

HOUSE JUDICIARY COMMITTEE SUBSTITUTE FOR
HOUSE BILLS 16 AND 161

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

AN ACT

RELATING TO LAW ENFORCEMENT; ENACTING THE AMBER ALERT LAW;
PROVIDING FOR AN AMBER ALERT NOTIFICATION PLAN FOR THE PURPOSE
OF RAPID DISSEMINATION OF INFORMATION RELATING TO ABDUCTION OF
CHILDREN; PROVIDING A CRIMINAL PENALTY; DECLARING AN EMERGENCY.

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

Section 1. SHORT TITLE.--This act may be cited as the
"AMBER Alert Law".

Section 2. DEFINITIONS.--As used in the AMBER Alert Law:

A. "AMBER alert" means a declaration by the
authorized requester that an abduction has occurred and that
notifications and broadcasts should be made pursuant to the
AMBER alert notification plan;

B. "authorized requester" means the person
designated by the chief of the state police to implement the

1 AMBER alert notification plan;

2 C. "chief of the state police" means the director
3 of the New Mexico state police division of the department of
4 public safety;

5 D. "lead station" means an AM radio station that
6 has been designated as the "state primary station" by the
7 federal communications commission for the emergency alert
8 system; and

9 E. "state police" means the New Mexico state police
10 division of the department of public safety.

11 Section 3. STATE POLICE--AMBER ALERT NOTIFICATION PLAN--
12 DECLARATION OF AMBER ALERT. --

13 A. The state police shall develop and implement an
14 AMBER alert notification plan for the purpose of disseminating,
15 as rapidly as possible, information about a child abduction so
16 that law enforcement agencies and citizens throughout the state
17 may be aware and vigilant. The plan shall:

18 (1) provide a procedure for notifying the lead
19 station by the authorized requester that an AMBER alert has
20 been declared. The procedure shall include codes for use by
21 the authorized requester in communicating with the lead station
22 to prevent false alerts;

23 (2) provide a procedure in which other state
24 and private print, radio, television or other media may alert
25 the members of the public of the abduction;

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1 (3) include a procedure for notifying the
2 radio communications bureau of the communications division of
3 the general services department that an AMBER alert has been
4 declared. The bureau shall immediately transmit the
5 notification and related information to all state field
6 operations employees so that they may be aware and vigilant in
7 the course of their regular activities;

8 (4) include a procedure for notifying all
9 local and federal law enforcement agencies that an AMBER alert
10 has been declared; and

11 (5) provide for dissemination of information
12 about a child or a child's abductor to the lead station, the
13 radio communications bureau and local law enforcement agencies
14 when an AMBER alert has been declared.

15 B. The state police shall distribute the AMBER
16 alert notification plan to all local law enforcement agencies
17 and provide such training and other assistance as is necessary
18 to ensure that the plan can be properly implemented.

19 C. The authorized requester may declare an AMBER
20 alert when the requester has reason to believe that:

21 (1) a child under the age of eighteen has been
22 abducted by an unrelated person;

23 (2) the child is in imminent danger of serious
24 bodily harm or death; and

25 (3) there is specific information available

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1 about the child or the child's abductor that may assist in an
2 expedient and successful end to the abduction.

3 D. Once an AMBER alert has been declared, only the
4 authorized requester may terminate the AMBER alert.

5 Section 4. AMBER ALERT--INITIATION BY OTHER LAW
6 ENFORCEMENT AGENCIES. --

7 A. The procedures for initiating an AMBER alert
8 pursuant to the AMBER Alert Law are available to all law
9 enforcement agencies in New Mexico; provided that nothing in
10 that law prohibits a local law enforcement agency from
11 developing and implementing its own similar notification plan;
12 provided further that nothing in that act supercedes a
13 provision or procedure in such a local notification plan.

14 B. If a law enforcement agency that has not
15 developed and implemented its own similar plan desires that an
16 AMBER alert be declared, it shall notify the authorized
17 requester. The authorized requester shall declare an AMBER
18 alert if, after evaluating the information, the authorized
19 requester believes that the criteria for declaring an alert has
20 been satisfied.

21 C. If an AMBER alert is initiated and there is
22 information that the child's abductor may be traveling or has
23 traveled across state lines, the authorized requester shall
24 notify the other states or the Republic of Mexico in order for
25 those governments to issue an alert. The state police shall

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1 work with all bordering states and the Republic of Mexico in
2 order to establish agreements to carry out regional alerts.

3 Section 5. SUBMISSION OF FALSE INFORMATION--PENALTY.--A
4 person who knowingly submits false information to a law
5 enforcement agency regarding a child abduction is guilty of a
6 petty misdemeanor and shall be sentenced in accordance with
7 Section 31-19-1 NMSA 1978.

8 Section 6. EMERGENCY.--It is necessary for the public
9 peace, health and safety that this act take effect immediately.

underscoring material = new
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