

SB 15-FN - AS AMENDED BY THE SENATE

01/30/2025 0165s

2025 SESSION

25-0229

09/06

SENATE BILL

15-FN

AN ACT

relative to establishing a mandatory minimum sentence for the crime of distribution of a controlled drug with death resulting.

SPONSORS:

Sen. Gannon, Dist 23; Sen. Gray, Dist 6; Sen. Lang, Dist 2; Sen. Birdsell, Dist 19; Sen. Avar, Dist 12; Sen. Abbas, Dist 22; Rep. Litchfield, Rock. 32; Rep. Khan, Rock. 30; Rep. Vose, Rock. 5; Rep. L. Walsh, Rock. 15; Rep. Bernardy, Rock. 36

COMMITTEE:

Judiciary

ANALYSIS

This bill sets a mandatory minimum sentence for the crime of distribution of a controlled drug with death resulting.

Explanation:

Matter added to current law appears in ***bold italics***.

Matter removed from current law appears ~~[in brackets and struckthrough]~~

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Five

AN ACT relative to establishing a mandatory minimum sentence for the crime of distribution of a controlled drug with death resulting.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Controlled Drug Act; Penalties. Amend RSA 318-B:26, IX to read as follows:

2 IX. Any person who manufactures, sells, or dispenses methamphetamine, lysergic acid[₇]
3 diethylamide (**LSD**), phencyclidine (PCP) or any other controlled drug classified in schedules I or II,
4 or any controlled drug analog thereof, in violation of RSA 318-B:2, I or I-a, **excluding any fentanyl**
5 **class drug, including any adulterants or dilutants**, is strictly liable for a death which results
6 from the injection, inhalation, or ingestion of that substance, and may be sentenced to imprisonment
7 for life or for such term as the court may order. **Any person who manufactures, sells, or**
8 **dispenses a fentanyl class drug, including any adulterants or dilutants, in violation of**
9 **RSA 318-B:2, I or I-a, is strictly liable for a death which results from the injection,**
10 **inhalation, or ingestion of that substance, and may be sentenced to imprisonment for life**
11 **or for such term as the court may order, except that such term shall not be less than 10**
12 **years of imprisonment.** For purposes of this section, the person's act of manufacturing,
13 dispensing, or selling a substance is the cause of a death when:

14 (a) The injection, inhalation or ingestion of the substance is an antecedent but for which
15 the death would not have occurred; and

16 (b) The death was not:

17 (1) Too remote in its occurrence as to have just bearing on the person's liability; or

18 (2) Too dependent upon conduct of another person which was unrelated to the
19 injection, inhalation or ingestion of the substance or its effect, as to have a just bearing on the
20 person's liability. It shall not be a defense to a prosecution under this section that the decedent
21 contributed to his own death by his purposeful, knowing, reckless or negligent injection, inhalation
22 or ingestion of the substance or by his consenting to the administration of the substance by another.
23 Nothing in this section shall be construed to preclude or limit any prosecution for homicide. A
24 conviction arising under this section shall not merge with a conviction of one as a drug enterprise
25 leader or for any other offense defined in this chapter.

26 2 Effective Date. This act shall take effect January 1, 2026.

**SB 15-FN- FISCAL NOTE
AS AMENDED BY THE SENATE (AMENDMENT #2025-0165s)**

AN ACT relative to establishing a mandatory minimum sentence for the crime of distribution of a controlled drug with death resulting.

FISCAL IMPACT:

Estimated State Impact				
	FY 2025	FY 2026	FY 2027	FY 2028
Revenue	\$0	\$0	\$0	\$0
<i>Revenue Fund</i>	None			
Expenditures*	Indeterminable			
<i>Funding Source</i>	General Fund			
Appropriations*	\$0	\$0	\$0	\$0
<i>Funding Source</i>	None			

***Expenditure = Cost of bill**

***Appropriation = Authorized funding to cover cost of bill**

Estimated Political Subdivision Impact				
	FY 2025	FY 2026	FY 2027	FY 2028
County Revenue	\$0	\$0	\$0	\$0
County Expenditures	Indeterminable			
Local Revenue	\$0	\$0	\$0	\$0
Local Expenditures	Indeterminable			

METHODOLOGY:

This bill adds, deletes, or modifies a criminal penalty, or changes statute to which there is a penalty for violation. Therefore, this bill may have an impact on the judicial and correctional systems, which could affect prosecution, incarceration, probation, and parole costs, for the state, as well as county and local governments. A summary of such costs can be found at: https://gencourt.state.nh.us/lba/Budget/Fiscal_Notes/JudicialCorrectionalCosts.pdf

AGENCIES CONTACTED:

Judicial Branch, Judicial Council, Department of Justice, Department of Corrections, New Hampshire Association of Counties, and New Hampshire Municipal Association