

LFC Requester:

Scott Sanchez

**AGENCY BILL ANALYSIS - 2026 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO

[AgencyAnalysis.nmlegis.gov](http://AgencyAnalysis.nmlegis.gov) and email to [billanalysis@dfa.nm.gov](mailto: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:** 1 February 2026 *Check all that apply:*  
**Bill Number:** HB 228 Original  Correction   
 Amendment  Substitute

**Sponsor:** N. Chavez **Agency Name and Code Number:** New Mexico Sentencing Commission (354)  
**Short Title:** Denial of Bail for Certain Offenses **Person Writing:** Douglas Carver  
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**SECTION II: FISCAL IMPACT****APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY26	FY27		

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY26	FY27	FY28		

(Parenthesis ( ) indicate revenue decreases)

**ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	FY26	FY27	FY28	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>						

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:  
 Duplicates/Relates to Appropriation in the General Appropriation Act

## **SECTION III: NARRATIVE**

### **BILL SUMMARY**

#### **Synopsis:**

HB 228 creates a new crime, “unlawful carrying of a firearm while trafficking a controlled substance”. The crime consists of carrying a firearm while trafficking a controlled substance in violation of the provisions of Section 30-31-20 NMSA 1978. The penalty is a third degree felony.

### **FISCAL IMPLICATIONS**

Note: major assumptions underlying fiscal impact should be documented.

Note: if additional operating budget impact is estimated, assumptions and calculations should be reported in this section.

### **SIGNIFICANT ISSUES**

HB 228 would add a further “unlawful carrying of ...” crime to add to the many other similar crimes in the Criminal Code.

The penalties for trafficking in a controlled substance (Section 30-31-20) are a second degree felony for the first offense; for the second and subsequent offenses, a first degree felony. Violating the trafficking statute within a drug-free school zone is a first degree felony. The Sentencing Commission has issued a pair of Select Crimes Issue Papers that cover the crimes that would be included in this new crime – the paper on Weapons Offenses can be found here: <https://nmisc.unm.edu/reports/2025/select-crimes-issue-paper-weapons-offenses-fy2024.pdf>; the paper on Drug Trafficking Offenses can be found here: <https://nmisc.unm.edu/reports/2025/select-crimes-issue-paper-weapons-offenses-fy2024.pdf>. The Issue Paper on Drug Trafficking Cases shows the breakdown of cases under Section 30-31-20 for FY24.

It is difficult to determine what the effect of passing HB 228 would be on the state’s prison population. The average per day cost to incarcerate someone in the state’s prison system is \$153.08/day; this average includes private and public facilities.

### **PERFORMANCE IMPLICATIONS**

### **ADMINISTRATIVE IMPLICATIONS**

### **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

### **TECHNICAL ISSUES**

### **OTHER SUBSTANTIVE ISSUES**

### **ALTERNATIVES**

**WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL  
AMENDMENTS**