

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

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis:

Senate bill 95 makes the distribution of fentanyl resulting in death a capital felony. The bill specifies that offenders will be sentenced according to Section 31-18-14 NMSA 1978 and defines "fentanyl-related substance" with specific chemical modifications.

FISCAL IMPLICATIONS

Makes the crime equivalent to first degree murder. This would require more resources for district attorneys, the law office of public defenders and judiciary.

SIGNIFICANT ISSUES

This statute would codify felony-murder for distribution of fentanyl resulting in death. The issue is the limitation of who could be a defendant in this statute. A person crossing the border with a large amount of fentanyl could be charged or the makers of fentanyl in Mexico could be charged if the fentanyl could be traced back to specific individuals. The statute may need some language as to an individual that directly gave the victim fentanyl.

Capital murder case is usually for serious violent felonies like the killing of a police officer. A life sentence may be more reason sentence than capital felony where there no possibility of parole might be a more reason sentence.

TECHNICAL ISSUES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Fentanyl will continue cause overdose in New Mexican.