

<b>LFC Requester:</b>	<b>Davidson, Austin</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** 1/31/24  
**Bill No:** SB 255

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

**Agency Name and Code**    AOC 218  
**Number:** \_\_\_\_\_  
**Person Writing**    Kathleen Sabo  
**Phone:** 505-470-3214    **Email** aoccaj@nmcourts.gov

**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY24	FY25		
None	None	Rec.	General

(Parenthesis ( ) Indicate Expenditure Decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY24	FY25	FY26		
Unknown	Unknown	Unknown	Rec.	General

(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>	Unknown	Unknown	Unknown	Unknown	Rec.	General

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: Related to HB 151, requiring adoption of trauma-informed policies and responses by a higher education institution receiving state funds, for the investigation of allegations of harassment and other crimes.

Duplicates/Relates to Appropriation in the General Appropriation Act: None.

**SECTION III: NARRATIVE**

**BILL SUMMARY**

Synopsis: SB 255 enacts a new statutory section within the Criminal Code, Section 30-1-1 NMSA 1978 et. seq., to create the misdemeanor crime of Student Athlete Harassment, consisting of knowingly directing threats of violence or harm at a specific intercollegiate 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.

SB 255 provides that the conduct must be such that it would cause a reasonable person to suffer substantial emotional distress.

SB 255 provides a fourth degree felony penalty for a second or subsequent conviction, and requires the court to order a person convicted of student athlete harassment to participate in and complete a program of professional counseling at the person’s own expense.

SB 255 defines “student athlete” to mean an individual who engages in, is eligible to engage in or may be eligible in the future to engage in an intercollegiate sport. “Intercollegiate sport” is also defined.

**FISCAL IMPLICATIONS**

There will be a minimal administrative cost for statewide update, distribution and documentation of statutory changes. Any additional fiscal impact on the judiciary would be proportional to the enforcement of this law and commenced prosecutions, and appeals from convictions. New laws, amendments to existing laws and new hearings have the potential to increase caseloads in the courts, thus requiring additional resources to handle the increase.

**SIGNIFICANT ISSUES**

- 1) Section 30-3A-2 NMSA 1978 governs the misdemeanor crime of Harassment, consisting of knowingly pursuing a pattern of conduct that is intended to annoy, seriously alarm or terrorize another person and that serves no lawful purpose. The conduct must be such that it would cause a reasonable person to suffer substantial emotional distress. Section 30-3A-2 NMSA 1978 does not provide a fourth degree felony penalty for a second or subsequent conviction.

- 2) According to Courage First Athlete Helpline, studies show that between 40 to 50% of athletes have experienced some form of abuse. It appears, though, that the abuse they are reporting comes from coaches, team doctors and trainers, and teammates. It is possible, however, that the harassment/abuse SB 255 is contemplating comes from those outside a sports organization - from fans, etc. See <https://www.athletehelpline.org/>.

According to the Chalk Bucket Gymnastics Community, studies have shown that approximately 60-75% of youth athletes experience some form of emotional abuse, ranging from mild harassment to severe maltreatment from their coaches. See <https://chalkbucket.com/threads/recognizing-emotional-abuse-in-gymnastics-and-in-life.67143/#:~:text=Studies%20have%20shown%20that%20approximately,severe%20a%20treatment%20from%20their%20coaches.>

It is unclear whether the reach of the crime enacted by SB 255 will cover harassment by coaches, let alone team doctors and trainers, and teammates.

### **PERFORMANCE IMPLICATIONS**

The courts are participating in performance-based budgeting. This bill may have an impact on the measures of the district courts in the following areas:

- Cases disposed of as a percent of cases filed
- Percent change in case filings by case type

### **ADMINISTRATIVE IMPLICATIONS**

See “Fiscal Implications,” above.

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

Related to HB 151, requiring adoption of trauma-informed policies and responses by a higher education institution receiving state funds, for the investigation of allegations of harassment and other crimes.

### **TECHNICAL ISSUES**

### **OTHER SUBSTANTIVE ISSUES**

### **ALTERNATIVES**

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

### **AMENDMENTS**

- 1) Clarify that the harassment contemplated and criminalized by SB 155 may come from within a collegiate sports organization or team or institution, as well as from without.