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}						
{Indicate if	Date Prepared: January 25, 202			V			
	Bill Number:	SB 25				X Correction Substitute	
Agency Name and Code Sponsor: Brantley/Ramos/Jones/Terrazas Number: NM Sentencing Commission – 35							
Short Fitle:	Penalties For 1 K	g Fentanyl		<b>Writing</b> 505-259-	-	Keri Thiel  Email kthiel@unm.edu	
<u>SECTION</u>	N II: FISCAL IMP						

# **APPROPRIATION (dollars in thousands)**

Appropr	iation	Recurring	Fund Affected	
FY25	FY26	or Nonrecurring		

(Parenthesis ( ) indicate expenditure decreases)

# **REVENUE** (dollars in thousands)

	<b>Estimated Revenue</b>	Recurring	Fund	
FY25	FY26	FY27	or Nonrecurring	Affected

(Parenthesis () indicate revenue decreases)

# **ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

Ī		FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
	Total						

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: HB 107 Duplicates/Relates to Appropriation in the General Appropriation Act

# **SECTION III: NARRATIVE**

## **BILL SUMMARY**

## Synopsis:

SB 25 proposes to enact a new section of the Criminal Sentencing Act to add a three-year sentencing enhancement for the sale or trafficking of fentanyl when the amount of fentanyl sold or trafficked at least one kilogram.

## 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. The amount of fentanyl is typically reported in number of pills rather than number of grams, so it is difficult to estimate how many of those cases would have been subject to the three-year sentencing enhancement proposed by SB 25. However, it is likely that the sentencing enhancement in SB 25 would lead to more people being incarcerated by the Corrections Department.

In fiscal year 2024, three-year sentencing enhancements resulted in an average increase of 1.575 years, or 18.9 months, in length of stay for non-SVO offenses. 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

Relationship to HB 107: Both HB 107 and SB 25 increase the penalty for drug trafficking offenses under Sections 30-31-20 and 30-31-21 NMSA 1978.

### TECHNICAL ISSUES

#### OTHER SUBSTANTIVE ISSUES

## **ALTERNATIVES**

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

# **AMENDMENTS**