

HOUSE JUDICIARY COMMITTEE SUBSTITUTE FOR
HOUSE BILL 225

56TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2024

AN ACT

RELATING TO HAZING; CREATING THE CRIMES OF HAZING AND
AGGRAVATED HAZING; CREATING AN ONLINE REPORTING PORTAL;
PROVIDING AN EXCEPTION TO THE INSPECTION OF PUBLIC RECORDS ACT;
PROVIDING PENALTIES; MAKING AN APPROPRIATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. A new section of the Criminal Code is enacted
to read:

"[NEW MATERIAL] HAZING--AGGRAVATED HAZING--PENALTIES.--

A. 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

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1 team or club, regardless of whether the student organization,
2 student body or student athletic team or club is officially
3 recognized, sanctioned or authorized by an educational entity;
4 and

5 (2) when the act causes or is likely to cause
6 a substantial risk of physical or psychological harm to the
7 student or prospective student.

8 B. Hazing includes any act committed as part of a
9 student's or prospective student's recruitment, initiation,
10 pledging, admission into or affiliation with a student
11 organization, athletic team, club or living group or any
12 pastime or amusement engaged in with respect to such an
13 organization, athletic team, club or living group that causes
14 or is likely to cause bodily danger, physical harm or
15 psychological or emotional harm to a student or prospective
16 student at an educational entity, including causing, directing,
17 coercing or forcing a student or prospective student to consume
18 any food, liquid, alcohol, drug or other substance that
19 subjects the person to risk of such harm.

20 C. A person who commits hazing is guilty of a
21 misdemeanor and shall be sentenced pursuant to the provisions
22 of Section 31-19-1 NMSA 1978, unless otherwise provided in this
23 section.

24 D. A teacher, professor, coach or other staff
25 member of an educational entity who knew or reasonably should

1 have known of the hazing conduct or activity and did not report
2 the incident or incidents of hazing to the online reporting
3 portal is guilty of a misdemeanor and shall be sentenced
4 pursuant to the provisions of Section 31-19-1 NMSA 1978.

5 E. Aggravated hazing consists of an act of hazing,
6 as defined in Subsections A and B of this section, when such
7 act causes painful temporary disfigurement or temporary loss or
8 impairment of the functions of any member or organ of the body
9 of the student or prospective student or causes great
10 psychological harm to the student or prospective student.

11 F. A person who commits aggravated hazing is guilty
12 of a fourth degree felony and shall be sentenced pursuant to
13 the provisions of Section 31-18-15 NMSA 1978, unless otherwise
14 provided in this section.

15 G. If the perpetrator of the act of hazing or
16 aggravated hazing is under the age of eighteen, the perpetrator
17 shall be considered for services under the Delinquency Act,
18 including services and pre-adjudication diversion by probation
19 and parole.

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

23 I. As used in this section, "educational entity"
24 means a public or private post-secondary educational
25 institution."

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1 SECTION 2. A new section of the Criminal Code is enacted
2 to read:

3 "[NEW MATERIAL] HAZING ONLINE REPORTING PORTAL--CREATION--
4 STAFF--SERVICES.--

5 A. The higher education department shall create and
6 maintain a statewide online reporting portal for reporting
7 incidents of hazing and aggravated hazing at educational
8 entities.

9 B. The online reporting portal shall be created and
10 maintained within the higher education department and shall be
11 staffed by a full-time director and one personnel member.

12 C. The higher education department shall staff the
13 online reporting portal and provide referrals and resources for
14 individuals reporting a hazing or aggravated hazing crime.
15 Staff shall work in coordination with the department of public
16 safety and the law enforcement agency having primary
17 jurisdiction over the incident to report hazing crimes.

18 D. A complaint, and any information provided with
19 the complaint, including the identity of the parties, made
20 through the online reporting portal shall be exempt from the
21 Inspection of Public Records Act.

22 E. Subject to funding, the higher education
23 department shall advertise the online reporting portal
24 statewide and post information about the online reporting
25 portal in a prominent place on the department's website.

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1 F. Educational entities shall report annually
2 regarding hazing to the higher education department as required
3 by the department.

4 G. As used in this section, "educational entity"
5 means a public or private post-secondary educational
6 institution."

7 SECTION 3. [NEW MATERIAL] REQUIREMENT TO PROVIDE HAZING
8 PREVENTION EDUCATION.--A public or private post-secondary
9 educational institution shall provide hazing prevention
10 education on the signs and dangers of hazing as well as the
11 institution's prohibition on hazing to employees, including
12 student employees, either in person or electronically. The
13 prevention education shall be provided to employees each
14 academic year and for new employees at the beginning of each
15 academic term.

16 SECTION 4. Section 14-2-1 NMSA 1978 (being Laws 1947,
17 Chapter 130, Section 1, as amended) is amended to read:

18 "14-2-1. RIGHT TO INSPECT PUBLIC RECORDS--EXCEPTIONS.--
19 Every person has a right to inspect public records of this
20 state except:

21 A. records pertaining to physical or mental
22 examinations and medical treatment of persons confined to an
23 institution;

24 B. letters of reference concerning employment,
25 licensing or permits;

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1 C. letters or memoranda that are matters of opinion
2 in personnel files or students' cumulative files;

3 D. portions of law enforcement records as provided
4 in Section 14-2-1.2 NMSA 1978;

5 E. as provided by the Confidential Materials Act;

6 F. trade secrets;

7 G. attorney-client privileged information;

8 H. long-range or strategic business plans of public
9 hospitals discussed in a properly closed meeting;

10 I. tactical response plans or procedures prepared
11 for or by the state or a political subdivision of the state,
12 the publication of which could reveal specific vulnerabilities,
13 risk assessments or tactical emergency security procedures that
14 could be used to facilitate the planning or execution of a
15 terrorist attack;

16 J. information concerning information technology
17 systems, the publication of which would reveal specific
18 vulnerabilities that compromise or allow unlawful access to
19 such systems; provided that this subsection shall not be used
20 to restrict requests for:

21 (1) records stored or transmitted using
22 information technology systems;

23 (2) internal and external audits of
24 information technology systems, except for those portions that
25 would reveal ongoing vulnerabilities that compromise or allow

1 unlawful access to such systems; or

2 (3) information to authenticate or validate
3 records received pursuant to a request fulfilled pursuant to
4 the Inspection of Public Records Act;

5 K. submissions in response to a competitive grant,
6 land lease or scholarship and related scoring materials and
7 evaluation reports until finalists are publicly named or the
8 award is announced; ~~and~~

9 L. complaints and the information provided with the
10 complaints, including the identity of any of the named parties,
11 made through the statewide online reporting portal to report an
12 incident or incidents of hazing; and

13 ~~[L.]~~ M. as otherwise provided by law."

14 SECTION 5. APPROPRIATION.--Five hundred thousand dollars
15 (\$500,000) is appropriated from the general fund to the higher
16 education department for expenditure in fiscal year 2025 for
17 the implementation of a statewide hazing reporting online
18 portal, the hiring and training of staff for the online portal
19 and any necessary software for the online portal. Any
20 unexpended or unencumbered balance remaining at the end of
21 fiscal year 2025 shall revert to the general fund.

22 SECTION 6. EFFECTIVE DATE.--

23 A. The effective date of the provisions of Sections
24 1 and 3 through 5 of this act is July 1, 2024.

25 B. The effective date of the provisions of Section

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1 2 of this act is July 1, 2025.

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