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AN ACT

RELATING TO ENDANGERED PERSONS; MANDATING THAT THE DEPARTMENT OF PUBLIC SAFETY CREATE AND MAINTAIN A TURQUOISE ALERT SYSTEM FOR THE RAPID DISSEMINATION OF INFORMATION RELATING TO MISSING AMERICAN INDIANS.

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

SECTION 1. Section 29-15-2 NMSA 1978 (being Laws 1995, Chapter 146, Section 2, as amended) is amended to read:

"29-15-2. DEFINITIONS.--As used in the Missing Persons Information and Reporting Act:

A. "Brittany alert" means a notification relating to an endangered person:

(1) who is a missing person; and

(2) about whom there is a clear indication that the person has a developmental disability as defined in Subsection A of Section 28-16A-6 NMSA 1978 and that the person's health or safety is at risk;

B. "child" means a person under the age of eighteen years who is not emancipated;

C. "clearinghouse" means the missing persons information clearinghouse;

D. "custodian" means a parent, guardian or other person who exercises legal physical control, care or custody of a child or of an adult with a developmental disability; or

1 a person who performs one or more activities of daily living  
2 for an adult;

3 E. "endangered person" means a missing person who:

4 (1) is in imminent danger of causing harm to  
5 the person's self;

6 (2) is in imminent danger of causing harm to  
7 another;

8 (3) is in imminent danger of being harmed by  
9 another or who has been harmed by another;

10 (4) has been a victim of a crime as provided  
11 in the Crimes Against Household Members Act or in Section  
12 30-3A-3 or 30-3A-3.1 NMSA 1978, or their equivalents in any  
13 other jurisdiction;

14 (5) is or was protected by an order of  
15 protection pursuant to the Family Violence Protection Act;

16 (6) has Alzheimer's disease, dementia or  
17 another degenerative brain disorder or a brain injury; or

18 (7) has a developmental disability as  
19 defined in Subsection A of Section 28-16A-6 NMSA 1978 and  
20 that person's health or safety is at risk;

21 F. "immediate family member" means the spouse,  
22 nearest relative or close friend of a person;

23 G. "law enforcement agency" means a law  
24 enforcement agency of the state, a state agency or a  
25 political subdivision of the state;

1           H. "lead station" means an AM radio station that  
2 has been designated as the "state primary station" by the  
3 federal communications commission for the emergency alert  
4 system;

5           I. "missing person" means a person whose  
6 whereabouts are unknown to the person's custodian or  
7 immediate family member and the circumstances of whose  
8 absence indicate that:

9                   (1) the person did not leave the care and  
10 control of the custodian or immediate family member  
11 voluntarily and the taking of the person was not authorized  
12 by law; or

13                   (2) the person voluntarily left the care and  
14 control of the custodian without the custodian's consent and  
15 without intent to return;

16           J. "missing person report" means information that  
17 is:

18                   (1) given to a law enforcement agency on  
19 a form used for sending information to the national crime  
20 information center; and

21                   (2) about a person whose whereabouts are  
22 unknown to the reporter and who is alleged in the form  
23 submitted by the reporter to be missing;

24           K. "person" means an individual, regardless of  
25 age;

1           L. "possible match" means the similarities between  
2 unidentified human remains and a missing person that would  
3 lead one to believe they are the same person;

4           M. "reporter" means the person who reports a  
5 missing person;

6           N. "silver alert" means a notification relating to  
7 an endangered person:

8                 (1) who is a missing person; and

9                 (2) who is fifty years or older; or

10                (3) about whom there is a clear indication  
11 that the individual suffers from Alzheimer's disease or  
12 another form of dementia, regardless of age;

13           O. "state agency" means an agency of the state, a  
14 political subdivision of the state or a public post-secondary  
15 educational institution;

16           P. "state registrar" means the employee so  
17 designated by the public health division of the department  
18 of health pursuant to the Vital Statistics Act; and

19           Q. "turquoise alert" means a notification relating  
20 to a missing person who is an enrolled member or a person  
21 eligible for enrollment in a federally or state-recognized  
22 Indian nation, tribe or pueblo and the person:

23                 (1) is missing due to involuntary,  
24 unexplained or suspicious circumstances;

25                 (2) is at risk due to safety or health

1 concerns; or

2 (3) suffers from a mental or physical  
3 disability or substance abuse disorder."

4 SECTION 2. A new section of the Missing Persons  
5 Information and Reporting Act, Section 29-15-3.5 NMSA 1978,  
6 is enacted to read:

7 "29-15-3.5. TURQUOISE ALERT ADVISORY.--

8 A. The department of public safety or the lead  
9 investigating law enforcement agency shall issue a turquoise  
10 alert if, after review and investigation of a missing person  
11 report of a person subject to the alert, the department of  
12 public safety or the lead investigating law enforcement  
13 agency makes an independent determination that the missing  
14 person is a person subject to the alert.

15 B. The department of public safety shall develop  
16 and implement a turquoise alert plan for the purpose of  
17 disseminating, as rapidly as possible, information about a  
18 person subject to the alert. The plan shall:

19 (1) provide a procedure for the department  
20 to notify the lead station that a turquoise alert has been  
21 declared. The procedure shall include codes for use by the  
22 department in communicating with the lead station to prevent  
23 false alerts;

24 (2) provide a procedure in which other state  
25 and private print, radio, television or other media may alert

1 members of the public of the missing person;

2 (3) include a procedure for notifying the  
3 department of information technology that a turquoise alert  
4 has been declared. The department of information technology  
5 shall immediately transmit the notification and related  
6 information to all state field operations employees so that  
7 they may be aware and vigilant in the course of their regular  
8 activities;

9 (4) require cellular service companies to  
10 implement turquoise alerts in accordance with the federal  
11 communications commission's wireless emergency alerts  
12 processes. The alert from cellular service companies shall  
13 only be required after a determination by the department of  
14 public safety or the lead investigating law enforcement  
15 agency that there is evidence of imminent danger of serious  
16 bodily harm to or death of the missing person and that there  
17 is enough descriptive information about the missing person to  
18 assist in locating that person;

19 (5) include a procedure for notifying all  
20 local and federal law enforcement agencies that a turquoise  
21 alert has been declared;

22 (6) provide for dissemination of information  
23 about the missing person to the lead station, the department  
24 of information technology and local law enforcement agencies  
25 when a turquoise alert has been declared; and

1                   (7) provide for collecting and maintaining  
2 the following records regarding each turquoise alert issued:

3                   (a) the municipality where the missing  
4 person report originated;

5                   (b) the age of the missing person;

6                   (c) the gender of the missing person;

7                   (d) the date of the missing person  
8 report;

9                   (e) the date the turquoise alert is  
10 issued; and

11                   (f) the date of recovery of the missing  
12 person.

13                   C. The department of public safety shall  
14 distribute the turquoise alert notification plan to all local  
15 law enforcement agencies and provide such training and other  
16 assistance as is necessary to ensure that the plan can be  
17 properly implemented.

18                   D. Once a turquoise alert has been declared, only  
19 the department of public safety or the lead investigating law  
20 enforcement agency may terminate the turquoise alert."                     

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