

1 SENATE BILL 255

2 **56TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2024**

3 INTRODUCED BY

4 Steven McCutcheon II

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10 AN ACT

11 RELATING TO CRIMINAL OFFENSES; CREATING THE CRIME OF STUDENT
12 ATHLETE HARASSMENT; DEFINING TERMS; PRESCRIBING PENALTIES.

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14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

15 SECTION 1. A new section of the Criminal Code is enacted
16 to read:

17 "[NEW MATERIAL] STUDENT ATHLETE HARASSMENT.--

18 A. Student athlete harassment consists of knowingly
19 directing threats of violence or harm at a specific student
20 athlete in which the harassment is related to the performance
21 of the student athlete in an intercollegiate sport and is done
22 with the intent to place the student athlete in reasonable fear
23 for the student athlete's safety or the safety of the student
24 athlete's immediate family. The conduct must be such that it
25 would cause a reasonable person to suffer substantial emotional

.226825.2

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1 distress.

2 B. Whoever commits student athlete harassment is
3 guilty of a misdemeanor. Upon a second or subsequent
4 conviction for student athlete harassment, the offender is
5 guilty of a fourth degree felony.

6 C. In addition to any punishment provided pursuant
7 to the provisions of this section, the court shall order a
8 person convicted of student athlete harassment to participate
9 in and complete a program of professional counseling at the
10 person's own expense.

11 D. As used in this section:

12 (1) "intercollegiate sport" means a sport
13 played at the collegiate level for which eligibility
14 requirements for participation by a student athlete are
15 established by a national association for the promotion or
16 regulation of collegiate athletics; and

17 (2) "student athlete" means an individual who
18 engages in, is eligible to engage in or may be eligible in the
19 future to engage in an intercollegiate sport."