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SENATE BILL 278

52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015

INTRODUCED BY

Jacob R. Candelaria

AN ACT

RELATING TO ENDANGERED PERSONS; CREATING A BRITTANY ALERT
PROCEDURE FOR THE DEPARTMENT OF PUBLIC SAFETY.

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

SECTION 1. Section 29-15-2 NMSA 1978 (being Laws 1995,
Chapter 146, Section 2, as amended) is amended to read:

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

A. "Brittany alert" means a notification relating
to an endangered person:

(1) who is a missing person; and

(2) about whom there is a clear indication
that the individual has:

(a) a severe physical impairment that
substantially limits one or more major life activities; or

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(b) a developmental disability as defined in Subsection H of Section 43-1-3 NMSA 1978;

~~[A.]~~ B. "child" means an individual under the age of eighteen years who is not emancipated;

~~[B.]~~ C. "clearinghouse" means the missing persons information clearinghouse;

~~[C.]~~ D. "custodian" means a parent, guardian or other person who exercises legal physical control, care or custody of a child; or a person who performs one or more activities of daily living for an adult;

~~[D.]~~ E. "endangered person" means a missing person who:

- (1) is in imminent danger of causing harm to the person's self;
- (2) is in imminent danger of causing harm to another;
- (3) is in imminent danger of being harmed by another or who has been harmed by another;
- (4) has been a victim of a crime as provided in the Crimes Against Household Members Act or in Section 30-3A-3 or 30-3A-3.1 NMSA 1978, or their equivalents in any other jurisdiction;
- (5) is or was protected by an order of protection pursuant to the Family Violence Protection Act; ~~[or]~~
- (6) has Alzheimer's disease, dementia or

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1 another degenerative brain disorder or a brain injury; or
2 (7) has a severe physical impairment that
3 substantially limits one or more major life activities or a
4 developmental disability as defined in Subsection H of Section
5 43-1-3 NMSA 1978;

6 [~~E.~~] F. "immediate family member" means the spouse,
7 nearest relative or close friend of a person;

8 [~~F.~~] G. "law enforcement agency" means a law
9 enforcement agency of the state, a state agency or a political
10 subdivision of the state;

11 [~~G.~~] H. "lead station" means an AM radio station
12 that has been designated as the "state primary station" by the
13 federal communications commission for the emergency alert
14 system;

15 [~~H.~~] I. "missing person" means a person whose
16 whereabouts are unknown to the person's custodian or immediate
17 family member and the circumstances of whose absence indicate
18 that:

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

22 (2) the person voluntarily left the care and
23 control of the custodian without the custodian's consent and
24 without intent to return;

25 [~~I.~~] J. "missing person report" means information

1 that is:

2 (1) given to a law enforcement agency on a
3 form used for sending information to the national crime
4 information center; and

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

8 [~~J~~] K. "person" means an individual, regardless of
9 age;

10 [~~K~~] L. "possible match" means the similarities
11 between unidentified human remains and a missing person that
12 would lead one to believe they are the same person;

13 [~~L~~] M. "reporter" means the person who reports a
14 missing person;

15 [~~M~~] N. "silver alert" means a notification
16 relating to an endangered person:

17 (1) who is a missing person;

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

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

22 [~~N~~] O. "state agency" means an agency of the
23 state, a political subdivision of the state or a public post-
24 secondary educational institution; and

25 [~~O~~] P. "state registrar" means the employee so

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1 designated by the public health division of the department of
2 health pursuant to the Vital Statistics Act."

3 SECTION 2. A new section of the Missing Persons
4 Information and Reporting Act is enacted to read:

5 "[NEW MATERIAL] BRITTANY ALERT ADVISORY.--

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

11 B. The department shall develop and implement
12 Brittany alert procedures for the purpose of disseminating, as
13 rapidly as possible, information about a person subject to the
14 alert. The procedures shall include:

15 (1) notification to the lead station of the
16 Brittany alert;

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

19 (3) the provision of information about the
20 subject of the Brittany alert, including all identifying
21 information, to the lead station and other media sources."

22 SECTION 3. EFFECTIVE DATE.--The effective date of the
23 provisions of this act is July 1, 2015.