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HOUSE BILL 158

56TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2024

INTRODUCED BY

Martin R. Zamora and Harry Garcia

AN ACT

RELATING TO MISSING PERSONS; IMPROVING THE IMPLEMENTATION OF SILVER ALERTS; REQUIRING 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 ADDITIONAL EXPENSE.

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

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

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

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

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

5 (1) provide a procedure for the department to
6 notify the lead station that a silver alert has been declared.
7 The procedure shall include codes for use by the department in
8 communicating with the lead station to prevent 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 shall
15 immediately transmit the notification and related information
16 to all state field operations employees so that they may be
17 aware and vigilant in the course of their regular activities;

18 (4) require cellular service companies to
19 implement silver alerts in accordance with the federal
20 communication commission's wireless emergency alerts processes
21 by including a procedure for notifying a representative of each
22 cellular service company and paging service company operating
23 in New Mexico so that a text message may be sent to the
24 company's customers at no additional expense to the recipient
25 or to any service that accepts the information from the

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1 authorized requester and delivers it to the cellular service or
2 paging service company;

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

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

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

12 (a) the municipality where the missing
13 person report originated;

14 (b) the age of the missing person;

15 (c) the gender of the missing person;

16 (d) the date of the missing person

17 report;

18 (e) the date the silver alert is issued;

19 and

20 (f) the date of recovery of the missing

21 person.

22 C. The department of public safety shall distribute
23 the silver alert notification plan to all local law enforcement
24 agencies and provide such training and other assistance as is
25 necessary to ensure that the plan can be properly implemented.

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D. Once a silver alert has been declared, only the department of public safety may terminate the silver alert."