo

CS/bym