

LFC Requester:	Scott Sanchez
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AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO
AgencyAnalysis.nmlegis.gov and email to billanalysis@dfa.nm.gov
(Analysis must be uploaded as a PDF)

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Date Prepared: 6 FEB 2025 *Check all that apply:*
Bill Number: HB 16 Original Correction
 Amendment Substitute

Sponsor: Charlotte Little **Agency Name and Code** 790 – Department of Public Safety
Short Title: Fentanyl Trafficking Sentences **Number:** _____
Person Writing Emmanuel T. Gutierrez
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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
NFI	NFI	N/A	N/A

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
NFI	NFI	NFI	N/A	N/A

(Parenthesis () indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	NFI	NFI	NFI	NFI	N/A	N/A

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
 Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

House Bill 16 enhances sentencing for fentanyl trafficking in New Mexico by imposing additional prison time based on the quantity of fentanyl involved and the offender's role in the crime. A person found guilty of trafficking fentanyl may receive an additional three years if they possessed between 100 and 500 pills or 10 to 50 grams of fentanyl powder. If they possessed more than 500 pills or over 50 grams of fentanyl powder, the sentence may be increased by five years. An additional five-year enhancement applies to those who recruit, organize, or finance others in fentanyl trafficking. These penalties are added to existing sentencing guidelines, aiming to deter large-scale distribution and strengthen the state's response to the fentanyl crisis.

FISCAL IMPLICATIONS

None to DPS.

SIGNIFICANT ISSUES

None.

PERFORMANCE IMPLICATIONS

DPS believes these changes to New Mexico's drug trafficking statute could be beneficial in improving public safety and reducing overdoses. Drug trafficking, especially fentanyl, is a central driver of New Mexico's behavioral health and criminal justice issues. According to an 8/24/23 Legislative Finance Committee report, New Mexico's drug overdose death rate ranked sixth in the nation in 2021. This was not a new trend as New Mexico's ranking as one of the states with the highest per-capita overdoses has endured for decades. Additional tools are needed to combat this issue which continues to adversely affect communities around the state.

The state's overdose death rate increased by 68% between 2019 and 2021. While New Mexico has rightly invested heavily in behavioral health treatment programs to address the demand side of the problem, those programs will do little to address the trafficking of drugs in our communities. Drug traffickers are responsible for hundreds of overdose deaths in New Mexico every year. This bill would target the supply of drugs in our communities by providing penalties that are commensurate with the destruction and misery drug traffickers impose on those suffering from substance use disorder and their families.

The growing rate of fentanyl-related deaths and the devastating impact of fentanyl trafficking on communities, particularly in urban and rural areas of New Mexico, is pervasive. A strong legal framework with enhanced penalties is necessary to prevent the proliferation of fentanyl and protect public health. Moreover, the particular chemical properties and danger of fentanyl present a unique threat compared to other controlled substances. As such, it justifies an enhanced sentencing structure tailored specifically to fentanyl trafficking. The sentencing structure of this bill is consistent with the concept that higher penalties are warranted for higher quantities of fentanyl due to the increased threat posed to the public.

Many states and the federal government have enacted laws that impose stronger penalties for fentanyl trafficking in recognition of its dangers. This bill brings New Mexico in line with these broader national efforts to address the opioid crisis and fentanyl specifically.

ADMINISTRATIVE IMPLICATIONS

None.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None.

TECHNICAL ISSUES

None.

OTHER SUBSTANTIVE ISSUES

None.

ALTERNATIVES

None.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status Quo will remain.

AMENDMENTS

None.