

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SENATE BILL 167

49TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2010

INTRODUCED BY

Linda M. Lopez

FOR THE COURTS, CORRECTIONS AND JUSTICE COMMITTEE

AN ACT

RELATING TO LAW ENFORCEMENT; INCLUDING VICTIMS OF DOMESTIC
ABUSE AS ENDANGERED PERSONS IN THE MISSING PERSONS INFORMATION
ACT; EXPANDING THE DEFINITION OF "IMMEDIATE FAMILY MEMBER";
AMENDING SECTIONS OF THE MISSING PERSONS INFORMATION ACT.

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

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

"29-15-1. SHORT TITLE.--~~[This act]~~ Chapter 29, Article 15
NMSA 1978 may be cited as the "Missing Persons Information
Act"."

Section 2. 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 Act:

.180219.2

underscoring material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = delete

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

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

5 C. "custodian" means a parent, guardian or other
6 person who exercises legal physical control, care or custody of
7 a child;

8 D. "endangered person" means a missing person who:

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

11 (2) is in imminent danger of causing harm to
12 another;

13 (3) is in imminent danger of being harmed by
14 another or who has been harmed by another; [~~or~~]

15 (4) has been a victim of a crime as provided
16 in the Crimes Against Household Members Act or in Section
17 30-3A-3 or 30-3A-3.1 NMSA 1978, or their equivalents in any
18 other jurisdiction;

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

21 [~~(4)~~] (6) has Alzheimer's disease;

22 E. "immediate family member" means the spouse, [~~or~~]
23 nearest relative or close friend of a person;

24 F. "lead station" means an AM radio station that
25 has been designated as the "state primary station" by the

.180219.2

1 federal communications commission for the emergency alert
2 system;

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

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

10 (2) the person voluntarily left the care and
11 control of the custodian without the custodian's consent and
12 without intent to return;

13 H. "missing person report" means information that
14 is:

15 (1) given to a law enforcement agency on a
16 form used for sending information to the national crime
17 information center; and

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

21 I. "person" means an individual, regardless of age;

22 J. "possible match" means the similarities between
23 an unidentified body of a person and a missing person that
24 would lead one to believe they are the same person;

25 K. "reporter" means the person who reports a

.180219.2

underscored material = new
[bracketed material] = delete

1 missing person; and

2 L. "state agency" means an agency of the state, a
3 political subdivision of the state or a public post-secondary
4 educational institution."

5 Section 3. Section 29-15-7 NMSA 1978 (being Laws 1995,
6 Chapter 146, Section 7, as amended) is amended to read:

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

9 A. A law enforcement agency, upon receiving a
10 missing person report, shall:

11 (1) immediately start an appropriate
12 investigation to determine the present location of the missing
13 person and to determine whether the missing person is an
14 endangered person;

15 (2) provide to the clearinghouse all
16 information the law enforcement agency has relating to an
17 investigation regarding, or the location or identification of,
18 a missing person;

19 (3) immediately enter the name of the missing
20 person into the clearinghouse and the national crime
21 information center missing person file; and

22 (4) if the missing person is determined to be
23 an endangered person, [~~immediately~~ notify the department of
24 public safety immediately, within twelve hours of receiving the
25 report, in accordance with procedures prescribed by the

.180219.2

underscoring material = new
~~[bracketed material] = delete~~

1 department.

2 B. Information not immediately available shall be
3 obtained as soon as possible by the law enforcement agency and
4 entered into the clearinghouse and the national crime
5 information center file as a supplement to the original entry.

6 C. All New Mexico law enforcement agencies are
7 required to enter information about all unidentified bodies of
8 persons found in their jurisdiction into the clearinghouse and
9 the national crime information center unidentified person file,
10 including all available identifying features of the body and a
11 description of the clothing found on the body. If an
12 information entry into the national crime information center
13 file results in an automatic entry of the information into the
14 clearinghouse, the law enforcement agency is not required to
15 make a direct entry of that information into the clearinghouse."