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AN ACT  
RELATING TO PUBLIC SAFETY; EXPANDING THE NOTIFICATION AND  
REPORTING REQUIREMENTS FOR CERTAIN MISSING PERSONS.

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 person has a developmental disability as defined in  
Subsection A of Section 28-16A-6 NMSA 1978 and that the  
person's health or safety is at risk;

B. "child" means a person under the age of  
eighteen years who is not emancipated;

C. "clearinghouse" means the missing persons  
information clearinghouse;

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

1 E. "endangered person" means a missing person who:

2 (1) is in imminent danger of causing harm to  
3 the person's self;

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

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

8 (4) has been a victim of a crime as provided  
9 in the Crimes Against Household Members Act or in Section  
10 30-3A-3 or 30-3A-3.1 NMSA 1978, or their equivalents in any  
11 other jurisdiction;

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

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

16 (7) has a developmental disability as  
17 defined in Subsection A of Section 28-16A-6 NMSA 1978 and  
18 that person's health or safety is at risk;

19 F. "immediate family member" means the spouse,  
20 nearest relative or close friend of a person;

21 G. "law enforcement agency" means a law  
22 enforcement agency of the state, a state agency or a  
23 political subdivision of the state;

24 H. "lead station" means an AM radio station that  
25 has been designated as the "state primary station" by the

1 federal communications commission for the emergency alert  
2 system;

3 I. "missing person" means a person whose  
4 whereabouts are unknown to the person's custodian or  
5 immediate family member and the circumstances of whose  
6 absence indicate that:

7 (1) the person did not leave the care and  
8 control of the custodian or immediate family member  
9 voluntarily and the taking of the person was not authorized  
10 by law; or

11 (2) the person voluntarily left the care and  
12 control of the custodian without the custodian's consent and  
13 without intent to return;

14 J. "missing person report" means information that  
15 is:

16 (1) given to a law enforcement agency on a  
17 form used for sending information to the national crime  
18 information center; and

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

22 K. "person" means an individual, regardless of  
23 age;

24 L. "possible match" means the similarities between  
25 unidentified human remains and a missing person that would

1 lead one to believe they are the same person;

2 M. "reporter" means the person who reports a  
3 missing person;

4 N. "silver alert" means a notification relating to  
5 an endangered person:

6 (1) who is a missing person; and

7 (2) who is fifty years or older; or

8 (3) about whom there is a clear indication  
9 that the individual suffers from Alzheimer's disease or  
10 another form of dementia, regardless of age;

11 O. "state agency" means an agency of the state, a  
12 political subdivision of the state or a public post-secondary  
13 educational institution; and

14 P. "state registrar" means the employee so  
15 designated by the public health division of the department of  
16 health pursuant to the Vital Statistics Act."

17 SECTION 2. Section 29-15-3.2 NMSA 1978 (being Laws  
18 2013, Chapter 81, Section 1) is amended to read:

19 "29-15-3.2. SILVER ALERT ADVISORY.--

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

25 B. The department of public safety shall develop

1 and implement a silver alert plan for the purpose of  
2 disseminating, as rapidly as possible, information about a  
3 person subject to the alert. The plan shall:

4 (1) provide a procedure for the department  
5 to notify the lead station that a silver alert has been  
6 declared. The procedure shall include codes for use by the  
7 department in communicating with the lead station to prevent  
8 false alerts;

9 (2) provide a procedure in which other state  
10 and private print, radio, television or other media may alert  
11 members of the public of the missing person;

12 (3) include a procedure for notifying the  
13 department of information technology that a silver alert has  
14 been declared. The department of information technology  
15 shall immediately transmit the notification and related  
16 information to all state field operations employees so that  
17 they may be aware and vigilant in the course of their regular  
18 activities;

19 (4) require cellular service companies to  
20 implement silver alerts in accordance with the federal  
21 communication commission's wireless emergency alerts  
22 processes;

23 (5) include a procedure for notifying all  
24 local and federal law enforcement agencies that a silver  
25 alert has been declared;

1 (6) provide for dissemination of information  
2 about the missing person to the lead station, the department  
3 of information technology and local law enforcement agencies  
4 when a silver alert has been declared; and

5 (7) provide for collecting and maintaining  
6 the following records regarding each silver alert issued:

7 (a) the municipality where the missing  
8 person report originated;

9 (b) the age of the missing person;

10 (c) the gender of the missing person;

11 (d) the date of the missing person  
12 report;

13 (e) the date the silver alert is  
14 issued; and

15 (f) the date of recovery of the missing  
16 person.

17 C. The department of public safety shall  
18 distribute the silver alert notification plan to all local  
19 law enforcement agencies and provide such training and other  
20 assistance as is necessary to ensure that the plan can be  
21 properly implemented.

22 D. Once a silver alert has been declared, only  
23 the department of public safety may terminate the silver  
24 alert." \_\_\_\_\_