LFC Requester:	

# **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 unloaded as a PDF)

SECTION	I I: GENERAL IN	FORMATION	•	uueu us u	IDI	r <i>)</i>				
	nalysis is on an origina		_	a correction	of a p	reviou	ıs bill}	!		
	Date Prepared: January 29, 2025			Check all that apply:						
	Bill Number:	SB 95			X Correction t Substitute					
Sponsor:	Crystal Brantley		Agency and Cod Number	le				ve Off rneys 2	ice of the 264	ne
Short Title:			Person 'Phone:	<b>Writing</b> 50538584			roy Davis <b>mail</b> Davistr@msn.com		ı.com	
CECTION	III. EICCAI IMD	ACT						•		

### **SECTION II: FISCAL IMPACT**

### **APPROPRIATION** (dollars in thousands)

Appropriation		Recurring	Fund		
FY25	FY26	or Nonrecurring	Affected		

(Parenthesis ( ) indicate expenditure decreases)

### **REVENUE** (dollars in thousands)

Estimated Revenue			Recurring	Fund	
FY25	FY26	FY27	or Nonrecurring	Affected	

(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: 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 statue 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 then 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.