

Relates to: SB 25, HB 16
Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis:

HB 274 amends Section 30-31-20 NMSA 1978 to distinguish the trafficking of fentanyl from the trafficking of other substances and to specify that the penalty for first and subsequent offenses of trafficking fentanyl shall be a first degree felony for trafficking fentanyl. HB 274 then amends Section 31-18-15 NMSA 1978 to create a penalty of life imprisonment for a first degree felony of trafficking fentanyl.

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. In those cases, the number of pills ranged from 4 to 3,000 and the weight ranged from 2 grams to 5,219 grams. Section 30-31-20 NMSA 1978 does not contain a minimum amount for charges of trafficking a controlled substance.

While it is difficult to determine exactly what the effect of passing HB 274 would be on the state's prison population, its implementation of a life sentence for all fentanyl trafficking offenses would almost certainly lead to more people being incarcerated by the Corrections Department. Section 31-21-10 NMSA 1978 provides that individuals sentenced to life imprisonment become eligible for parole after serving thirty years of their sentence. Conversely, in fiscal year 2024, individuals released from NM prisons after serving time on charges of drug trafficking had a median length of stay of 1.77 years – a term of imprisonment nearly 17 times shorter than the minimum for life imprisonment. The average per day 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: SB 25 and HB 16 both contain sentencing enhancements for fentanyl trafficking offenses under Section 30-31-20 NMSA 1978.

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

AMENDMENTS