

LFC Requester:	Scott Sanchez
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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 uploaded as a PDF)

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Date Prepared: 2/13/2025 *Check all that apply:*
Bill Number: HB 383 Original Correction
 Amendment Substitute

Sponsor: Stefani Lord and John Block **Agency Name and Code** AOC 218
Short Title: EXPOSURE TO FENTANYL USE AS CHILD ABUSE **Number:** _____
Person Writing Alison B. Pauk
Phone: 505-470-6558 **Email** aocabp@nmcourts.gov

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
None	500,000	Nonrecurring	General

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
None			N/A	

(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	Unknown	Unknown	Unknown	Unknown	N/A	

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: Duplicate to HB 136 with the exception of the appropriation.

Duplicates/Relates to Appropriation in the General Appropriation Act: None

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis:

HB 383 seeks to amend Section 30-6-1 NMSA 1978 by adding the words “or fentanyl” to Subsection J.

Appropriation: HB 383 appropriates \$500,000 in fiscal year 2026 from the general fund to the department of public safety to expand its investigation of child abuse and neglect cases to include those cases involving fentanyl.

The effective date for this bill is July 1, 2025.

FISCAL IMPLICATIONS

There will be a minimal administrative cost for statewide update, distribution and documentation of statutory changes. Any additional fiscal impact on the judiciary would be proportional to the enforcement of this law and commenced prosecutions, and appeals from convictions. New laws, amendments to existing laws and new hearings have the potential to increase caseloads in the courts, thus requiring additional resources to handle the increase.

SIGNIFICANT ISSUES

HB 383 seeks to add fentanyl to the enumerated list of substances (drugs) of which knowing and intentional exposure is deemed prima facie evidence of abuse of a child. Subsection J currently only lists one substance - methamphetamine; this bill would add fentanyl to this list.

Although the current statute (Sec. 30-6-1) does not specifically mention fentanyl, prosecutors can already prosecute for exposure to fentanyl under Subsections D(1) [“placed in a situation that may endanger the child's life or health”] and Subsection I [“evidence that demonstrates that a child has been knowingly, intentionally or negligently allowed to enter or remain in a motor vehicle, building or any other premises that contains chemicals and equipment used or intended for use in the manufacture of a controlled substance shall be deemed prima facie evidence of abuse of the child”).

Regarding the appropriation, CYFD is the entity responsible for investigating child abuse a neglect cases, not the department of public safety.

PERFORMANCE IMPLICATIONS

The courts are participating in performance-based budgeting. This bill may have an impact on the measures of the courts in the following areas:

- Cases disposed of as a percent of cases filed

- Percent change in case filings by case type

ADMINISTRATIVE IMPLICATIONS

Modification of jury instructions and some forms may be required but should not have a significant impact.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Duplication of HB 136 with the exception of the appropriation added to this bill (HB 383).

TECHNICAL ISSUES

None identified.

OTHER SUBSTANTIVE ISSUES

None identified.

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

The impact of not enacting this bill should be minimal, as the state can already prosecute under the theory of placing the child in a situation that may endanger the child's life or health under this statute.

AMENDMENTS