



Duplicates/Conflicts with/Companion to/Relates to: HB 107  
Duplicates/Relates to Appropriation in the General Appropriation Act

### **SECTION III: NARRATIVE**

#### **BILL SUMMARY**

##### Synopsis:

SB 25 proposes to enact a new section of the Criminal Sentencing Act to add a three-year sentencing enhancement for the sale or trafficking of fentanyl when the amount of fentanyl sold or trafficked at least one kilogram.

#### **FISCAL IMPLICATIONS**

Note: major assumptions underlying fiscal impact should be documented.

Note: if additional operating budget impact is estimated, assumptions and calculations should be reported in this section.

#### **SIGNIFICANT ISSUES**

Based on prison admission data for fiscal years 2023 and 2024, fentanyl was implicated in about 18% of drug trafficking cases that resulted in a prison sentence during those years. The amount of fentanyl is typically reported in number of pills rather than number of grams, so it is difficult to estimate how many of those cases would have been subject to the three-year sentencing enhancement proposed by SB 25. However, it is likely that the sentencing enhancement in SB 25 would lead to more people being incarcerated by the Corrections Department.

In fiscal year 2024, three-year sentencing enhancements resulted in an average increase of 1.575 years, or 18.9 months, in length of stay for non-SVO offenses. The average cost to incarcerate someone in the state's prison system is \$155.63/day; this average includes private and public facilities.

#### **PERFORMANCE IMPLICATIONS**

#### **ADMINISTRATIVE IMPLICATIONS**

#### **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

Relationship to HB 107: Both HB 107 and SB 25 increase the penalty for drug trafficking offenses under Sections 30-31-20 and 30-31-21 NMSA 1978.

#### **TECHNICAL ISSUES**

#### **OTHER SUBSTANTIVE ISSUES**

#### **ALTERNATIVES**

#### **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

## **AMENDMENTS**