

LFC Requester: Scott Sanchez

**AGENCY BILL ANALYSIS
2024 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO:

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{Analysis must be uploaded as a PDF}

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Check all that apply:

Original Amendment
Correction Substitute

Date 23JAN2024

Bill No: HB 158

Sponsor: Martin R. Zamora, Harry Garcia
Short Title: Silver Alert Text Messages

Agency Name and Code: 790-Department of Public Safety
Number: _____
Person Writing: Jessica Rodarte
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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY24	FY25		
0.0	0.0		

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY24	FY25	FY26		
0.0	0.0	0.0		

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY24	FY25	FY26	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	0.0	\$95.4	\$85.9	\$181.3	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Requires cellular service companies and paging service companies to execute a procedure for notifying their representatives so that text messages are sent to all customers at no extra expense.

FISCAL IMPLICATIONS

In 2023, 45 Silver Alerts were issued by the New Mexico Department of Public Safety (DPS) and the New Mexico State Police (NMSP), which are tracked by Missing Persons Clearinghouse (MPCH) in the Law Enforcement Records Bureau (LERB). The MPCH needs a Management Analyst-Advanced to manage all incoming requests and track relevant information from inception to closure. In 2023, the MPCH worked on 5,505 missing person cases statewide.

The projected cost for this position for MPCH is an initial cost of \$95,400 in FY 2025 and an annual recurring cost of \$85,900 in FY 2026 and future years.

SIGNIFICANT ISSUES

To implement the proposed bill, the NMSP Public Information Officer (PIO), in conjunction with the Missing Persons Clearinghouse would need to develop training for every NMSP officer, all law enforcement officers, and public safety telecommunicators in New Mexico; and would require working with the New Mexico Law Enforcement Academy (NMLEA) to ensure all future law enforcement and dispatchers were properly trained in accordance with the bill.

PERFORMANCE IMPLICATIONS

None identified.

ADMINISTRATIVE IMPLICATIONS

Discuss with DoIT the probability of having an on-call contact for the possibilities of the alert being sent on weekends and after hours.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None identified.

TECHNICAL ISSUES

DPS and NMSP will have to work with the New Mexico Department of Homeland Security and Emergency Management (DHSEM) to ensure alerts can be sent out as instructed. This may take some time to figure out interface after processes and training occur statewide with law enforcement and dispatch.

OTHER SUBSTANTIVE ISSUES

There should be clearly defined requirements met to send out a Silver Alert as is the case for an Amber Alert. The United States Federal Communications Commission (FCC) has strict guidelines on when alerts may be sent out.

ALTERNATIVES

None identified.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo will remain.

AMENDMENTS

Proposed amendments include adding the following language to the Silver Alert system:

All available local resources in locating the missing person have been exhausted by local law enforcement including the following:

Be On the Lookout (BOLO) this is used to send information to law enforcement in other parts of the country to assist in finding missing persons.

Flyers with pictures of the missing person

Press release

Checked area hospitals and jails.

Contact with other family members and friends.

Cellphone locations tracking through carrier.

Checking other places of residence

The EAS and WEA are for those rare circumstances of extreme situations when the individual is in imminent danger of death or serious harm. This is one reason there are not 50 Amber Alerts sent out per year. The alerts would likely not be valued in the same capacity they are now if they became a common occurrence. If EAS and WEA were to be used for Silver Alerts, law enforcement personnel would need to conduct more thorough investigations as to the circumstances the individual went missing, such as, were the circumstances suspicious in nature, is the individual with persons that may harm them, etc. Once the agencies have exhausted the investigatory tools mentioned under "Amendments" and the individual is in imminent danger of death or serious harm then EAS and WEA could be activated; keeping with the systems intended purpose, while holding their value of "rare and extreme situations."