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HOUSE BILL 131

51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013

INTRODUCED BY

Paul A. Pacheco

AN ACT

RELATING TO ENDANGERED PERSONS; CREATING A SILVER ALERT
PROCEDURE FOR THE DEPARTMENT OF PUBLIC SAFETY; RECONCILING
MULTIPLE AMENDMENTS TO THE SAME SECTION OF LAW IN LAWS 2010.

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

SECTION 1. A new section of the Missing Persons

Information and Reporting Act is enacted to read:

"[NEW MATERIAL] SILVER ALERT ADVISORY.--

A. The department of public safety shall issue a silver alert if, after review and investigation of a missing person report of a person subject to the alert, the department makes an independent determination that the missing person is a person subject to the alert.

B. The department shall develop and implement silver alert procedures for the purpose of disseminating, as

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1 rapidly as possible, information about a person subject to the
2 alert. The procedures shall include:

3 (1) notification to the lead station of the
4 silver alert;

5 (2) notification to other public and private
6 media sources and members of the public as necessary; and

7 (3) providing information about the subject of
8 the silver alert, including all identifying information, to the
9 lead station and other media sources."

10 SECTION 2. Section 29-15-2 NMSA 1978 (being Laws 1995,
11 Chapter 146, Section 2, as amended by Laws 2010, Chapter 32,
12 Section 2 and by Laws 2010, Chapter 33, Section 3) is amended
13 to read:

14 "29-15-2. DEFINITIONS.--As used in the Missing Persons
15 Information and Reporting Act:

16 A. "child" means an individual under the age of
17 eighteen years who is not emancipated;

18 B. "clearinghouse" means the missing persons
19 information clearinghouse;

20 C. "custodian" means a parent, guardian or other
21 person who exercises legal physical control, care or custody of
22 a child; or a person who performs one or more activities of
23 daily living for an adult;

24 D. "endangered person" means a missing person who:

25 (1) is in imminent danger of causing harm to

1 the person's self;

2 (2) is in imminent danger of causing harm to
3 another;

4 (3) is in imminent danger of being harmed by
5 another or who has been harmed by another;

6 (4) has been a victim of a crime as provided
7 in the Crimes Against Household Members Act or in Section
8 30-3A-3 or 30-3A-3.1 NMSA 1978, or their equivalents in any
9 other jurisdiction;

10 (5) is or was protected by an order of
11 protection pursuant to the Family Violence Protection Act; or

12 (6) has Alzheimer's disease, dementia or
13 another degenerative brain disorder or a brain injury;

14 E. "immediate family member" means the spouse,
15 nearest relative or close friend of a person;

16 F. "law enforcement agency" means a law enforcement
17 agency of the state, a state agency or a political subdivision
18 of the state;

19 G. "lead station" means an AM radio station that
20 has been designated as the "state primary station" by the
21 federal communications commission for the emergency alert
22 system;

23 H. "missing person" means a person whose
24 whereabouts are unknown to the person's custodian or immediate
25 family member and the circumstances of whose absence indicate

1 that:

2 (1) the person did not leave the care and
3 control of the custodian or immediate family member voluntarily
4 and the taking of the person was not authorized by law; or

5 (2) the person voluntarily left the care and
6 control of the custodian without the custodian's consent and
7 without intent to return;

8 I. "missing person report" means information that
9 is:

10 (1) given to a law enforcement agency on a
11 form used for sending information to the national crime
12 information center; and

13 (2) about a person whose whereabouts are
14 unknown to the reporter and who is alleged in the form
15 submitted by the reporter to be missing;

16 J. "person" means an individual, regardless of age;

17 K. "possible match" means the similarities between
18 unidentified human remains and a missing person that would lead
19 one to believe they are the same person;

20 L. "reporter" means the person who reports a
21 missing person;

22 M. "silver alert" means a notification relating to
23 an endangered person:

24 (1) who is a missing person;

25 (2) who is fifty years or older; and

1 (3) about whom there is a clear indication
2 that the individual has an irreversible deterioration of
3 intellectual faculties;

4 [~~M.~~] N. "state agency" means an agency of the
5 state, a political subdivision of the state or a public post-
6 secondary educational institution; and

7 [~~N.~~] O. "state registrar" means the employee so
8 designated by the public health division of the department of
9 health pursuant to the Vital Statistics Act."

10 **SECTION 3. EFFECTIVE DATE.**--The effective date of the
11 provisions of this act is July 1, 2013.