

<b>LFC Requester:</b>	<b>Austin Davidson</b>
-----------------------	------------------------

**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** 01/24/2024  
**Bill No:** HB225

**Sponsor:** Joshua Hernandez  
**Short Title:** Create Crime of Hazing

**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>	Minimal	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: House Bill 225 would create the misdemeanor crime of hazing and the fourth degree felony crime of aggravated hazing (defined below) in both K-12 schools and post-secondary institutions. Directs the Higher Education Department to maintain an online reporting portal for incidents and requires educational entities to report annually on hazing incidents. Appropriates \$500,000 (GF) to HED for use in FY2025 to implement the reporting online portal.

**DEFINITIONS AND PENALTIES.**

“Hazing” consists of an act, intentionally or recklessly committed against a student or a prospective student of an educational entity: (1) in connection with initiation into, affiliation with, holding office in or maintaining membership in any student organization, student body or student athletic team or club, regardless of whether the organization is officially recognized, sanctioned or authorized by an educational entity; and (2) when the act creates a substantial risk of physical or mental injury to the student or prospective student. Hazing includes any act committed as part of a student's recruitment, initiation, pledging, admission into or affiliation with a student organization, athletic team, club or living group or any pastime or amusement engaged in with respect to such an organization, athletic team, club 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 an educational entity, including causing, directing, coercing or forcing a person to consume any food, liquid, alcohol, drug or other substance that subjects the person to risk of such harm, regardless of the student's willingness to participate. It is a misdemeanor offense.

A teacher, professor, coach or other staff member of an educational entity who knew or reasonably should have known of the hazing and did not report the incident or incidents of hazing is guilty of a misdemeanor. A failure to report shall constitute good and just cause for suspension or revocation of any educator licensure under the School Personnel Act.

“Aggravated hazing” consists of an unlawful act, intentionally committed against a person who is a student or prospective student of an educational entity: (1) in connection with initiation into, affiliation with, holding office in or maintaining membership in any student organization, student body or student athletic team or club, regardless of whether the student organization, student body or student athletic team or club is officially recognized, sanctioned or authorized by an educational entity; and (2) when such act causes painful

temporary disfigurement or temporary loss or impairment of the functions of any member or organ of the body of the student or prospective student or causes substantial mental harm to the student or prospective student. It is a fourth degree felony offense, carrying a penalty of imprisonment up to eighteen months, and a possible fine of \$5,000.

If the perpetrator of the act of hazing or aggravated hazing is under the age of 18, the perpetrator shall be considered for services under the Delinquency Act.

The crime of hazing does not include any activity or conduct that furthers legitimate curricular, extracurricular or military training program goals that is officially sanctioned by an educational entity.

It is not a defense in an action under this section that the person against whom the hazing was directed consented to or acquiesced in the hazing activity.

"Educational entity" means a: (1) public or private school serving kindergarten through twelfth grade students; or (2) public or private post-secondary educational institution.

ONLINE REPORTING PORTAL. To be established and maintained within HED and staffed by a full-time director and one part-time personnel member. Staff is to work with law enforcement to report hazing crimes, which are also to be reported to the Office of Civil Rights of the U.S. Department of Education. Complaints and information are exempt from the Inspection of Public Records Act.

The creation of the Online Reporting Portal would not have an effect on the NMCD.

HAZING PREVENTION EDUCATION. Requires public and private post-secondary educational institutions to provide hazing prevention education to employees.

Effective date for the online reporting portal is July 1, 2025. Effective date for the remaining provisions is July 1, 2024.

## **FISCAL IMPLICATIONS**

The creation of a new fourth degree felony would have an impact on the New Mexico Corrections Department, as convictions of this new crime would result in a higher prison population; by statute, sentences of more than twelve months are served in NMCD facilities.

## **SIGNIFICANT ISSUES**

The creation of a new fourth degree felony, which carries a penalty of up to eighteen months imprisonment, would increase the prison population housed and supervised by the NMCD, since sentences of more than twelve months must be served in NMCD facilities, under NMSA 31-20-2.

## **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.