

LFC Requester: _____

AGENCY BILL ANALYSIS - 2026 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: 2/05/2026 *Check all that apply:*
Bill Number: SB 255 Original Correction
 Amendment Substitute

Sponsor: Jay C. Block **Agency Name and Code Number:** Administrative Office of the District Attorneys 264
Short Title: Fentanyl sentences **Person Writing:** Troy J. Davis
Title: _____ **Phone:** 505-385-8461 **Email:** Davistr@msn.com

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
Total						

(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: Senate Bill 255 seeks to amend the Controlled Substances Act by creating a new category of criminal offense related to fentanyl. The bill defines "trafficking of fentanyl resulting in death" as the intentional and unlawful distribution or trafficking of any amount of fentanyl that causes a person's death via ingestion, inhalation, injection, or absorption. A person found guilty of this offense is classified as having committed first-degree murder. Conviction carries a mandatory thirty-year sentence. The bill specifies that it is not a defense if the deceased person consumed the fentanyl purposefully, knowingly, recklessly, or negligently

FISCAL IMPLICATIONS

Would increase trials for trafficking fentanyl case which result in needing more resources for district attorney offices, law of the public defender's office and the judiciary.

SIGNIFICANT ISSUES

This statute would codify felony-murder for distribution of fentanyl resulting in death. The issue is the limitation of who could be a defendant in this statute. A person crossing the border with a large amount of fentanyl could be charged or the makers of fentanyl in Mexico could be charged if the fentanyl could be traced back to specific individuals. The statute may need some language as to an individual that directly gave the victim fentanyl.

PERFORMANCE IMPLICATIONS

ADMINISTRATIVE IMPLICATIONS

None

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

The fentanyl crisis will continue along with New Mexico having one of the highest rates of overdoses from fentanyl in the country.