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**HOUSE BILL 828**

**47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005**

**INTRODUCED BY**

**Richard D. Vigil**

**AN ACT**

**RELATING TO LAW ENFORCEMENT; PROVIDING THAT NOTICE OF AN AMBER ALERT BE GIVEN TO CERTAIN CELLULAR SERVICE COMPANIES SO THAT A TEXT MESSAGE MAY BE SENT TO CUSTOMERS.**

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

**Section 1. Section 29-15A-3 NMSA 1978 (being Laws 2003, Chapter 93, Section 3) is amended to read:**

**"29-15A-3. STATE POLICE--AMBER ALERT NOTIFICATION PLAN--DECLARATION OF AMBER ALERT.--**

**A. The state police shall develop and implement an AMBER alert notification plan for the purpose of disseminating, as rapidly as possible, information about a child abduction so that law enforcement agencies and citizens throughout the state may be aware and vigilant. The plan shall:**

- (1) provide a procedure for notifying the lead**

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1 station by the authorized requester that an AMBER alert has  
2 been declared. The procedure shall include codes for use by  
3 the authorized requester in communicating with the lead station  
4 to prevent false alerts;

5 (2) provide a procedure in which other state  
6 and private print, radio, television or other media may alert  
7 the members of the public of the abduction;

8 (3) include a procedure for notifying the  
9 radio communications bureau of the communications division of  
10 the general services department that an AMBER alert has been  
11 declared. The bureau shall immediately transmit the  
12 notification and related information to all state field  
13 operations employees so that they may be aware and vigilant in  
14 the course of their regular activities;

15 (4) include a procedure for notifying a  
16 representative of each cellular service company operating in  
17 New Mexico so that a text message may be sent to the company's  
18 customers;

19 [~~(4)~~] (5) include a procedure for notifying  
20 all local and federal law enforcement agencies that an AMBER  
21 alert has been declared; and

22 [~~(5)~~] (6) provide for dissemination of  
23 information about a child or a child's abductor to the lead  
24 station, the radio communications bureau and local law  
25 enforcement agencies when an AMBER alert has been declared.

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1           B. The state police shall distribute the AMBER  
2 alert notification plan to all local law enforcement agencies  
3 and provide such training and other assistance as is necessary  
4 to ensure that the plan can be properly implemented.

5           C. The authorized requester may declare an AMBER  
6 alert when the requester has reason to believe that:

7                   (1) a child under the age of eighteen has been  
8 abducted by an unrelated person;

9                   (2) the child is in imminent danger of serious  
10 bodily harm or death; and

11                   (3) there is specific information available  
12 about the child or the child's abductor that may assist in an  
13 expedient and successful end to the abduction.

14           D. Once an AMBER alert has been declared, only the  
15 authorized requester may terminate the AMBER alert."

16           Section 2. A new section of the Cellular Telephone  
17 Services Act is enacted to read:

18                   "NEW MATERIAL AMBER ALERT NOTIFICATION. --

19                   A. Each cellular services company that is  
20 authorized to conduct business in New Mexico and offers text  
21 messaging services to its customers shall file with the  
22 authorized requester, designated by the chief of the New Mexico  
23 state police pursuant to the AMBER Alert Law, the names and  
24 telephone numbers of representatives that will be available at  
25 all times for notification of an AMBER alert.

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