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HOUSE BILL 60

**56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023**

INTRODUCED BY

William "Bill" R. Rehm and Randall T. Pettigrew and  
Stefani Lord

AN ACT

RELATING TO CRIMINAL SENTENCING; REQUIRING AN ENHANCED SENTENCE  
FOR POSSESSION OF FENTANYL.

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

SECTION 1. A new section of the Criminal Sentencing Act  
is enacted to read:

"[NEW MATERIAL] POSSESSION OF FENTANYL--ENHANCED  
SENTENCE.--When a separate finding of fact by the court or a  
jury shows that fentanyl was possessed pursuant to Subsection A  
of Section 30-31-23 NMSA 1978, the basic sentence of  
imprisonment prescribed for the offense in Section 31-18-15  
NMSA 1978 shall be enhanced when the fentanyl possessed is:

A. between twenty-five and forty-nine pills or in  
any form equaling fifty to ninety milligrams of fentanyl, the  
sentence imposed shall be increased by three years;

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B. between fifty and seventy-four pills or in any form equaling one hundred to one hundred forty-nine milligrams of fentanyl, the sentence imposed shall be increased by five years; and

C. exceeding seventy-five pills or in any form exceeding one hundred fifty milligrams of fentanyl, the sentence imposed shall be increased by seven years."