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FISCAL IMPACT REPORT

SPONSOR: Garcia DATE TYPED: 02/06/01 HB _____
 SHORT TITLE: Missing Child Notification Within 24 Hours SB 155
 ANALYST: Trujillo

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY01	FY02	FY01	FY02		
		See Narrative			

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files
 Department of Public Safety (DPS)
 Attorney General (AG)
 Department of Health (DOH)

SUMMARY

Synopsis of Bill

SB155 amends NMSA 1978, Section 32A-14-3, regarding law enforcement duties regarding missing children reports. This bill provides for the ability of all law enforcement agencies to enter missing child information in the NCIC computer and state and national registries.

Significant Issues

DOH reports timely reporting of missing children to Vital Records and Health Statistics enables Vital Records to block issuance of a child's birth record. This is important so that child abductors may not obtain the record and present the child as their own. This is particularly important in cases where a non-custodial parent may attempt to take a child to another state or from the United States to another country.

The State Registrar of Vital Statistics has experienced problems receiving notices of missing children and notification when a missing child is located. These problems relate to law enforcement staff turnover, unclear interpretations of the Missing Child Reporting Act, and insufficient specificity regarding how and when to notify the State Registrar of Vital Statistics.

DPS reports the most significant issue is the change in the time within which a law enforcement

agency has to notify the State Registrar (Vital Statistics) upon receipt of information of a child believed to be missing. The current period within which a law enforcement agency has to notify the registrar is thirty days. The proposed legislation would reduce this to twenty-four hours.

FISCAL IMPLICATIONS

DPS reports no discernable fiscal impact on the department. The law enforcement program participants within the Department of Public Safety, New Mexico State Police, Special Investigations Division, and the Motor Transportation Division, currently have an obligation under NMSA 1978, Section 32(A)-14-3. This simply changes the time within which the law enforcement has to notify the registrar. It is unknown whether passage of the proposed legislation will affect any federal, state or local matching fund or appropriation.

ADMINISTRATIVE IMPLICATIONS

DPS reports there is possible administrative impact on the law enforcement program within the department. This potential exists based on the current time frame, thirty days, and the proposed time frame, twenty-four hours. It is possible that it may be more difficult to comply with the twenty-four hour time frame. It is anticipated, however, that the agency will be able to meet this proposed requirement.

OTHER SUBSTANTIVE ISSUES

DOH reports that under the Missing Child Reporting Act, a law enforcement agency is required to notify the State Registrar of New Mexico Vital Records and Health Statistics (NMVRHS), New Mexico Department of Health, that a child is believed to be missing. The notification is to include all identifying information about the child. Upon receipt of the notice, NMVRHS flags the birth record. If a flagged birth record is requested, NMVRHS informs the law enforcement agency that a certificate has been requested. If a child is recovered, the law enforcement agency is required to submit a notice of cancellation and NMVRHS removes the flag. New Mexico Vital Records and Health Statistics receives an average of 250 to 300 Missing Child Reports annually.

Because notice is sent to NMVRHS by individual law enforcement agencies, problems have been encountered in receiving the notices and cancellations in a timely manner due to law enforcement staff turnover and due to unclear interpretations of the statute by law enforcement agencies or the public. More timely notification of the State Registrar of Vital Statistics is needed when a missing child is located.

The lack of notification or untimely notification by law enforcement to untag a birth record when a missing child has been located can create problems. For example: A teenage child may be recovered, but the agency does not submit a notice of cancellation because the custodial parent does not want the child back but wants the birth record to remain flagged so that the child cannot obtain a birth certificate. This may prevent the child from attending school, getting a job or a driver's license, or other benefits for which a birth certificate is required.

LAT/ar:pr