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## FISCAL IMPACT REPORT

<b>SPONSOR</b>	Sens. Charley and Nava/Reps. Abeyta and Little	<b>LAST UPDATED</b>	3/19/25
		<b>ORIGINAL DATE</b>	2/13/25
<b>SHORT TITLE</b>	Turquoise Alert System	<b>BILL NUMBER</b>	Senate Bill 41/aSTBTC/aHJC
		<b>ANALYST</b>	Sanchez

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT\* (dollars in thousands)

Agency/Program	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
DOH	No fiscal impact	At least \$250.0	At least \$250.0	At least \$500.0	Recurring	General Fund
DPS	No fiscal impact	Indeterminate but minimal	Indeterminate but minimal	Indeterminate but minimal	Recurring	General Fund
DPS	No fiscal impact	\$2,167.5	No fiscal impact	\$2,167.5	Nonrecurring	General Fund
<b>Total</b>	<b>No fiscal impact</b>	<b>At least \$2,417.5</b>	<b>At least \$250.0</b>	<b>At least \$2,667.5</b>	Recurring	<b>General Fund</b>

Parentheses ( ) indicate expenditure decreases.  
 \*Amounts reflect most recent analysis of this legislation.

### Sources of Information

LFC Files

Agency Analysis Received From  
 Indian Affairs Department (IAD)  
 Department of Public Safety (DPS)  
 Department of Health (DOH)

Agency Analysis was Solicited but Not Received From  
 New Mexico Municipal League (ML)  
 Councils of Governments (COGs)

## SUMMARY

### Synopsis of HJC Amendments to Senate Bill 41

The House Judiciary Committee amendment to Senate Bill 41 (SB41) strikes all prior amendments adopted by the Senate Tax, Business and Transportation Committee and replaces them with a revised definition and procedural clarification. The amendment modifies the definition of "Turquoise Alert" to apply to a missing person who is an enrolled member or eligible for enrollment in a federally or state-recognized Indian nation, tribe, or pueblo and who meets one of three conditions: (1) the person is missing due to involuntary, unexplained, or suspicious circumstances; (2) the person is at risk due to safety or health concerns; or (3) the person suffers from a mental or physical disability or substance abuse disorder. Additionally, the amendment add a provision specifying that cellular service providers are only required to issue a Turquoise Alert after the Department of Public Safety or the lead investigating law enforcement

agency determines there is evidence of imminent danger of serious bodily harm or death and that sufficient descriptive information exists to assist in locating the missing person.

### **Synopsis of STBTC Amendment to Senate Bill 41**

The Senate Tax, Business and Transportation Committee amendments to Senate Bill 41 refine the criteria under which a Turquoise Alert may be issued. The amendments modify the bill's language to ensure alerts are limited to cases where a missing Indigenous person is at heightened risk. Specifically, the committee struck language on page 5, lines 2-4, and replaced it with a new set of conditions. Under the revised criteria, a Turquoise Alert may be issued if the missing person is (1) missing due to involuntary, unexplained, or suspicious circumstances, (2) their safety or health may be endangered, (3) they may be subject to human trafficking, or (4) they suffer from a mental or physical disability or substance use disorder. These changes aim to align the alert system with existing emergency notification protocols while ensuring alerts are reserved for high-risk cases.

### **Synopsis of Senate Bill 41**

Senate Bill 41 (SB41) amends Section 29-15, NMSA 1978, the Missing Persons Information and Reporting Act, to establish a "Turquoise Alert" system to aid in locating missing Native Americans in New Mexico. The bill adds statutory definitions for a "turquoise alert" as a specialized notification for missing persons who are enrolled members or eligible for enrollment in a federally recognized Indian nation, tribe, or pueblo.

The Department of Public Safety (DPS) is tasked with developing and implementing the alert system, which will facilitate rapid dissemination of information through various media, law enforcement agencies, cellular service companies, and state employees. The bill mandates record-keeping requirements for each alert, including key details such as location, age, gender, and recovery status.

This bill does not contain an effective date and, as a result, would go into effect 90 days after the Legislature adjourns if enacted, or June 20, 2025.

## **FISCAL IMPLICATIONS**

SB41 does not include a direct appropriation; however, implementing the turquoise alert system may result in recurring costs for state agencies. DPS will be responsible for developing and maintaining the system, including coordinating with law enforcement agencies, media outlets, and tribal governments. DPS estimates that the modernization of the Missing Persons Clearinghouse tracking system will cost approximately \$2.17 million. This includes \$1.25 million for system development to create a digital platform integrating law enforcement databases and real-time case tracking, \$417.5 thousand for long-term maintenance, including software updates and cybersecurity measures, and \$500 thousand for independent oversight and data analysis to ensure system reliability and effectiveness.

The Department of Health (DOH) has projected a recurring cost of approximately \$500 thousand over three years, which includes funding for one mid-range staff position to coordinate tribal outreach and additional expenses for travel to tribal communities. Other agencies involved in

administering the alert system may also experience increased operational costs, though the extent of these impacts has not been fully identified.

New Mexico's existing alert infrastructure may allow for partial absorption of costs within current agency budgets, but additional funding may be necessary depending on the level of implementation required. Law enforcement agencies at the state and local levels may also experience increased workload demands in responding to alerts and coordinating investigations. While SB41 does not generate new revenue, improvements in response times for missing Indigenous persons may reduce the duration of investigations, potentially offsetting some costs associated with prolonged search efforts.

## **SIGNIFICANT ISSUES**

New Mexico has experienced disproportionately high rates of missing and murdered Indigenous persons and SB41 seeks to improve coordination between state and tribal entities in responding to such cases. Tribal law enforcement agencies often face jurisdictional challenges when coordinating with state and local authorities, and the effectiveness of the Turquoise Alert may depend on the ability of multiple agencies to share information in a timely manner. The bill also includes provisions for record-keeping and data collection, requiring reports on alert activations and case outcomes. This may provide additional insight into trends related to missing Indigenous persons and inform future policy discussions.

Implementation of the Turquoise Alert system would likely require collaboration between DPS, tribal governments, and other law enforcement agencies to develop operational protocols and ensure compatibility with existing alert systems. The extent to which the system will integrate with national databases and other law enforcement networks remains an open consideration. Additionally, public awareness and engagement efforts may be necessary to ensure the alert system's effectiveness and encourage timely reporting of missing persons cases.

Analysis from the Indian Affairs Department (IAD) notes:

Three other states (California, Washington, and Colorado) have similar alerts, called the Feather Alert. In 2022, Washington state mandated the system, and out of 114 alerts issued, 111 people were located...Without such an alert system, it is likely that missing and endangered American Indians recovery rates will continue to be low. According to the NM Department of Justice, Native American face disproportionately high rates of disappearances and violence. Native people account for 16% of missing persons in New Mexico. Additionally, Albuquerque and Gallup rank among the top cities in Missing and Murdered Indigenous People cases nationwide. From the NM Missing and Murdered Indigenous Women and Relatives Task Force, it was found that over 50% of missing persons in McKinley and San Juan counties were Native American from 2014-2019.

## **ADMINISTRATIVE IMPLICATIONS**

Implementation of SB41 will require DPS to expand the responsibilities of the Missing Persons Clearinghouse, necessitating additional personnel, updated protocols, and system enhancements. DPS must establish formal procedures for issuing, managing, and terminating alerts while ensuring compliance with state and federal databases. The department will also need to

coordinate with law enforcement agencies, tribal governments, the FBI, and the federal Bureau of Indian Affairs to integrate the Turquoise Alert system with existing missing persons databases.

Additionally, DOH has identified staffing and training needs to support the system, including the hiring of personnel to facilitate communication with tribal leadership and law enforcement agencies. This includes outreach efforts, training programs, and consultations to ensure alignment with the bill's provisions and the State-Tribal Collaboration Act.

The requirement that cellular service providers integrate Turquoise Alerts into the federal Wireless Emergency Alerts system will also require coordination between DPS and private-sector telecommunications companies. Ensuring smooth implementation may require the development of administrative rules, interagency agreements, and public awareness campaigns. Law enforcement agencies at various levels may need to modify internal reporting procedures to align with the new alert system, potentially increasing workloads related to data entry, investigation coordination, and inter-jurisdictional case management.

## **OTHER SUBSTANTIVE ISSUES**

SB41 does not specify how the Turquoise Alert system will integrate with federal protocols managed by the FBI and federal Bureau of Indian Affairs, which currently handle many missing Indigenous persons cases. This lack of clarity may lead to jurisdictional challenges between state, tribal, and federal law enforcement agencies.

There are also potential legal considerations, as the bill designates a specialized alert system based on Indigenous status. While it aims to address disparities in law enforcement responses to missing Indigenous persons, the eligibility criteria may raise concerns under the Equal Protection Clause of the 14th Amendment and New Mexico's Constitution (Article II, Section 18), which prohibits preferential treatment based on race. Ensuring that eligibility is based on objective risk factors, such as jurisdictional challenges and geographic vulnerabilities, rather than demographic categories alone may help address these concerns.

Moreover, DPS has raised concerns about the administrative burden the bill may impose, particularly regarding increased data entry and reporting requirements. Law enforcement agencies may face operational challenges in processing a higher volume of alerts while maintaining efficiency in other public safety efforts. Addressing these considerations in the implementation process may be necessary to ensure the system functions as intended without unintended consequences.

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