

HOUSE BILL 225

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

INTRODUCED BY

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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 creates a substantial risk of
6 physical or mental injury to the student or prospective
7 student.

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

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

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

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1 have known of the hazing conduct or activity and did not report
2 the incident or incidents of hazing is guilty of a misdemeanor
3 and shall be sentenced pursuant to the provisions of Section
4 31-19-1 NMSA 1978. A failure to report shall constitute good
5 and just cause for suspension or revocation of any educator
6 licensure under the School Personnel Act.

7 E. Aggravated hazing consists of an unlawful act,
8 intentionally committed against a person who is a student or
9 prospective student of an educational entity:

10 (1) in connection with initiation into,
11 affiliation with, holding office in or maintaining membership
12 in any student organization, student body or student athletic
13 team or club, regardless of whether the student organization,
14 student body or student athletic team or club is officially
15 recognized, sanctioned or authorized by an educational entity;
16 and

17 (2) when such act causes painful temporary
18 disfigurement or temporary loss or impairment of the functions
19 of any member or organ of the body of the student or
20 prospective student or causes substantial mental harm to the
21 student or prospective student.

22 F. A person who commits aggravated hazing is guilty
23 of a fourth degree felony and shall be sentenced pursuant to
24 the provisions of this section unless otherwise provided in
25 this section.

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1 G. If the perpetrator of the act of hazing or
2 aggravated hazing is under the age of eighteen, the perpetrator
3 shall be considered for services under the Delinquency Act,
4 including services and pre-adjudication diversion by probation
5 and parole.

6 H. The crime of hazing does not include any
7 activity or conduct that furthers legitimate curricular,
8 extracurricular or military training program goals that is
9 officially sanctioned by an educational entity.

10 I. It is not a defense in an action under this
11 section that the person against whom the hazing was directed
12 consented to or acquiesced in the hazing activity.

13 J. As used in this section, "educational entity"
14 means a:

15 (1) public or private school serving
16 kindergarten through twelfth grade students; or

17 (2) public or private post-secondary
18 educational institution."

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

21 "[NEW MATERIAL] HAZING ONLINE REPORTING PORTAL--CREATION--
22 STAFF--SERVICES.--

23 A. The higher education department shall create and
24 maintain a statewide online reporting portal for reporting
25 incidents of hazing and aggravated hazing at educational

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1 entities.

2 B. The online reporting portal shall be created and
3 maintained within the higher education department and shall be
4 staffed by a full-time director and one part-time personnel
5 member selected by the secretary of higher education.

6 C. The higher education department shall staff the
7 online reporting portal and provide referrals and resources for
8 individuals reporting a hazing or aggravated hazing crime.
9 Staff shall work in coordination with the department of public
10 safety and local law enforcement to report hazing crimes.
11 Reports of hazing or aggravated hazing shall be reported to the
12 office of civil rights of the United States department of
13 education.

14 D. A complaint, and any information provided with
15 the complaint, including the identity of the complainant, made
16 through the online reporting portal shall be exempt from the
17 Inspection of Public Records Act.

18 E. Subject to funding, the higher education
19 department shall advertise the online reporting portal
20 statewide and post information about the online reporting
21 portal in a prominent place on the department's website.

22 F. Educational entities shall report annually
23 regarding hazing:

24 (1) for public or private schools serving
25 kindergarten through twelfth grade students, to the public

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1 education department information as required by that
2 department; and

3 (2) for public or private post-secondary
4 educational institutions, to the higher education department
5 information as required by that department.

6 G. As used in this section, "educational entity"
7 means either a:

8 (1) public or private school serving
9 kindergarten through twelfth grade students; or

10 (2) public or private post-secondary
11 educational institution."

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

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

23 "14-2-1. RIGHT TO INSPECT PUBLIC RECORDS--EXCEPTIONS.--
24 Every person has a right to inspect public records of this
25 state except:

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- 1 A. records pertaining to physical or mental
2 examinations and medical treatment of persons confined to an
3 institution;
- 4 B. letters of reference concerning employment,
5 licensing or permits;
- 6 C. letters or memoranda that are matters of opinion
7 in personnel files or students' cumulative files;
- 8 D. portions of law enforcement records as provided
9 in Section 14-2-1.2 NMSA 1978;
- 10 E. as provided by the Confidential Materials Act;
- 11 F. trade secrets;
- 12 G. attorney-client privileged information;
- 13 H. long-range or strategic business plans of public
14 hospitals discussed in a properly closed meeting;
- 15 I. tactical response plans or procedures prepared
16 for or by the state or a political subdivision of the state,
17 the publication of which could reveal specific vulnerabilities,
18 risk assessments or tactical emergency security procedures that
19 could be used to facilitate the planning or execution of a
20 terrorist attack;
- 21 J. information concerning information technology
22 systems, the publication of which would reveal specific
23 vulnerabilities that compromise or allow unlawful access to
24 such systems; provided that this subsection shall not be used
25 to restrict requests for:

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

3 (2) internal and external audits of
4 information technology systems, except for those portions that
5 would reveal ongoing vulnerabilities that compromise or allow
6 unlawful access to such systems; or

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

10 K. submissions in response to a competitive grant,
11 land lease or scholarship and related scoring materials and
12 evaluation reports until finalists are publicly named or the
13 award is announced; [~~and~~]

14 L. complaints and the information provided with the
15 complaints, including the identity of any complainants, made
16 through the statewide online reporting portal to report an
17 incident or incidents of hazing; and

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

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

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1 fiscal year 2025 shall revert to the general fund.

2 SECTION 6. EFFECTIVE DATE.--

3 A. The effective date of the provisions of Sections
4 1 and 3 through 5 of this act is July 1, 2024.

5 B. The effective date of the provisions of Section
6 2 of this act is July 1, 2025.

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