

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

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis:

SB 95 enacts a new section of the Controlled Substances Act to create the offense of distribution of fentanyl resulting in death. Distribution of fentanyl resulting in death is defined as the intentional and unlawful distribution of any amount of fentanyl or a fentanyl-related substance to another person when the injecting, inhaling, absorbing, or ingesting of that substance results in the death of that person. The bill provides a definition of “fentanyl-related substance”.

SB 95 states that it shall not be a defense that the deceased purposefully, knowingly, recklessly or negligently injected, inhaled, absorbed, or ingested the fentanyl or fentanyl-related substance.

The penalty for distribution of fentanyl resulting in death would be a capital felony.

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

It is difficult to determine what the effect of passing SB 95 would be on the state’s prison population, but its creation of a new capital felony would likely lead to more people being incarcerated by the Corrections Department. Under Section 31-18-14 NMSA 1978, capital felonies carry a basic sentence of life imprisonment or life imprisonment without possibility of release or parole. Section 31-21-10 NMSA 1978 provides that individuals sentenced to life imprisonment become eligible for parole after serving thirty years of their sentence. 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

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

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