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SENATE BILL 97

50TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2012

INTRODUCED BY

Timothy Z. Jennings

AN ACT

RELATING TO CRIMINAL LAW; ENACTING "CAYLEE'S LAW"; CREATING NEW
CRIMES OF FAILURE TO REPORT A DISAPPEARANCE AND FAILURE TO
REPORT A DEATH; PROVIDING PENALTIES.

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

SECTION 1. A new section of the Criminal Code is enacted
to read:

"[NEW MATERIAL] FAILURE TO REPORT A DISAPPEARANCE.--

A. Failure to report a disappearance consists of a
parent, guardian or other person having the care, custody or
control of a child or an adult with Alzheimer's disease or
another degenerative brain disorder failing to notify a police
officer or an appropriate law enforcement agency of the
disappearance of the child or the adult within twenty-four
hours from when the parent, guardian or person knew or should

.187171.1

underscored material = new
~~[bracketed material] = delete~~

underscored material = new
[bracketed material] = delete

1 have known that the child or the adult was missing.

2 B. Whoever commits failure to report a
3 disappearance is guilty of a misdemeanor. Whoever commits
4 failure to report a disappearance when the circumstances of the
5 disappearance would lead a reasonable person to believe that
6 the child or the adult was in danger of physical harm is guilty
7 of a fourth degree felony."

8 SECTION 2. A new section of the Criminal Code is enacted
9 to read:

10 "[NEW MATERIAL] FAILURE TO REPORT A DEATH.--

11 A. Failure to report a death consists of a person
12 failing to notify a police officer or an appropriate law
13 enforcement agency of the death of another person within
14 twenty-four hours from when the person knew or reasonably
15 should have known of the death and the death did not occur
16 under the care of a health care professional or emergency
17 medical personnel.

18 B. Whoever commits failure to report a death is
19 guilty of a misdemeanor. Whoever commits failure to report a
20 death when the circumstances would lead a reasonable person to
21 believe that the death occurred as a result of a crime is
22 guilty of a fourth degree felony."

23 SECTION 3. EFFECTIVE DATE.--The effective date of the
24 provisions of this act is July 1, 2012.