

1 AN ACT  
2 RELATING TO PUBLIC SAFETY; AMENDING THE DEFINITION OF "SILVER  
3 ALERT" IN THE MISSING PERSONS INFORMATION AND REPORTING ACT  
4 TO INCLUDE COGNITIVE DECLINE OR IMPAIRMENT.  
5

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

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

9 "29-15-2. DEFINITIONS.--As used in the Missing Persons  
10 Information and Reporting Act:

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

13 (1) who is a missing person; and

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

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

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

22 D. "custodian" means a parent, guardian or other  
23 person who exercises legal physical control, care or custody  
24 of a child or of an adult with a developmental disability; or  
25 a person who performs one or more activities of daily living

1 for an adult;

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

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

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

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

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

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

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

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

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

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

25 H. "lead station" means an AM radio station that

1 has been designated as the "state primary station" by the  
2 federal communications commission for the emergency alert  
3 system;

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

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

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

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

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

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

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

25 L. "possible match" means the similarities between HB 197  
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1 unidentified human remains and a missing person that would  
2 lead one to believe they are the same person;

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

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

7 (1) who is a missing person; and

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

9 (3) who the reporter believes displays signs  
10 or symptoms of Alzheimer's disease or another form of  
11 dementia, cognitive decline or impairment, regardless of age;

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

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