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FISCAL IMPACT REPORT

SPONSOR	<u>Lopez</u>	ORIGINAL DATE	02/09/21	
		LAST UPDATED	03/16/21	HB
				<u>92/aSJC/aSF1#1/</u>
SHORT TITLE	<u>Status of Some Found Missing Persons</u>	SB		<u>aHF1#1/aHF1#2</u>
		ANALYST		<u>Glenn</u>

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY21	FY22	FY23	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	NFI	NFI	NFI			

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Department of Public Safety (DPS)
Office of the Attorney General (NMAG)

SUMMARY

Synopsis of HF1#2 Amendment

The House floor #2 amendment to Senate Bill 92 as three times amended, strikes the SJC amendment, and replaces it with language providing that if a 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 the person has been found and has requested confidentiality, and shall also report to the custodian that the person has been found unless there is competent evidence that it would cause harm to the “incapacitated” person.

The term “incapacitated” is not a defined term in SB92 or the Missing Persons Information and Reporting Act. Because a missing person covered by the amendment is already described as “a person with a custodian,” the term “incapacitated” is probably unnecessary and might create uncertainty regarding whether the amendment’s exception to the requirement for reporting to the custodian applies to any missing person with a custodian or only to an “incapacitated” person with a custodian.

Synopsis of HF1#1 Amendment

The House floor #1 amendment to Senate Bill 92 as twice amended, adds a subsection to Section

29-15-5 of the Missing Persons Information and Reporting Act to provide that the Inspection of Public Records Act does not apply to a records regarding missing persons who have requested confidentiality regarding their status and location.

Synopsis of SFI#1 Amendment

The Senate floor #1 amendment to Senate Bill 92 as amended, provides that the prohibition against reporting a missing person who has requested confidentiality applies only if the missing person is not a minor.

Synopsis of SJC Amendment

The Senate Judiciary Committee amendment to Senate Bill 92 provides that if a 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 the person has been found and has requested confidentiality.

Synopsis of Original Bill

Senate Bill 92 amends the Missing Persons Information and Reporting Act to prohibit a law enforcement agency from reporting the results of its inquiry about a missing person to the parent, guardian, other custodian, or immediate family if the missing person has been found and has made a request to a law enforcement agency or the missing persons information clearinghouse for confidentiality regarding the person's status and location. SB92 excepts information for which a found person has requested confidentiality from DPS rules providing for the sharing of confidential information with the custodian or immediate family of a missing person.

This bill has no effective date. It is assumed that the effective date is 90 days following adjournment of the Legislature.

FISCAL IMPLICATIONS

DPS states that SB92 has no fiscal implications for the agency.

SIGNIFICANT ISSUES

DPS notes that SB92 does not address the process for a found person to make a request for confidentiality to a law enforcement agency or missing persons information clearinghouse. DPS is concerned about having sufficient documentation of a found person's confidentiality request to allow redaction of the information in the event a records request is made under the Inspection of Public Records Act.