

SB 14-FN - AS AMENDED BY THE SENATE

01/30/2025 0140s

2025 SESSION

25-0228

09/02

SENATE BILL

14-FN

AN ACT

relative to the penalty for certain fentanyl-related offenses.

SPONSORS:

Sen. Gannon, Dist 23; Sen. Lang, Dist 2; Sen. Innis, Dist 7; Sen. Birdsell, Dist 19; Sen. Abbas, Dist 22; Sen. Avar, Dist 12; Sen. Rochefort, Dist 1; Sen. Murphy, Dist 16; Rep. Weyler, Rock. 14; Rep. M. Pearson, Rock. 34; Rep. Bernardy, Rock. 36

COMMITTEE:

Judiciary

ANALYSIS

This bill adds mandatory minimum sentences for certain fentanyl-related offenses.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 the penalty for certain fentanyl-related offenses.

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, I(a) to read as follows:

2 (a) In the case of a violation involving any of the following, a person shall be sentenced
3 to a maximum term of imprisonment of not more than 30 years, a fine of not more than \$500,000, or
4 both. If any person commits such a violation after one or more prior offenses as defined in RSA 318-
5 B:27, such person may be sentenced to a maximum term of life imprisonment, a fine of not more
6 than \$500,000, or both:

7 (1) Five ounces or more of a mixture or substance containing any of the following,
8 including any adulterants or dilutants:

9 (A) Coca leaves, except coca leaves and extracts of coca leaves from which
10 cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed; or

11 (B) Cocaine other than crack cocaine, its salts, optical and geometric isomers,
12 and salts of isomers; or

13 (C) Ecgonine, its derivatives, their salts, isomers, and salts of isomers.

14 (2) Lysergic acid diethylamide, or its analog, in a quantity of 100 milligrams or more
15 including any adulterants or dilutants, or phencyclidine (PCP), or its analog, in a quantity of 10
16 grams or more including any adulterants or dilutants.

17 (3) Heroin or its analog, crack cocaine, or a fentanyl class drug in a quantity of 5
18 grams or more, including any adulterants or dilutants.

19 ***(A) A fentanyl class drug in a quantity of 20 grams or more, including***
20 ***any adulterants or dilutants, shall carry a minimum term of imprisonment of not less than***
21 ***3 years and 6 months incarceration. A fentanyl class drug in a quantity of 50 grams or***
22 ***more, including any adulterants or dilutants, shall carry a minimum term of***
23 ***imprisonment of not less than 7 years incarceration. If a defendant charged under this***
24 ***subparagraph cooperates with a law enforcement investigation which results in an arrest***
25 ***or conviction, the defendant shall not be subject to the minimum term of imprisonment***
26 ***outlined in this subparagraph. The court may not defer, combine, or run concurrently with***
27 ***any other sentence the mandatory minimum unless:***

28 ***(i) The offender was less than 18 years of age at the time of the***
29 ***commission of the offense for which the offender is to be sentenced;***

30 ***(ii) The offender's mental capacity, at the time of the commission of***
31 ***the offense for which the offender is to be sentenced, was significantly impaired to the***

1 *extent that the defendant was deemed incompetent. However, a voluntarily induced*
2 *intoxicated or drugged condition may not be considered an impairment for the purposes of*
3 *this subparagraph; or*

4 *(iii) The offender was an accomplice, the conduct constituting the*
5 *offense was principally the conduct of another, and the offender's participation was*
6 *relatively minor.*

7 (4) Methamphetamine or its analog, in a quantity of 5 ounces or more, including
8 adulterants or dilutants.

9 2 Effective Date. This act shall take effect January 1, 2026.

**SB 14-FN- FISCAL NOTE
AS AMENDED BY THE SENATE (AMENDMENT #2025-0140s)**

AN ACT relative to the penalty for certain fentanyl-related offenses.

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