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HOUSE BILL 234

57TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2026

INTRODUCED BY

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AN ACT

RELATING TO CRIMINAL SENTENCING; PROVIDING A DEFINITION FOR
FENTANYL.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 31-18-27 NMSA 1978 (being Laws 2025,
Chapter 4, Section 17) is amended to read:

"31-18-27. TRAFFICKING OF CERTAIN AMOUNTS OF FENTANYL--
ALTERATION OF BASIC SENTENCE--DEFINITION.--

A. When a separate finding of fact by a court or
jury shows that a person is in possession of fentanyl in
relation to a crime of trafficking a controlled substance
pursuant to Section 30-31-20 NMSA 1978, the basic sentence of
imprisonment prescribed for the offense in Section 31-18-15
NMSA 1978 shall be enhanced by up to:

[A.] (1) three years, if the person is in

1 possession of between one hundred and five hundred pills,
2 capsules or tablets containing a detectable amount of fentanyl,
3 regardless of its concentration, or between ten and fifty grams
4 of fentanyl powder;

5 [B-] (2) five years, if the person is in
6 possession of more than five hundred pills, capsules or tablets
7 containing a detectable amount of fentanyl, regardless of its
8 concentration, or more than fifty grams of fentanyl powder; or

9 [C-] (3) five years, if the person has
10 recruited, coordinated, organized, supervised, directed,
11 managed or financed another to commit trafficking fentanyl
12 pursuant to Section 30-31-20 NMSA 1978. The enhancement shall
13 be in addition to, not a replacement of, charging conspiracy to
14 commit trafficking pursuant to Section 30-28-2 NMSA 1978.

15 B. For the purpose of this section, "fentanyl"
16 means fentanyl and fentanyl-related substances, including
17 analogs and chemically similar substances that are produced
18 illegally, and including para-bromofentanyl, para-fluoroacetyl
19 fentanyl and para-methyl acetyl fentanyl."