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SENATE BILL 912

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

INTRODUCED BY

Richard C. Martinez

AN ACT

RELATING TO PUBLIC SAFETY; CREATING THE ENDANGERED PERSON  
ADVISORY; PROVIDING FOR NOTIFICATION TO AND DISSEMINATION BY  
THE MEDIA OF MISSING PERSONS WHO ARE IN DANGER.

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) is amended to read:

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

A. "child" means an individual under the age of  
eighteen years who is not emancipated;

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

C. "custodian" means a parent, guardian or other  
person who exercises legal physical control, care or custody

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1 of a child;

2 D. "endangered person" means a missing person who  
3 is in imminent danger of:

4 (1) causing harm to the person's self;

5 (2) causing harm to another; or

6 (3) being harmed by another or who has been  
7 harmed by another;

8 [~~D-~~] E. "immediate family member" means the spouse  
9 or nearest relative of a person;

10 F. "lead station" means an AM radio station that  
11 has been designated as the "state primary station" by the  
12 federal communications commission for the emergency alert  
13 system;

14 [~~E-~~] G. "missing person" means a person whose  
15 whereabouts are unknown to the person's custodian or immediate  
16 family member and the circumstances of whose absence indicate  
17 that:

18 (1) the person did not leave the care and  
19 control of the custodian or immediate family member  
20 voluntarily and the taking of the person was not authorized by  
21 law; or

22 (2) the person voluntarily left the care and  
23 control of [~~his~~] the custodian without the custodian's consent  
24 and without intent to return;

25 [~~F-~~] H. "missing person report" means information

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1 that is:

2 (1) given to a law enforcement agency on a  
3 form used for sending information to the national crime  
4 information center; and

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

8 [~~G.~~] I. "person" means an individual, regardless  
9 of [~~his~~] age;

10 [~~H.~~] J. "possible match" means the similarities  
11 between an unidentified body of a person and a missing person  
12 that would lead one to believe they are the same person;

13 [~~I.~~] K. "reporter" means the person who reports a  
14 missing person; and

15 [~~J.~~] L. "state agency" means an agency of the  
16 state, political subdivision of the state or public post-  
17 secondary educational institution."

18 Section 2. Section 29-15-7 NMSA 1978 (being Laws 1995,  
19 Chapter 146, Section 7) is amended to read:

20 "29-15-7. LAW ENFORCEMENT REQUIREMENTS--MISSING PERSON  
21 REPORTS-- UNIDENTIFIED BODIES. --

22 A. A law enforcement agency, upon receiving a  
23 missing person report, shall:

24 (1) immediately start an appropriate  
25 investigation to determine the present location of the missing

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1 person and to determine whether the missing person is an  
2 endangered person;

3 (2) provide to the clearinghouse all  
4 information the law enforcement agency has relating to an  
5 investigation regarding or the location or identification of a  
6 missing person; ~~and~~

7 (3) immediately enter the name of the missing  
8 person into the clearinghouse and the national crime  
9 information center missing person file; and

10 (4) if the missing person is determined to be  
11 an endangered person, immediately notify the department of  
12 public safety in accordance with procedures prescribed by the  
13 department.

14 B. Information not immediately available shall be  
15 obtained as soon as possible by the law enforcement agency and  
16 entered into the clearinghouse and the national crime  
17 information center file as a supplement to the original entry.

18 C. All New Mexico law enforcement agencies are  
19 required to enter information about all unidentified bodies of  
20 persons found in their jurisdiction into the clearinghouse and  
21 the national crime information center unidentified person  
22 file, including all available identifying features of the body  
23 and a description of the clothing found on the body. If an  
24 information entry into the national crime information center  
25 file results in an automatic entry of the information into the

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1 clearinghouse, the law enforcement agency is not required to  
2 make a direct entry of that information into the  
3 clearinghouse. "

4 Section 3. A new section of the Missing Persons  
5 Information Act is enacted to read:

6 "[NEW MATERIAL] ENDANGERED PERSON ADVISORY. --

7 A. The department of public safety shall issue an  
8 endangered person advisory if, after review and investigation  
9 of a missing person report of an endangered person, the  
10 department makes an independent determination that the missing  
11 person is an endangered person.

12 B. The department shall develop and implement  
13 endangered person advisory procedures for the purpose of  
14 disseminating, as rapidly as possible, information about an  
15 endangered person. The procedures shall include:

16 (1) notification to the lead station of the  
17 endangered person advisory;

18 (2) notification to other public and private  
19 media sources and members of the public as necessary; and

20 (3) providing information about the  
21 endangered person, including all identifying information, to  
22 the lead station and other media sources. "

23 Section 4. EFFECTIVE DATE. -- The effective date of the  
24 provisions of this act is July 1, 2007.