

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: 02/6/2025 *Check all that apply:*
Bill Number: HB274 Original Correction
 Amendment Substitute

Sponsor: Charlotte Little **Agency Name and Code Number:** 770-NMCD
Short Title: Trafficking Fentanyl as 1st Degree Felony **Person Writing:** Anisa Griego-Quintana
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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	Minimal	Minimal	Minimal	Recurring	General

(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: House Bill 274 would amend the Criminal Code to provide that for trafficking fentanyl, the first and subsequent offenses are all first degree felonies. Amends the Criminal Sentencing Act to provide the penalty for a first degree felony of trafficking fentanyl is life imprisonment.

For trafficking other drugs: the first offense remains a second-degree felony punishable by 9 years imprisonment; and second and all other subsequent offenses are first degree felonies punishable by 18 years imprisonment.

FISCAL IMPLICATIONS

The Corrections Department may face additional budgetary impacts, depending on the outcomes of successful prosecutions and the resulting sentences, whether involving prison terms or community supervision. At the FY24 expenditure level, the average cost per inmate is \$56,804 annually, or approximately \$156 per day. Given current trends in inflation and rising operational costs, the future average cost per inmate will exceed the current estimate. Additionally, the average annual cost per individual on community supervision is \$7,074.

SIGNIFICANT ISSUES

The amendment could positively impact a community by increasing the consequences for individuals involved in fentanyl trafficking, thereby deterring the distribution of fentanyl. The increase in sentencing signals a commitment to protecting public health and safety, potentially reducing overdose deaths. At the same time, the amendment highlights a commitment to rehabilitation, as extended incarceration offers offenders more time to engage in programs that can help them turn their lives around. The Corrections Department provides a range of programs aimed at helping inmates reprogram their lives and pursue a drug-free future. Overall, this change strengthens efforts to protect public health, reduce overdose deaths, and gives inmates the opportunity for positive change.

PERFORMANCE IMPLICATIONS

None for the Corrections Department.

ADMINISTRATIVE IMPLICATIONS

None for the Corrections Department.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Related to SB25 and SB95.

TECHNICAL ISSUES

None for the Corrections Department.

OTHER SUBSTANTIVE ISSUES

None for the Corrections Department.

ALTERNATIVES

None for the Corrections Department.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo.

AMENDMENTS

None proposed by the Corrections Department.