

LFC Requester:

Davidson



**PUBLIC EDUCATION DEPARTMENT
BILL ANALYSIS
2024 REGULAR SESSION**

SECTION I: GENERAL INFORMATION

Check all that apply:

Original Amendment

Date Prepared: 01/26/24

Correction Substitute

Bill No: [HB225](#)

Agency Name
and Code

Sponsor: Hernandez

Number: PED - 924

Short Title: CREATE CRIME OF

Person Writing: Denise Terrazas

Title: HAZING

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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY24	FY25		
None	\$500.0	Nonrecurring	GF

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY24	FY25	FY26		
None	None	None	N/A	NFA

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY24	FY25	FY26	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	None	None	None	None	N/A	NFA

(Parenthesis () Indicate Expenditure Decreases)

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

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: House Bill 225 (HB225) would create the crimes of hazing and aggravated hazing against a student or prospective student in a public or private K-12 school or public or private post-secondary school.

The effective date of the bill is July 1, 2024, for all sections of the bill except the section creating an online reporting portal, which would be effective July 1, 2025.

FISCAL IMPLICATIONS

\$500,000 is appropriated from the general fund to the Higher Education Department for expenditure in FY25 for the implementation of a statewide hazing reporting online portal, the hiring and training of staff for the online portal, and any necessary software for the online portal. Any unexpended or unencumbered balance remaining at the end of FY25 shall revert to the general fund.

SIGNIFICANT ISSUES

HB225 would define hazing as an act that creates a substantial risk of physical or mental injury intentionally or recklessly committed against a student or a prospective student of an educational entity in connection with initiation into, affiliation with, holding office in, or maintaining membership in any student organization, student body, or student athletic team or club, regardless of whether the student organization, student body or student athletic team or club is officially recognized, sanctioned, or authorized by an educational entity.

The bill designates, “hazing” as an intentional or reckless act committed against a student or prospective student that is related to initiation into, or affiliation with, or membership in a student organization, officially recognized or not, that creates a substantial risk of physical or mental injury. “Aggravated hazing”, on the other hand, is an unlawful act intentionally committed against a student or prospective student that causes painful temporary disfigurement or temporary loss or impairment of the function of any member or organ of the body, or that causes substantial mental harm. Hazing is designated a petty misdemeanor, while aggravated hazing is a fourth-degree felony.

A teacher, professor, or other school staff who know or reasonably should know of hazing and fail to report it is also guilty of a misdemeanor. For public school personnel, such a failure to report would constitute good and just cause for suspension or revocation of any educator licensure.

While the activities prohibited by HB225 would likely also carry other criminal charges, the provisions in the bill would further protect students against hazing by providing additional charges for hazing crimes. According to Stop Hazing.org, [New Mexico is one of only six states](#) that does not have an anti-hazing law. There are 44 states that do have anti-hazing laws, which vary in both definition and penalties. [Forty-seven \(47\) percent of students nationwide are hazed before they enter high school.](#)

PERFORMANCE IMPLICATIONS

None.

ADMINISTRATIVE IMPLICATIONS

HB225 would require public or private schools serving kindergarten through twelfth grade students to report hazing events to the public education department annually.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None.

TECHNICAL ISSUES

None.

OTHER SUBSTANTIVE ISSUES

HB225 also proposes to amend the Inspection of Public Records Act (IPRA) to add a new exception for hazing-related complaints and information provided with such complaints, including the identity of complainants, that are made through the online hazing reporting portal.

ALTERNATIVES

None.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

None.

AMENDMENTS

None.