

SENATE BILL

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

INTRODUCED BY

DISCUSSION DRAFT

AN ACT

RELATING TO HAZING; ENACTING THE ANTI-HAZING ACT; CREATING THE
CRIME OF HAZING; CREATING THE CRIME OF FAILING TO REPORT
HAZING; CREATING A CIVIL CAUSE OF ACTION; PROVIDING FOR
ADDITIONAL CONSEQUENCES; REQUIRING A CODE OF CONDUCT AND A
HAZING PREVENTION COMMITTEE AT A POST-SECONDARY EDUCATIONAL
INSTITUTION; REQUIRING HAZING PREVENTION EDUCATION; PROVIDING
PENALTIES.

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

SECTION 1. [NEW MATERIAL] SHORT TITLE.--This act may be
cited as the "Anti-Hazing Act".

SECTION 2. [NEW MATERIAL] DEFINITIONS.--As used in the
Anti-Hazing Act:

A. "great physical harm" means physical harm of a
type that causes physical loss of a bodily member or organ or

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1 functional loss of a bodily member or organ for a prolonged
2 period of time;

3 B. "great psychological harm" means psychological
4 harm that causes mental or emotional incapacitation for a
5 prolonged period of time or that causes extreme behavioral
6 change or severe physical symptoms that require psychological
7 or psychiatric care;

8 C. "physical harm" means an injury to the body that
9 causes substantial pain or incapacitation; and

10 D. "student organization" means an organization at
11 a public school, private school or public or private
12 post-secondary educational institution, such as a club, a
13 society, an association, a varsity or junior varsity athletic
14 team, a club sports team, a fraternity, a sorority, a band or
15 student government, in which two or more of the members are
16 students enrolled at the public school, private school or
17 public or private post-secondary educational institution,
18 whether or not the organization is established or recognized by
19 the public school, private school or public or private
20 post-secondary educational institution.

21 SECTION 3. [NEW MATERIAL] HAZING--FAILURE TO REPORT--
22 PENALTIES.--

23 A. Hazing consists of an intentional, knowing or
24 reckless act committed by a student or prospective student,
25 whether individually or in concert with other students or

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1 prospective students, at a public school, private school or
2 public or private post-secondary educational institution,
3 against another student or prospective student, that:

4 (1) is committed in the course of an
5 initiation into, an affiliation with or the maintenance of
6 membership in a student organization; and

7 (2) causes or creates a risk, above the
8 reasonable risk encountered in the course of participation in
9 the public school, private school or public or private
10 post-secondary educational institution, of physical or
11 psychological injury, including:

12 (a) whipping, beating, striking,
13 electronic shocking, placing a harmful substance on someone's
14 body or similar activity;

15 (b) causing, coercing or otherwise
16 inducing sleep deprivation, exposure to the elements,
17 confinement in a small space, extreme calisthenics or other
18 similar activity;

19 (c) causing, coercing or otherwise
20 inducing another person to consume food, liquid, alcohol, drugs
21 or other substances;

22 (d) causing, coercing or otherwise
23 inducing another person to perform sexual acts;

24 (e) an activity that places another
25 person in reasonable fear of bodily harm through the use of

1 threatening words or conduct;

2 (f) an activity against another person
3 that includes a criminal violation of local, state, tribal or
4 federal law; and

5 (g) an activity that induces, causes or
6 requires another person to perform a duty or task that involves
7 a criminal violation of local, state, tribal or federal law.

8 B. Whoever commits hazing is guilty of a
9 misdemeanor.

10 C. Whoever commits hazing that results in physical
11 harm or great psychological harm to a student or prospective
12 student is guilty of a fourth degree felony.

13 D. Whoever commits hazing that results in great
14 physical harm is guilty of a third degree felony.

15 E. Whoever commits hazing that results in death is
16 guilty of a second degree felony.

17 F. Prosecution or conviction for a violation of a
18 provision of this section does not preclude the prosecution or
19 conviction under other applicable laws.

20 G. It is not a defense to hazing if either of the
21 following applies:

22 (1) the victim or person against whom the
23 hazing was directed acquiesced or consented, whether implied or
24 expressed, to the conduct; or

25 (2) the conduct was sanctioned or approved by

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1 the student organization or the public school, private school
2 or public or private post-secondary educational institution.

3 H. Failure to report hazing consists of an
4 administrator, a faculty member, a coach, an employee, an
5 independent contractor performing or overseeing school
6 functions or a volunteer of a student organization of a public
7 school, private school or public or private post-secondary
8 educational institution who knows or reasonably should know of
9 hazing conduct or activity described in the Anti-Hazing Act and
10 fails to report the incident to a law enforcement agency.

11 I. Whoever commits failure to report hazing is
12 guilty of a misdemeanor.

13 J. The state department of justice and the district
14 attorney in the county of jurisdiction have concurrent
15 jurisdiction to enforce the provisions of the Anti-Hazing Act.

16 SECTION 4. [NEW MATERIAL] CIVIL CAUSE OF ACTION--CREATION
17 OF ORGANIZATIONAL LIABILITY--COLLATERAL CONSEQUENCES.--

18 A. A person who is subjected to hazing may commence
19 a civil action for injury or damages, including mental and
20 physical pain and suffering, that result from the hazing. The
21 action may be brought against:

22 (1) participants in the hazing;

23 (2) a student organization in which local or
24 national directors, trustees or officers authorized, requested,
25 commanded or tolerated the hazing;

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1 (3) an administrator, a faculty member, a
2 coach, an employee, an independent contractor performing or
3 overseeing school functions or a volunteer of a student
4 organization who knew or reasonably should have known of the
5 hazing and did not make reasonable attempts to prevent it; or

6 (4) a public school, private school or public
7 or private post-secondary educational institution for failing
8 to take reasonable steps that could have been taken to prevent
9 the hazing or for the actions of an administrator, a faculty
10 member, a coach, an employee, an independent contractor
11 performing or overseeing school functions or a volunteer of a
12 student organization pursuant to the provisions of this
13 subsection.

14 B. In addition to any civil liability prescribed in
15 the Anti-Hazing Act, a person who participates in the hazing of
16 another shall forfeit any entitlement to state-funded grants,
17 scholarships or awards for a period of time determined by the
18 public school, private school or public or private post-
19 secondary educational institution.

20 C. In addition to any civil liability prescribed in
21 the Anti-Hazing Act, a student organization that knew or
22 reasonably should have known of hazing by the student
23 organization's members or others subject to the student
24 organization's direction or control, and did not make
25 reasonable attempts to prevent it, shall forfeit any official

1 recognition or approval granted by a public school, private
2 school or public or private post-secondary educational
3 institution.

4 SECTION 5. [NEW MATERIAL] REQUIREMENTS FOR POST-SECONDARY
5 EDUCATIONAL INSTITUTIONS--REQUIRING A CODE OF CONDUCT--HAZING
6 PREVENTION EDUCATION--HAZING PREVENTION COMMITTEE.--

7 A. A public or private post-secondary educational
8 institution shall prohibit hazing committed on or off campus in
9 the public or private post-secondary educational institution's
10 student code of conduct.

11 B. Beginning with the 2025 fall academic term, a
12 public or private post-secondary educational institution shall
13 provide students with an educational program on the signs and
14 dangers of hazing that shall, at a minimum, include information
15 regarding the educational institution's policy against hazing,
16 reporting protocols, the educational institution's hazing
17 awareness, prevention and intervention initiatives and the
18 civil and criminal consequences of hazing. The educational
19 program on hazing shall be provided to students during new
20 student orientation and at the beginning of each new academic
21 year and may be offered in person or virtually. The
22 educational program shall be posted on the educational
23 institution's public website for students, faculty members,
24 employees, parents or legal guardians and volunteers to view.

25 C. A public or private post-secondary educational

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1 institution's materials on student rights and responsibilities
2 provided to student organizations, either electronically or in
3 hard copy form, shall include information on the dangers of
4 hazing, as well as a statement on the institution's anti-hazing
5 policy.

6 D. A public or private post-secondary educational
7 institution shall establish a hazing prevention committee to
8 promote and address hazing prevention. The committee shall
9 have a minimum of six members, including a designated chair
10 appointed by the president or chancellor of the institution.
11 Fifty percent of the committee members shall include students
12 currently attending the public or private post-secondary
13 educational institution, and at least one of the student
14 positions shall be filled by a student from a student
15 organization. The other fifty percent of the committee members
16 shall include at least one faculty or staff member and one
17 parent or legal guardian of a student currently enrolled at the
18 institution. A student who is a member of a student
19 organization for which a hazing violation was substantiated
20 within the last twelve months may not participate in or be a
21 member of the hazing prevention committee.