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SENATE BILL 195

**47TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SPECIAL SESSION, 2006**

INTRODUCED BY  
Clinton D. Harden

AN ACT

RELATING TO CONTROLLED SUBSTANCES; REQUIRING MANDATORY PRISON  
TIME FOR THE UNLAWFUL MANUFACTURE OF METHAMPHETAMINE.

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

Section 1. Section 30-31-20 NMSA 1978 (being Laws 1972,  
Chapter 84, Section 20, as amended) is amended to read:

"30-31-20. TRAFFICKING CONTROLLED SUBSTANCES--  
VIOLATION.--

A. As used in the Controlled Substances Act,  
"traffic" means the:

(1) manufacture of any controlled substance  
enumerated in Schedules I through V or any controlled substance  
analog as defined in Subsection W of Section 30-31-2 NMSA 1978;

(2) distribution, sale, barter or giving away  
of any controlled substance enumerated in Schedule I or II that

underscored material = new  
[bracketed material] = delete

underscoring material = new  
[bracketed material] = delete

1 is a narcotic drug or a controlled substance analog of a  
2 controlled substance enumerated in Schedule I or II that is a  
3 narcotic drug; or

4 (3) possession with intent to distribute any  
5 controlled substance enumerated in Schedule I or II that is a  
6 narcotic drug or controlled substance analog of a controlled  
7 substance enumerated in Schedule I or II that is a narcotic  
8 drug.

9 B. Except as authorized by the Controlled  
10 Substances Act, it is unlawful for any person to intentionally  
11 traffic. Any person who violates this subsection is:

12 (1) for the first offense, guilty of a second  
13 degree felony and shall be sentenced pursuant to the provisions  
14 of Section 31-18-15 NMSA 1978; and

15 (2) for the second and subsequent offenses,  
16 guilty of a first degree felony and shall be sentenced pursuant  
17 to the provisions of Section 31-18-15 NMSA 1978.

18 C. Any person who knowingly violates Subsection B  
19 of this section within a drug-free school zone, excluding  
20 private property residentially zoned or used primarily as a  
21 residence, is guilty of a first degree felony and shall be  
22 sentenced pursuant to the provisions of Section 31-18-15 NMSA  
23 1978.

24 D. A sentence of imprisonment imposed pursuant to  
25 this section for the manufacture of methamphetamine, its salts,

.158503.1

underscoring material = new  
[bracketed material] = delete

1 isomers or salts of isomers or of a controlled substance analog  
2 of methamphetamine, its salts, isomers or salts of isomers  
3 shall not be suspended, deferred or taken under advisement."

4 Section 2. EFFECTIVE DATE.--The effective date of the  
5 provisions of this act is July 1, 2006.

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