

LFC Requester:	Theresa Edwards
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**AGENCY BILL ANALYSIS
2019 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:

LFC@NMLEGIS.GOV

and

DFA@STATE.NM.US

{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}

Check all that apply:

Original **Amendment**
Correction **Substitute**

Date 2/4/19
Bill No: HB352

Sponsor: Rep. Sheryl Williams Stapleton and Rep. Greg Nibert et al. **Agency Code:** 924

Person Writing Analysis: Daniel Manzano

Short Title: CREATE CRIME OF HAZING **Phone:** 505-670-3820 **Email:** Daniel.Manzano@state.nm.us

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY19	FY20		
NFI	NFI	Nonrecurring	N/A

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY19	FY20	FY21		
NFI	NFI	NFI	Nonrecurring	N/A

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY19	FY20	FY21	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	NFI	NFI	NFI	NFI	Nonrecurring	N/A

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: None as of 01/28/19.

Duplicates/Relates to Appropriation in the General Appropriation Act: None as of 01/28/19.

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis:

House Bill 352 (HB352) makes it unlawful for a person who is a student in a post-secondary public or private school to haze another current or prospective student. Violation of this provision of the New Mexico Criminal Code would become a misdemeanor crime, sentenced pursuant to the provisions of Section 31-19-1 NMSA 1978.

FISCAL IMPLICATIONS

HB352 does not contain an appropriation and there are no fiscal implications for the New Mexico Public Education Department (PED).

SIGNIFICANT ISSUES

According to the Prevention Through Education website, New Mexico is one of only six states that does not have an anti-hazing law (Source: <https://www.stophazing.org/states-with-anti-hazing-laws/>). The 44 states that do have anti-hazing laws, vary in both definition and penalties (www.stophazing.org).

Significant to the New Mexico Public Education Department (PED), is the following statistic from the Prevention Through Education website: 47% of students are hazed before the enter high school. HB352 provides current students or prospective students protections against hazing. Since many high school students in New Mexico spend time on post-secondary educational institution campuses (1) for purposes of earning dual high school-college credit and (2) because there are a number of high school campuses co-located on post-secondary educational institution campuses in the state, HB352 would apply to select high school students on post-secondary educational institution campuses.

PERFORMANCE IMPLICATIONS

None noted.

ADMINISTRATIVE IMPLICATIONS

A short term implication of HB352 is that the PED would have to notify public school districts and charter schools about this change to the state's Criminal Code, and the protections against hazing that are legally provided, as it relates to students on post-secondary private or public educational institutional campuses. This can be accomplished with existing PED resources and staff.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None as of 01/28/19.

TECHNICAL ISSUES

None

OTHER SUBSTANTIVE ISSUES

None

ALTERNATIVES

None

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

The penalty for hazing at a public or private post-secondary institution will continue to be addressed through applicable statutes and public or private post-secondary institution applicable policies and protocols.

AMENDMENTS

None as of 01/28/19.