

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: 2/5/2026

Check all that apply:

Bill Number: SB255Original  Correction Amendment  Substitute Sponsor: Jay Block

Short

Title: Fentanyl Trafficking as MurderAgency Name  
and Code

Number:

770- NMCD

Person Writing

A. Griego QuintanaPhone: 505-479-2296 Email Anisa.griego-quinta@cd.nm.gov**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>	0	0	0	0		

(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 requires that someone convicted of trafficking fentanyl resulting in death is guilty of first-degree murder and must serve 30 years in prison.

The bill creates a new crime of trafficking of fentanyl resulting in death, and defines it as the intentional and unlawful trafficking or distribution of “any amount of fentanyl to another person that results in the death of that person” whether they injected, inhaled, absorbed or ingested the drug.

### **FISCAL IMPLICATIONS**

The Department may see an increase in the length of incarceration for affected inmates, which over time, could place greater demands on resources, resulting in increased long-term costs. By substantially increasing the potential sentence lengths for this offense, the bill could result in longer incarceration periods for a limited number of individuals resulting in increased long-term costs to the Department. Fiscal implications depend on whether prosecutors prosecute complaints in the same or greater frequency than at present.

In the first part, legislating presumptively sentences of no less than 30 years for dealing or trafficking fentanyl that proximately causes the death of another person, one would initially expect an increase in prison population. These would expand budget costs to NMCD for each marginal prisoner it must house over a given period of time increased from present estimates. However, precise costing requires assuming no change in various existing and new diversionary programs and laws to allow non-violent offenders to serve sentences out of prison. As such, it would not likely immediately increase the NMCD population which in turn would not increase fiscal costs to the NMCD. But over time of longer sentences it may increase costs to house those incarcerated over longer periods. See, e.g., Criminal Sentencing Act, Section 31-18-15. NMCD costs here too may depend on how a period of parole shall be imposed according to Section 31-21-10 NMSA 1978 and other laws that govern sentencing results.

### **SIGNIFICANT ISSUES**

None

### **PERFORMANCE IMPLICATIONS**

None

### **ADMINISTRATIVE IMPLICATIONS**

None

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

None

### **TECHNICAL ISSUES**

None

### **OTHER SUBSTANTIVE ISSUES**

None

**ALTERNATIVES**

None

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

None

**AMENDMENTS**

None