

SENATE BILL 92

55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021

INTRODUCED BY

Linda M. Lopez

This document may incorporate amendments proposed by a committee, but not yet adopted, as well as amendments that have been adopted during the current legislative session. The document is a tool to show amendments in context and cannot be used for the purpose of adding amendments to legislation.

AN ACT

RELATING TO MISSING PERSONS; REQUIRING CONFIDENTIALITY OF A FOUND PERSON'S STATUS AND LOCATION IN CERTAIN CIRCUMSTANCES.

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

SECTION 1. Section 29-15-5 NMSA 1978 (being Laws 1995, Chapter 146, Section 5, as amended) is amended to read:

"29-15-5. CUSTODIAN OR IMMEDIATE FAMILY MEMBER REQUEST FOR INFORMATION.--

.218706.1AIC March 16, 2021 (9:51am)

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A. Upon written or oral request to a law enforcement agency by a custodian or immediate family member of a missing person, the law enforcement agency shall immediately request from the clearinghouse information concerning the missing person that may aid the custodian or immediate family member in the identification or location of the missing person.

B. A law enforcement agency to which a request has been made pursuant to Subsection A of this section shall report to the custodian or immediate family member on the results of its inquiry to the clearinghouse within seven calendar days after the day the request is received by the law enforcement agency, or as soon as the results of its inquiry become available, whichever occurs last.

C. A law enforcement agency shall not report to a custodian or immediate family member pursuant to Subsection B of this section if the missing person Sfl1→is not a minor, ←Sfl1 has been found and has informed a law enforcement agency or the clearinghouse that the person requests confidentiality regarding the person's status and location.

Hf12→~~SJC→If the missing person who requests confidentiality regarding the person's status and location is a person with a custodian appointed by a judge, the law enforcement agency shall inform the court that the person has been found and has requested confidentiality regarding the person's status and location.~~ ←SJC←Hf12 Hf12→If the missing person who requests

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confidentiality regarding the person's status and location is a person with a custodian appointed by a judge, the law enforcement agency shall inform the court that the person has been found and has requested confidentiality regarding the person's status and location. A law enforcement agency shall also report to the custodian that the person has been found unless there is competent evidence that to do so may cause harm to the incapacitated person.

D. The Inspection of Public Records Act shall not apply to a request to inspect records regarding a person who has requested confidentiality pursuant to Subsection C of this section.

SECTION 2. Section 29-15-11 NMSA 1978 (being Laws 1995, Chapter 146, Section 11, as amended) is amended to read:

"29-15-11. CONFIDENTIALITY OF RECORDS.--

A. The department of public safety shall by rule provide for the classification of information and records as confidential that:

(1) are otherwise confidential under state or federal law or rules adopted pursuant to state or federal law;

(2) are related to the investigation by a law enforcement agency of a missing person or unidentified human remains, if the department of public safety, in consultation with the law enforcement agency, determines that release of the information would be deleterious to the investigation;

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(3) are records or notations that the clearinghouse maintains for internal use in matters relating to missing persons and unidentified human remains and the department of public safety determines that release of the internal documents might interfere with an investigation by a law enforcement agency in New Mexico or any other jurisdiction; or

(4) the department of public safety determines might interfere with an investigation or otherwise harm a person, custodian or reporter.

B. The rule may provide for the sharing of confidential information with the custodian or immediate family member of the missing person, except as provided pursuant to Section 29-15-5 NMSA 1978."

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