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HOUSE BILL 16

57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025

INTRODUCED BY

Charlotte Little and Cynthia Borrego

AN ACT

RELATING TO CRIMINAL SENTENCING; PROVIDING FOR THE ALTERATION
OF A BASIC SENTENCE FOR TRAFFICKING CERTAIN AMOUNTS 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] TRAFFICKING OF CERTAIN AMOUNTS OF
FENTANYL--ALTERATION OF BASIC SENTENCE.--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. three years, if the person is in possession of

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

5 B. five years, if the person is in possession of
6 more than five hundred pills, capsules or tablets containing a
7 detectable amount of fentanyl, regardless of its concentration,
8 or more than fifty grams of fentanyl powder, whichever is less;
9 or

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

16 - 2 -