

HOUSE BILL 234

57TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2026

INTRODUCED BY

Andrea Reeb and Mark B. Murphy

This document may incorporate amendments proposed by a committee, but not yet adopted, as well as amendments that have been adopted during the current legislative session. The document is a tool to show amendments in context and cannot be used for the purpose of adding amendments to legislation.

AN ACT

RELATING TO CRIMINAL SENTENCING; PROVIDING A DEFINITION FOR FENTANYL.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 31-18-27 NMSA 1978 (being Laws 2025, Chapter 4, Section 17) is amended to read:

"31-18-27. TRAFFICKING OF CERTAIN AMOUNTS OF FENTANYL-- ALTERATION OF BASIC SENTENCE--DEFINITION.--

.232263.2AIC February 14, 2026 (8:42pm)

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A. 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.] (1) three years, if the person is in possession of between one hundred and five hundred pills, capsules or tablets containing a detectable amount of fentanyl, regardless of its concentration, or between ten and fifty grams of fentanyl powder;

[B.] (2) five years, if the person is in possession of more than five hundred pills, capsules or tablets containing a detectable amount of fentanyl, regardless of its concentration, or more than fifty grams of fentanyl powder; or

[C.] (3) five years, if the person has recruited, coordinated, organized, supervised, directed, managed or financed another to commit trafficking fentanyl pursuant to Section 30-31-20 NMSA 1978. The enhancement shall be in addition to, not a replacement of, charging conspiracy to commit trafficking pursuant to Section 30-28-2 NMSA 1978.

HJC→~~B. For the purpose of this section, "fentanyl" means fentanyl and fentanyl-related substances, including analogs and chemically similar substances that are produced illegally, and including para-bromofentanyl, para-fluoroacetyl~~

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~~fentanyl and para-methyl acetyl fentanyl.~~"←HJC

HJC→B. For the purposes of this section, "fentanyl" means fentanyl or a controlled substance analog of fentanyl as defined in Subsection U of Section 30-31-2 NMSA 1978."←HJC

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