



## House Bill 16 and 161/HJCS -- Page 2

issue an alert. The substitute also requires the state police to work with these entities to establish agreements to carry out regional alerts.

### TECHNICAL ISSUES

AOC suggests the following amendment on page 4, lines 23-24:

“...the authorized requestor shall notify other states and ~~of~~ the Republic of Mexico...”

### RELATIONSHIP

The substitute bill relates to and partially duplicates SB 218. Major differences are:

- HJCS/16 and 161 defines child abduction for purposes of the amber alert system. SB 218 gives DPS the authority to set the criteria for what constitutes child abduction.
- HJCS/16 and 161 provides a criminal penalty for knowing submission of false information resulting in the declaration of an amber alert, making it a petty misdemeanor. SB 218 does not enact a criminal penalty.
- HJCS/16 and 161 contains an emergency clause. SB 218 does not.

### Synopsis of Original Bill

House Bill 16 enacts the amber alert law, mandating the New Mexico state police develop and implement an amber alert notification plan. This plan would effectuate rapid dissemination of information about child abductions to local law enforcement agencies and citizens around the state.

### Significant Issues

The bill defines child abduction for purposes of the amber alert notification system, and it requires that the chief of the New Mexico state police designate an authorized requestor in charge of implementing the amber alert plan. The authorized requestor at the Department of Public Safety (DPS) may declare an alert when the requestor has reason to believe that a child **under the age of eighteen** has been abducted by an **unrelated person**, the child is in danger, and there is information available about the child or the child’s abductor that may help end the abduction.

The plan shall provide a procedure for notifying lead AM radio stations, the communications division of the General Services Department (GSD) and local law enforcement agencies when an amber alert has been declared. The plan shall stipulate that lead stations broadcast amber alerts every thirty minutes for at least eight hours unless notified by the authorized requestor that the alert has been terminated.

The bill provides a criminal penalty for knowing submission of false information resulting in the declaration of an amber alert, making it a petty misdemeanor.

The bill contains an emergency clause.

## **FISCAL IMPLICATIONS**

The burden of disseminating emergency information falls on the Department of Public Safety (DPS) and General Services Department (GSD). These agencies would have to draw on existing resources to develop and maintain the amber alert system.

## **OTHER SUBSTANTIVE ISSUES**

The bill mandates that the amber alert system rely on state and AM radio transmission to disseminate information. Naming specific media may have the unintended result of limiting the effectiveness of an amber alert system, as it does not encourage other media (FM radio, print, television, etc.) to participate.

As the bill is written, DPS shall not issue an amber alert for a child abducted by any relative. In order to avoid circumstances unforeseen as the legislation is drafted, perhaps the Legislature should allow DPS to set procedural guidelines and definitional criteria rather than writing them into statute.

## **RELATES**

The bill relates to and partially duplicates SB 110 and HB 161. (SB 110 and HB 161 are duplicates.) Major differences are:

- HB 16 mandates that the amber alert system rely on state and AM radio transmission to disseminate information, and it details the procedures by which these media shall issue amber alerts. SB 110 and HB 161 give DPS the authority to set the protocol by which state and private media shall issue amber alerts.
- HB 16 defines child abduction for purposes of the amber alert system. SB 110 and HB 161 give DPS the authority to set the criteria for what constitutes child abduction.
- HB 16 provides a criminal penalty for knowing submission of false information resulting in the declaration of an amber alert, making it a petty misdemeanor. SB 110 and HB 161 do not enact a criminal penalty.
- HB 16 contains an emergency clause. SB 110 and HB 161 do not.
- SB 110 and HB 161 mandate DPS work with law enforcement agencies in neighboring states to develop a regional amber alert system. HB 16 does not.

## **POSSIBLE QUESTIONS**

Should the Legislature leave the authority to establish definitions and protocol for purposes of the amber alert system to the Department of Public Safety (DPS)?