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HOUSE BILL 212

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

INTRODUCED BY

Joy Garratt and Martin Hickey and William "Bill" R. Rehm and
Charlotte Little

AN ACT

RELATING TO CRIME; ENHANCING THE PENALTY FOR TRAFFICKING A
CONTROLLED SUBSTANCE WHILE CARRYING A FIREARM.

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 a controlled substance
enumerated in Schedules I through V or a controlled substance
analog as defined in Subsection [W] U of Section 30-31-2 NMSA
1978;

(2) distribution, sale, barter or giving away

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1 of:

2 (a) a controlled substance enumerated in
3 Schedule I or II that is a narcotic drug;

4 (b) a controlled substance analog of a
5 controlled substance enumerated in Schedule I or II that is a
6 narcotic drug; or

7 (c) methamphetamine, its salts, isomers
8 and salts of isomers; or

9 (3) possession with intent to distribute:

10 (a) a controlled substance enumerated in
11 Schedule I or II that is a narcotic drug;

12 (b) a controlled substance analog of a
13 controlled substance enumerated in Schedule I or II that is a
14 narcotic drug; or

15 (c) methamphetamine, its salts, isomers
16 and salts of isomers.

17 B. Except as authorized by the Controlled
18 Substances Act, it is unlawful for a person to intentionally
19 traffic. A person who violates this subsection is:

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

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

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

D. A person who knowingly violates Subsection B of this section while carrying a firearm is guilty of a fourth degree felony and shall be sentenced pursuant to the provisions of Section 31-18-15 NMSA 1978."