

1 HOUSE BILL 162

2 **55TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2022**

3 INTRODUCED BY

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10 AN ACT

11 RELATING TO LAW ENFORCEMENT; ENACTING THE BLUE ALERT ACT;
12 PROVIDING FOR A BLUE ALERT NOTIFICATION PLAN FOR THE PURPOSE OF
13 RAPID DISSEMINATION OF INFORMATION REGARDING A PERSON SUSPECTED
14 OF KILLING OR SERIOUSLY INJURING A LAW ENFORCEMENT OFFICER.
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16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

17 SECTION 1. A new section of Chapter 29 NMSA 1978 is
18 enacted to read:

19 "[NEW MATERIAL] SHORT TITLE.--This act may be cited as the
20 "Blue Alert Act"."

21 SECTION 2. A new section of Chapter 29 NMSA 1978 is
22 enacted to read:

23 "[NEW MATERIAL] DEFINITIONS.--As used in the Blue Alert
24 Act:

25 A. "authorized requester" means the person

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1 designated by the chief of the New Mexico state police to
2 implement the blue alert notification plan;

3 B. "blue alert" means a declaration by the
4 authorized requestor that a person is suspected of killing or
5 seriously injuring a law enforcement officer and that
6 notifications and broadcasts should be made pursuant to the
7 blue alert notification plan;

8 C. "law enforcement officer" means a peace officer,
9 the attorney general or deputy attorney general, a sheriff or
10 deputy sheriff, a corrections officer, a tribal law enforcement
11 officer, a park ranger, the state fire marshal or a municipal
12 fire marshal, a member of a city or county fire department, a
13 conservation officer of the department of game and fish or an
14 employee of a federal agency who is authorized by law to engage
15 in or supervise the prevention, detention, investigation or
16 prosecution of, or the incarceration of any person for, any
17 violation of law and has statutory power of arrest; and

18 D. "lead station" means an AM radio station that
19 has been designated as the "state primary station" by the
20 federal communications commission for the emergency alert
21 system."

22 SECTION 3. A new section of Chapter 29 NMSA 1978 is
23 enacted to read:

24 "[NEW MATERIAL] BLUE ALERT NOTIFICATION PLAN--DECLARATION
25 OF BLUE ALERT.--

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1 A. The New Mexico state police shall develop and
2 implement a blue alert notification plan for the purpose of
3 disseminating, as rapidly as possible, information about a
4 person suspected of killing or seriously injuring a law
5 enforcement officer and who has not been apprehended. The plan
6 shall:

7 (1) provide a procedure for notifying the lead
8 station by the authorized requester that a blue alert has been
9 declared. The procedure shall include codes for use by the
10 authorized requester in communicating with the lead station to
11 prevent false alerts;

12 (2) provide a procedure in which other state
13 and private print, radio, television or other media may alert
14 the members of the public of the physical description of the
15 suspect, the suspect's possible whereabouts and other
16 information deemed necessary by the state police;

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

23 (4) include a procedure for notifying a
24 representative of each cellular service company operating in
25 New Mexico that a blue alert has been declared so that a text

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1 message may be sent to the company's customers at no additional
2 expense to the recipient or to any service that accepts the
3 information from the authorized requester and delivers it to
4 the cellular service company;

5 (5) include a procedure for notifying all
6 local and federal law enforcement agencies that a blue alert
7 has been declared; and

8 (6) provide for dissemination of information
9 about a suspect to the lead station, the department of
10 information technology and local law enforcement agencies when
11 a blue alert has been declared.

12 B. The New Mexico state police shall distribute the
13 blue alert notification plan to all local law enforcement
14 agencies and provide such training and other assistance as is
15 necessary to ensure that the plan can be properly implemented.

16 C. The authorized requester may declare a blue
17 alert when the authorized requester has reason to believe that:

18 (1) a person suspected of killing or seriously
19 injuring a law enforcement officer has not been apprehended;

20 (2) sufficient information is available to
21 disseminate to the public that could assist in locating and
22 apprehending the suspect;

23 (3) release of the information will not
24 compromise an investigation; and

25 (4) criteria to ensure that releasing the

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1 victim information is proper, so as to avoid improper next of
2 kin notification.

3 D. Once a blue alert has been declared, only the
4 authorized requester may terminate the blue alert."

5 SECTION 4. A new section of Chapter 29 NMSA 1978 is
6 enacted to read:

7 "[NEW MATERIAL] BLUE ALERT--INITIATION BY OTHER LAW
8 ENFORCEMENT AGENCIES.--

9 A. The procedures for initiating a blue alert
10 pursuant to the Blue Alert Act are available to all law
11 enforcement agencies in New Mexico; provided that nothing in
12 that act prohibits a local law enforcement agency from
13 developing and implementing its own similar notification plan;
14 and provided further that nothing in that act supersedes a
15 provision or procedure in such a local notification plan.

16 B. If a law enforcement agency that has not
17 developed and implemented its own similar plan desires that a
18 blue alert be declared, it shall notify the authorized
19 requester. The authorized requester shall declare a blue alert
20 if, after evaluating the information, the authorized requester
21 believes that the criteria for declaring an alert has been
22 satisfied.

23 C. If a blue alert is initiated and there is
24 information that the suspect may be traveling or has traveled
25 across state lines, the authorized requester shall notify the

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1 other states or the United Mexican States in order for those
2 governments to issue an alert. The New Mexico state police
3 shall work with all bordering states and the United Mexican
4 States in order to establish agreements to carry out regional
5 alerts."

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