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LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS
57th Legislature, 1st Session, 2025

Bill Number	<u>SB148/aSEC</u>	Sponsor	<u>Maestas/Hernandez, J.N.</u>
Tracking Number	<u>.229238.2SA</u>	Committee Referrals	<u>SEC/SJC/SFC</u>
Short Title	<u>Anti-Hazing Act</u>		
Analyst	<u>Hicks</u>	Original Date	<u>1/30/2025</u>
		Last Updated	<u>3/5/2025</u>

BILL SUMMARY

Synopsis of SEC Amendment

The Senate Education Committee Amendment to SB148 (SB148/aSEC) removes all references to public and private schools from the bill, thereby eliminating kindergarten through 12th grade (K-12) education entities from the scope of the legislation. SB148/aSEC would now apply solely to higher education and the criminal justice system.

Synopsis of Original Bill

Senate Bill 148 (SB148) would create the Anti-Hazing Act. The bill provides definitions related to hazing and creates criminal and civil penalties for acts of hazing, as well as criminal and civil penalties for failure to report hazing. The criminal and civil penalties outlined in SB148 would potentially impact individuals and organizations at public and private schools in New Mexico, as well as higher education institutions. SB148 would require public and private postsecondary educational institutions to prohibit hazing by holding participating individuals and student organizations accountable. The bill would require postsecondary institutions to establish an anti-hazing code of conduct policy. Postsecondary educational institutions would be required to support a hazing prevention committee to promote hazing prevention. SB148 would also provide definitions for great physical harm, great psychological harm, and physical harm.

FISCAL IMPACT

SB148 does not contain an appropriation.

The Higher Education Department (HED), the New Mexico Department of Justice (NMDOJ), the New Mexico Courts, the Law Offices of the Public Defender, and the state's postsecondary educational institutions would all likely see fiscal impacts related to SB148/aSEC's mandated trainings and new criminal and civil penalties.

SUBSTANTIVE ISSUES

Hazing Prevention Best Practices. A [toolkit](#) jointly released by anti-hazing organizations—the Clery Center, StopHazing, and the Hazing Prevention Consortium—identifies a number of key steps institutions can take to prevent hazing. SB148/aSEC appears to align with many of these practices, including anti-hazing policies that apply to entire school campuses, communication about and accountability for hazing incidents, and incentivizing stakeholder involvement in anti-hazing efforts.

Penalizing Hazing. SB148/aSEC would set a criminal penalty and postsecondary educational institutional penalties for individuals and postsecondary educational organizations that willingly participate in or permit hazing rituals.

Criminal Penalty. Hazing is not currently a criminal offense under New Mexico law. Under the proposed provisions of SB148/aSEC, the severity of the criminal penalty for hazing would be tied to the impact of the hazing on the targeted individual. SB148/aSEC would make hazing a misdemeanor at a minimum, an offense which [typically](#) results in a fixed prison sentence of no more than a year, a fine of \$1,000, or both.

Should an act of hazing result in physical harm or great psychological harm, the offender could be convicted of a fourth degree felony. For a fourth degree felony, New Mexico law [sets](#) the basic prison sentence at 18 months. At the court's discretion, an additional fine of up to \$5,000 may also be imposed.

If the hazing results in great physical harm, the criminal penalty would be a third degree felony under SB148/aSEC. This translates to a prison sentence of three years.

Finally, if an act of hazing leads to the death of the targeted individual, the perpetrator could be convicted of a second degree felony and sentenced to nine years imprisonment.

Failure to report hazing would carry the penalty of a misdemeanor.

Civil Penalty. SB148/aSEC would allow a person subjected to hazing to engage in a civil action for either injury or damages resulting from the hazing. A civil action would be eligible to be brought against the hazing participants; a student organization with involvement in the act of hazing; school employees, faculty, administrators, independent contractors, and volunteers who either knew of the hazing or reasonably should have known about the incident; a public or private postsecondary educational institution for failing to take reasonable steps to prevent the hazing, or for the actions of relevant administrators, faculty, employees, contractors, and volunteers.

Postsecondary Educational Institution Penalties. Any person who intentionally commits hazing would forfeit any entitlements, including state-funded grants, scholarships, and awards, for a time determined by the postsecondary educational institution. Furthermore, any student organization that permits hazing would forfeit any official recognition or approval granted by the postsecondary institution.

Code of Conduct Policies and Hazing Prevention Education. SB148/aSEC requires postsecondary educational institutions to prohibit in their code of conduct hazing off- and on-campus. Beginning with the 2025 fall academic term, SB148/aSEC would require a postsecondary educational institution to provide students with an educational program on hazing as part of the

new student orientation sessions. Hazing educational programs would include information regarding hazing awareness, prevention, intervention, the institution's policy on hazing, and criminal and civil penalties for hazing. Anti-hazing materials would be provided to all student groups and organizations regarding anti-hazing policy and student rights and responsibilities.

SB148/aSEC would mandate that if there is reasonable cause to believe hazing has or will occur, students or employees must report the incident at the first opportunity to do so to a designated authority at the postsecondary educational institution. Individuals who made a report in good faith may not be sanctioned or punished unless the person is directly engaged in the planning, directing, or act of hazing.

Hazing Prevention Committee. The bill would require postsecondary educational institutions to establish a minimum-six-member hazing prevention committee to promote and address hazing prevention. Committee members would include current students, a student from any student organization, one faculty or staff member, and one parent or legal guardian.

ADMINISTRATIVE IMPLICATIONS

Higher education institutions would need to examine their existing policies to ensure compliance with the proposed Anti-Hazing Act and would be required to establish new policies and practices around training and hazing prevention initiatives. Law enforcement entities may see increased workloads should hazing be given a criminal penalty under SB148/aSEC.

OTHER SIGNIFICANT ISSUES

According to [StopHazing](#), New Mexico, Hawaii, Alaska, Wyoming, South Dakota, and Montana are the only states that do not have an anti-hazing law.

The proposed definition of hazing in SB148/aSEC aligns with the definition included in the federal Stop Campus Hazing Act ([H.R. 5646](#)).

In November 2023, Attorney General Raúl Torrez issued a [press release](#) regarding three former New Mexico State University (NMSU) basketball players who were charged with multiple felony sex crimes related to hazing incidents that occurred in fall 2022. NMSU also fired its head basketball coach and ended the 2022-2023 basketball season due to hazing allegations.

In December 2024, NMDOJ released a [report](#) on hazing failures at NMSU during the 2022-2023 basketball season. Following the release of this report, NMSU President Valerio Ferme [terminated](#) the employment of the university's athletic director.

RELATED BILLS

Relates to SB10, Anti-Hazing Act, which would establish criminal penalties for hazing and create new anti-hazing policy requirements for postsecondary educational institutions.

Relates to SB149, Crime of Cyberbullying, which would create criminal penalties for cyberbullying.

SOURCES OF INFORMATION

- LESC Files

- Higher Education Department (HED)
- Administrative Office of the Courts (AOC)
- New Mexico Department of Justice (NMDOJ)
- New Mexico Public Schools Insurance Authority (NMPSIA)
- University of New Mexico (UNM)
- New Mexico Highlands University (NMHU)
- New Mexico Institute of Mining and Technology (NMIMT)
- New Mexico Independent Community Colleges (NMICC)
- Public Education Department (PED)

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