

SENATE BILL

57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025

INTRODUCED BY

DISCUSSION DRAFT

AN ACT

RELATING TO CRIME; CREATING THE CRIME OF CYBERBULLYING;
PROVIDING PENALTIES.

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

SECTION 1. A new section of Chapter 30, Article 6 NMSA
1978 is enacted to read:

"[NEW MATERIAL] CYBERBULLYING--PENALTIES.--

A. Cyberbullying consists of a person communicating
directly or indirectly, in writing or electronically, with a
public school or private school student with reckless disregard
that the communication may have the effect of:

(1) placing the student in reasonable fear of
physical harm;

(2) causing a substantially detrimental effect
on the student's physical or mental health;

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1 (3) substantially interfering with the
2 student's academic performance; or

3 (4) substantially interfering with the
4 student's ability to participate in or benefit from the
5 services, activities or privileges provided by a school.

6 B. Whoever commits cyberbullying is guilty of a
7 misdemeanor.

8 C. Whoever commits cyberbullying when the
9 cyberbullying results in physical harm or great psychological
10 harm is guilty of a fourth degree felony.

11 D. Whoever commits cyberbullying when the
12 cyberbullying results in great physical harm is guilty of a
13 third degree felony.

14 E. Whoever commits cyberbullying when the
15 cyberbullying results in death is guilty of a second degree
16 felony.

17 F. As used in this section:

18 (1) "great physical harm" means physical harm
19 of a type that causes physical loss of a bodily member or organ
20 or functional loss of a bodily member or organ for a prolonged
21 period of time;

22 (2) "great psychological harm" means
23 psychological harm that causes mental or emotional
24 incapacitation for a prolonged period of time or that causes
25 extreme behavioral change or severe physical symptoms that

1 require psychological or psychiatric care;

2 (3) "physical harm" means an injury to the
3 body that causes substantial pain or incapacitation; and

4 (4) "student" means any resident of New Mexico
5 who is enrolled in a public or private school as defined in
6 Subsection K or L of Section 22-1-2 NMSA 1978."

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