

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

Sponsor: Andrea Reeb **Agency Name and Code** 790 – Department of Public Safety
Short Title: Trafficking a Controlled Substance that Results in Death **Number:** _____
Person Writing Emmanuel T. Gutierrez
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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

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

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
NFI	NFI	NFI	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	NFI	NFI	NFI	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

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."

FISCAL IMPLICATIONS

No fiscal impact to DPS.

SIGNIFICANT ISSUES

There are no significant issues to DPS.

However, a counterfeit substance can be any substance that is misrepresented to resemble or be a controlled substance. It might look identical to the real drug in terms of appearance (color, shape, packaging), but it either contains no active ingredient or a different substance than what it purports to be. Counterfeit drugs might be made to look like the real drugs but could contain anything from harmless substances to other dangerous drugs that are controlled substances themselves. The language of the bill refers to "a counterfeit substance of a controlled substance enumerated in Schedule I or II that is a narcotic drug," but it should make it clear that the counterfeit substance being penalized contains a harmful, undisclosed to the user, alternative narcotic drug rather than a harmless substance with regards to the severity of the penalties imposed.

PERFORMANCE IMPLICATIONS

DPS supports critical changes to New Mexico's criminal code that would amend the sentencing and fines related to the unlawful distribution of controlled substances that result in the death of an individual. These changes aim to address the growing opioid crisis and the devastating impact of drug-related fatalities on families and communities across the state.

Proposed Amendments:

1. **Enhanced Penalties:** The new provisions would establish more stringent criminal penalties for individuals convicted of distributing or manufacturing controlled substances that directly lead to the death of another person. This includes an increase in the prison sentence and significant financial penalties to serve as both a deterrent and a form of justice for victims' families.
2. **Sentencing Guidelines:** The proposed changes would create a clearer and more consistent framework for sentencing in cases where the distribution of illegal substances results in death. This ensures that those responsible are held accountable, while also providing judges with the necessary guidelines to make appropriate decisions in each case.

Supporting Statistics:

- According to the New Mexico Department of Health, overdose deaths in New Mexico have increased by 100% in the last decade, with a significant spike in fatalities linked to opioids and fentanyl.
- In 2021, there were 1,000 drug overdose deaths in New Mexico, marking the highest number in state history. This is nearly double the number of overdose deaths from just five years ago.
- The Centers for Disease Control and Prevention (CDC) reports that fentanyl-related

deaths have increased by over 50% in New Mexico over the past two years alone.

- A 2023 study found that New Mexico has the highest rate of opioid overdose deaths in the Southwest U.S., with 35.3 deaths per 100,000 people, significantly higher than the national average.

ADMINISTRATIVE IMPLICATIONS

No administrative implications to DPS.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

No conflict, duplication, companionship or relationship to DPS.

TECHNICAL ISSUES

No technical issues to DPS.

OTHER SUBSTANTIVE ISSUES

No other substantive issues to DPS.

ALTERNATIVES

Not applicable as no impact to DPS.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status Quo will remain.

AMENDMENTS

None at this time.