

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis:

House Bill 234 restructures Section 31-18-27 NMSA 1978, regarding alteration of basic sentence for trafficking of certain amounts of fentanyl, and amends the Section to include a definition of “fentanyl”.

For the purposes of Section 31-18-27, fentanyl is defined as: “fentanyl and fentanyl-related substances, including analogs and chemically similar substances that are produced illegally, and including para-bromofentanyl, para-fluoroacetyl fentanyl and para-methyl fentanyl”.

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

The NMSC conducted an extensive search of court data available to us and does not currently possess enhancement data specific to Section 31-18-27, the basic sentence alteration for trafficking of certain amounts of fentanyl. However, expanding the definition of “fentanyl” for the purposes of the applicable sentencing enhancements would likely increase the number of cases to which the sentencing enhancements could be applied. Longer sentences in those cases would likely lead to more people being incarcerated in NM prisons. 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