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**AGENCY BILL ANALYSIS  
2024 REGULAR SESSION**

**WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:**

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*{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}*

**SECTION I: GENERAL INFORMATION**

*{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}*

Click all that apply:  
**Original**        **Amendment**       
**Correction**        **Substitute**   

**Date** 2024-01-30  
**Bill No:** SB55

**Sponsor:** Pope, Harold  
**Short**    ANTI-HAZING ACT  
**Title:** \_\_\_\_\_

**Agency Name and Code**    NMHED  
**Number:** \_\_\_\_\_  
**Person Writing**    Chisholm, Mark  
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**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

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

(Parenthesis ( ) Indicate Expenditure Decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY24	FY25	FY26		

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
<b>Total</b>	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**

SB55 creates the Anti-Hazing Act in statute. It provides a definition of hazing, establishes criminal penalties for hazing, requires public and private postsecondary educational institutions to have anti-hazing policies and a hazing prevention committee, requires annual reports on hazing violations, requires hazing prevention education, and sets requirements for social fraternity and sorority organizations with respect to hazing.

The definition of hazing is any act committed as part of a person's recruitment, initiation, pledging, admission to or affiliation with a student organization, athletic team, or living group or any pastime engaged with such a group, that causes or is likely to cause bodily danger or physical harm or serious psychological or emotional harm to a student or other person attending the institution. Hazing includes causing, directing, coercing, or forcing a person to consume any food, liquid, alcohol, drug, or other substance that subjects the person to risk of harm, regardless of their willingness to participate. Hazing in the context of this bill does not include customary athletic events, contests or competitions, practice, training, conditioning, or eligibility requirements for intramural or club sports or National Collegiate Athletic Association (NCAA) sports. Gratuitous hazing that occurs as part of such customary events or contests is prohibited.

Anyone who commits hazing is guilty of a misdemeanor. Whoever commits hazing that results in substantial bodily harm of another is guilty of a fourth-degree felony. Any student organization, association, or student living group that permits hazing is strictly liable for

damages resulting from hazing. If that group is a corporation, the individual directors of the corporation can be held individually liable for damages. Anyone who commits hazing forfeits any entitlement to state-funded grants, scholarships, or awards for a period of time determined by the postsecondary educational institution. Any organization that permits hazing can lose official recognition or approval granted by the postsecondary educational institution.

Beginning in fall 2024, public and private postsecondary educational institutions must include a prohibition of off- and on-campus hazing in their codes of conduct. Institutions must provide programs on hazing, including in new student orientation, and post those programs on their public website. Institutions must also establish a hazing prevention committee that includes students, faculty or staff, and one parent or legal guardian of a currently enrolled student.

Post-secondary educational institutions must publish an annual report of findings of violations of the institution's anti-hazing policy. These reports must be made available on the institution's website in a prominent location that is clearly labeled and easily accessible. Reports must be kept for at least five years. Institutions must also provide hazing-prevention education to all employees, including student employees, at the beginning of each academic year.

All employees have a responsibility to report hazing if they believe that hazing has occurred. Individuals making such reports may not be sanctioned or punished unless they were also directly involved in the actual hazing. Nothing in the institution's policies or in this act precludes a person from independently reporting hazing or suspected hazing to law enforcement.

All social fraternity and sorority organizations must certify in writing their compliance with anti-hazing policies, and failure to comply with the criteria listed in the Anti-Hazing Act shall result in the automatic loss of recognition until they come into compliance.

## FISCAL IMPLICATIONS

There is no appropriation associated with SB55.

There could be costs to postsecondary education institutions as they implement the Anti-Hazing Act such as updates to webpages and development of new training materials.

## SIGNIFICANT ISSUES

New Mexico is one of the few states that does not have legal sanctions against hazing.

Most institutions in New Mexico have anti-hazing policies in their codes of conduct. This bill would codify these practices and ensure that students and staff know of those policies and have a safe and easy way to report violations. The biggest change for institutions may be the requirement to post annual reports of actual findings of hazing violations.

There is no mechanism in SB55 to ensure compliance. There is no required state-level report aggregating information on hazing occurrences.

SB55 could create extra burdens for up to 96% of the private postsecondary education institutions authorized to operate in New Mexico. Most do not have athletic teams, social student organizations, or on-campus dormitories, and many have an annual enrollment count less than 200, so many of these institutions would not be able to comply with the definition of categories included in the hazing prevention committee. For example, including the parent or guardian of adults at some private postsecondary education institutions such as a truck driving school might not be feasible.

#### PERFORMANCE IMPLICATIONS

There are no additional performance requirements included in SB55 aside from the requirement to post a public report of confirmed hazing occurrences over the previous five years.

There is no required state-level reporting.

#### ADMINISTRATIVE IMPLICATIONS

Post-secondary education institutions would need to examine their existing anti-hazing policies to ensure they comply with the new act, institute new training, convene the required committee, and prepare annual reports.

#### CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

HB27 was introduced in 2021 and had a similar intent to SB55, but it did not become law. HB225 in 2024 is also an anti-hazing bill.

#### TECHNICAL ISSUES

N/A

#### OTHER SUBSTANTIVE ISSUES

N/A

#### ALTERNATIVES

Institutions could be asked to review current anti-hazing rules and guidelines in their codes of conduct and make changes if necessary. They could also be required to provide an internal reporting mechanism that all students, staff, and faculty were aware of and ensure that students and employees were knew their responsibilities to prevent hazing and report violations.

Institutions could be required to report on hazing to the New Mexico Higher Education Department (NMHED) with updates on a specified cycle.

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

If SB55 does not pass, there would not be a law in New Mexico listing penalties for hazing. Post-secondary education institutions would continue to enforce existing anti-hazing policies.

#### AMENDMENTS

SB55 was amended by the Senate Education Committee on January 24, 2024. In this amendment, Section 3, paragraph D, that stated that hazing that resulted in substantial bodily harm would be a fourth degree felony was deleted. The remaining language left in the misdemeanor charge for hazing. The other change in the bill was to specify that reports of hazing are not subject to the Inspection of Public Records Act.