

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: 01/22/2025 *Check all that apply:*
Bill Number: HB 107 Original Correction
 Amendment Substitute

Sponsor: Andrea Reeb **Agency Name and Code**
Short Title: Penalty for Drug Trafficking & Death **Number:** 760
Person Writing Roberta Cohen
Phone: 505-386-6873 **Email** Roberta.cohen@apb.nm.gov

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
0	0	N/A	N/A

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
0	0	0	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	0	0	0	N/A	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

Synopsis: HB 107 Imposes criminal sentencing and fines for trafficking of a controlled substance that results in the death of a human being, and includes counterfeits of certain controlled substances in the definition of "traffic."

Imposes the following sentences:

- For the first offense of trafficking a controlled substance, a second degree felony with a minimum term of nine years' imprisonment
- For the first offense of trafficking a controlled substance resulting in the death of a human being, a second degree felony with a minimum term of 12 years' imprisonment, plus a possible fine of up to \$12,500.
- For second and subsequent offenses of trafficking a controlled substance resulting in the death of a human being, a first degree felony with life imprisonment and a possible fine of up to \$17,500.
- Distribution to a minor of a Schedule I or II controlled substance that is a narcotic or analog, or of methamphetamine or its analog, is a first degree felony of 18 years.

Includes in the definition of "traffic" in the Controlled Substances Act a counterfeit substance of a Schedule I or II narcotic drug, and a counterfeit substance of a controlled substance analog of a Schedule I or II narcotic drug

FISCAL IMPLICATIONS

None

SIGNIFICANT ISSUES

None

PERFORMANCE IMPLICATIONS

None

ADMINISTRATIVE IMPLICATIONS

The parole board members may require additional training to understand the new sentencing guidelines, particularly regarding serious trafficking offenses and those resulting in death. This could involve ongoing professional development to ensure that members are well-versed in applying the new laws and making informed decisions.

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

AMENDMENTS

None