

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: 1/23/2025

Check all that apply:

Bill Number: SB 25

Original Correction
Amendment Substitute

Sponsor: Rep. C. Brantley, Rep. G. Ramos, Rep. J. Jones, and Rep. M. Terrazas

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

Person Writing

Analysis: Lana Elledge

Short Title: PENALTIES FOR 1 KG FENTANYL

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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: N/A.

Duplicates/Relates to Appropriation in the General Appropriation Act: N/A.

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: SB 25 would enhance the basic sentence for a defendant convicted of trafficking fentanyl to an adult or minor (pursuant to Section 30-31-20 or 30-31-21 NMSA 1978) by three years if the amount of fentanyl is one kilogram or more. The bill requires that the court or jury make a separate finding of fact that fentanyl was sold or trafficked.

FISCAL IMPLICATIONS

N/A.

SIGNIFICANT ISSUES

None noted.

PERFORMANCE IMPLICATIONS

N/A

ADMINISTRATIVE IMPLICATIONS

N/A

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

N/A

TECHNICAL ISSUES

1. Sentencing for 30-31-20 is included in 30-31-20(B)(1) and based on the number of trafficking incidents, so it may be valuable to reference this section in the bill along with the basic sentencing found in Section 31-18-15 NMSA 1978.
2. A prosecutor may charge multiple counts of distribution under 30-31-20(2) and try to aggregate the amount of fentanyl from each sale to reach the 1kg threshold and enhance the sentence. (Similar to aggregated shoplifting). It may be helpful to clarify whether the 1 kg threshold applies to a single charge of trafficking or if it may be aggregated.

OTHER SUBSTANTIVE ISSUES

N/A

ALTERNATIVES

N/A

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo.

AMENDMENTS

N/A.