

LFC Requester:

Scott Sanchez

AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

SECTION I: GENERAL INFORMATION

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

Date Prepared: 2/6/2025

Check all that apply:

Bill Number: HB 16

Original Correction
Amendment Substitute

Sponsor: Rep. Charlotte Little

Agency Name and Code Number: 305 – New Mexico Department of Justice

Person Writing

Short Title: FENTANYL TRAFFICKING SENTENCES

Analysis: Sean Sullivan

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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		

(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						

(Parenthesis () Indicate Expenditure Decreases)

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

SECTION III: NARRATIVE

This analysis is neither a formal Opinion nor an Advisory Letter issued by the New Mexico Department of Justice. This is a staff analysis in response to a committee or legislator’s request. The analysis does not represent any official policy or legal position of the NM Department of Justice.

BILL SUMMARY

Synopsis: This bill proposes to create a new section of the Criminal Sentencing Act to allow a sentencing enhancement above the basic sentence for trafficking fentanyl if certain conditions are met. The enhancement can be up to three years if the offender possesses between 100 and 500 fentanyl pills or the equivalent powder amount, or up to five years if the person possesses more than 500 fentanyl pills or the equivalent powder amount, or has found to have organized, coordinated or directed fentanyl trafficking.

FISCAL IMPLICATIONS

None.

SIGNIFICANT ISSUES

N/A

PERFORMANCE IMPLICATIONS

The New Mexico Department of Justice may have occasion to prosecute cases for which this enhancement may be sought.

ADMINISTRATIVE IMPLICATIONS

None.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Conflict with SB 25, which as written could be read to *require* an imposed enhancement above the basic sentence if the offender is found to have sold or trafficked 1kg or more of fentanyl. By contrast, the enhancement in HB16 states that the sentence can be enhanced “up to” three or five years, providing the court discretion to decide on the appropriate enhancement based on the particularized facts of the case.

Relationship with HB274 and SB95 in that those bills seek to create minimum incarceration penalties for trafficking fentanyl. HB16 merely serves as an enhancement to a conviction under NMSA Section 30-31-20.

TECHNICAL ISSUES

N/A

OTHER SUBSTANTIVE ISSUES

N/A

ALTERNATIVES

None.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo.

AMENDMENTS

N/A