



LFC Requester: Sanchez

**PUBLIC EDUCATION DEPARTMENT
BILL ANALYSIS
2025 REGULAR SESSION**

SECTION I: GENERAL INFORMATION

Check all that apply:

Original Amendment
Correction Substitute

Date Prepared: 02/06 /25
Bill No: HB287

Agency Name and Code: PED - 924

Sponsor: Reeb

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Short Title: TELEPHONE, TEXT & SOCIAL MEDIA CRIMES

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SECTION II: FISCAL IMPACT

(Parenthesis () Indicate Expenditure Decreases)

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY26	FY27		
None	None	N/A	NFA

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY26	FY27	FY28		
None	None	None	N/A	NFA

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY26	FY27	FY28	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	None	None	None	None	N/A	NFA

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

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: House Bill 287 (HB287) would amend the criminal code to include text messages and social media in the crime of use of a telephone to terrify, intimidate, threaten, harass, annoy or offend.

The bill does not provide an effective date. Laws go into effect 90 days after the adjournment of the Legislature enacting them, unless a later date is specified. If enacted, this bill would become effective June 20, 2025

FISCAL IMPLICATIONS

The bill does not contain an appropriation.

SIGNIFICANT ISSUES

HB287 would amend the criminal code to explicitly include and criminalize specific conduct that can be common in school settings, thereby potentially extending legal liability to such incidents. The bill would make it unlawful to send a text message or to contact someone through social media with the intent to annoy or disturb, and without definitions for annoyance or disturbance, many text messages or social media posts may constitute criminal acts.

The [Safe Schools for All Students Act](#) defines cyberbullying as “any bullying that takes place through electronic communication.” The act requires school policies be adopted and enforced to prevent cyberbullying, including consequences to protect the target of cyberbullying, correct the behavior, and prevent recurrence or retaliation.

Results from the [Center for Disease Control 2023 Youth Risk Behavior Survey](#) indicated that, within the past year, 16 percent of high school students were electronically bullied, including through texting, Instagram, Facebook or other social media. The greatest percent affected were LGBTQ+ students, for whom incidence rates were near double those of cisgender and heterosexual students.

According to the [National Center for Education Statistics](#), of the students ages 12–18 across the nation who in 2021–22 reported being bullied during school, 22 percent reported being bullied online or by text.

In 2021–22, among students who reported being bullied, the percentage who were bullied online or by text was:

- double the rate for female students than for male students (28 vs. 14 percent);
- higher for 9th-, 10th-, 11th-, and 12th-graders (24, 33, 28, and 29 percent, respectively) than for 6th-graders (11 percent); and

The [New Mexico Children’s Cabinet](#) reported that the percentage of middle school students who were ever electronically bullied (texting, Instagram, Facebook, or other social media) increased from 19 percent in 2013 to 27 percent in 2021 and 2023. For high school students, those who reported ever having been bullied electronically remained close to 13 percent between 2013 and 2023.

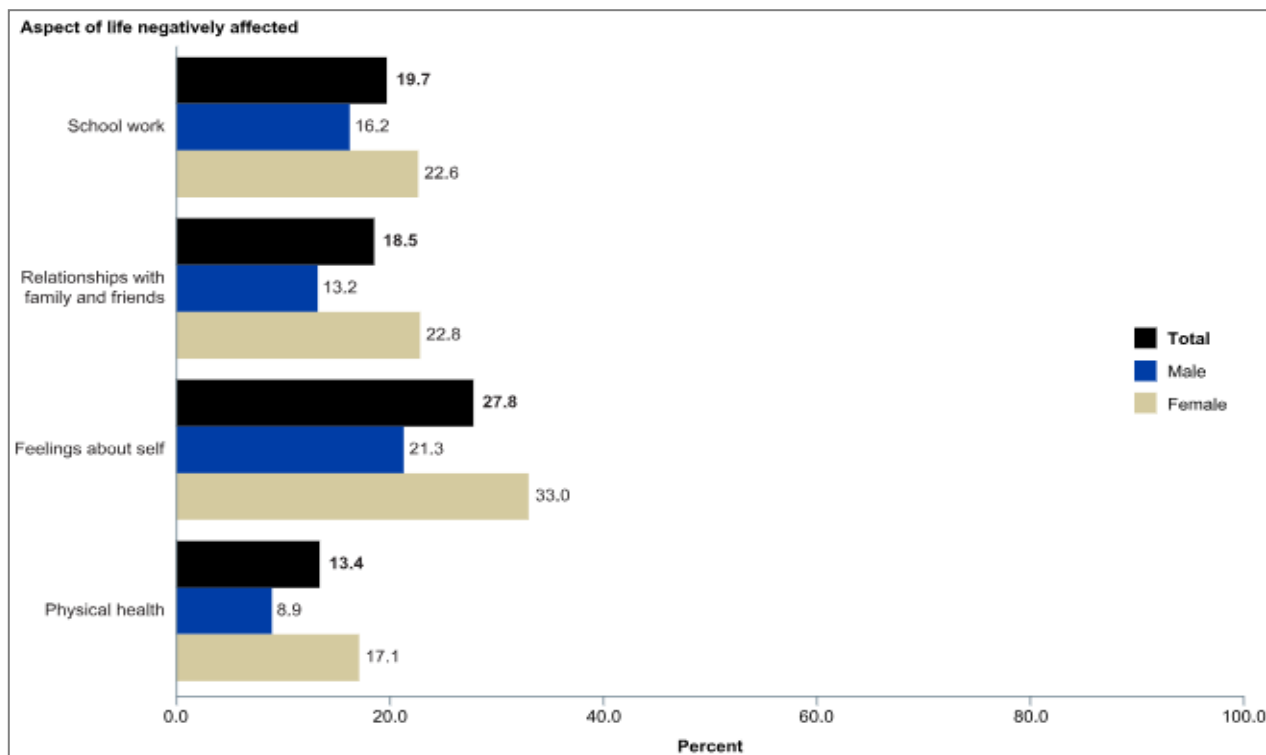
Teachers are also subject to intimidation and violence. The [American Psychological Association](#) (APA) reported that rates of violence and aggression against school personnel were high during COVID despite most schools being remote. One-third of surveyed teachers reported they experienced at least one incident of verbal or threatening violence from students during COVID, which included cyberbullying. Verbal or threatening victimization were reported as coming from students, parents, colleagues, and administrators. The APA report included the following statement from a respondent:

Parents have been more aggressive and verbally abusive to teachers in our district since COVID. The social media posts by parents are vicious and they don't seem to remember that teachers were already undervalued, underpaid, and overworked before the pandemic. Those feelings have only been made worse by the pandemic.

PERFORMANCE IMPLICATIONS

According to the [New Mexico Children’s Cabinet](#), children and adolescents who are bullied can experience negative psychological, physical, and academic effects. Mental health problems such as depression, anxiety, low self-esteem, self-harming behavior, alcohol and drug use, aggression, and violence can be common in children who are bullied. There is also evidence that bullying has a negative effect on academic performance. Fifteen percent of New Mexico high schoolers report having skipped school because of safety concerns in the last 12 months.

The [National Center for Education Statistics](#) reported that, among students ages 12-18 who reported being bullied in school, the percentage reporting that the bullying had a negative effect on schoolwork, relationships, self-esteem, and physical health in 2021-22.



ADMINISTRATIVE IMPLICATIONS

None.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

HB287 relates to Senate Bill 149, which would create the crime of cyberbullying in the state criminal code.

TECHNICAL ISSUES

None.

OTHER SUBSTANTIVE ISSUES

None.

ALTERNATIVES

None.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

None.

AMENDMENTS

The sponsor of the bill may wish to consider including definitions for “annoy” or “offend,” as this may be challenged as overly broad under free speech protections.