AN ACT

RELATING TO AMBER ALERTS; APPLYING THE PROCEDURES OF THE AMBER ALERT LAW TO INDIVIDUALS WITH ALZHEIMER'S DISEASE.

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

Section 1. Section 29-15A-2 NMSA 1978 (being Laws 2003, Chapter 93, Section 2) is amended to read:

"29-15A-2. DEFINITIONS.--As used in the AMBER Alert Law:

A. "AMBER alert" means a declaration by the authorized requester [that an abduction has occurred and] that notifications and broadcasts should be made pursuant to the AMBER alert notification plan because:

(1) a child has been abducted; or

(2) an individual with Alzheimer's disease has been reported missing;

B. "authorized requester" means the person

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1    designated by the chief of the state police to implement the

2    AMBER alert notification plan;

3            C.    "chief of the state police" means the director

4    of the New Mexico state police division of the department of

5    public safety;

6            D.    "lead station" means an AM radio station that

7    has been designated as the "state primary station" by the

8    federal communications commission for the emergency alert

9    system; and

10           E.    "state police" means the New Mexico state police

11   division of the department of public safety."

12       Section 2.    Section 29-15A-3 NMSA 1978 (being Laws 2003,

13   Chapter 93, Section 3, as amended) is amended to read:

14       "29-15A-3.    STATE POLICE--AMBER ALERT NOTIFICATION

15   PLAN--DECLARATION OF AMBER ALERT.--

16           A.    The state police shall develop and implement an

17   AMBER alert notification plan for the purpose of disseminating,

18   as rapidly as possible, information about a child abduction or

19   a missing individual with Alzheimer's disease so that law

20   enforcement agencies and citizens throughout the state may be

21   aware and vigilant.    The plan shall:

22               (1)    provide a procedure for notifying the lead

23   station by the authorized requester that an AMBER alert has

24   been declared.    The procedure shall include codes for use by

25   the authorized requester in communicating with the lead station

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1    to prevent false alerts;

2              (2)   provide a procedure in which other state

3    and private print, radio, television or other media may alert

4    the members of the public of the abduction or missing

5    individual;

6              (3)   include a procedure for notifying the

7    radio communications bureau of the communications division of

8    the general services department that an AMBER alert has been

9    declared.  The bureau shall immediately transmit the

10   notification and related information to all state field

11   operations employees so that they may be aware and vigilant in

12   the course of their regular activities;

13             (4)   include a procedure for notifying a

14   representative of each cellular service company and paging

15   service company operating in New Mexico so that a text message

16   may be sent to the company's customers at no additional expense

17   to the recipient or to any service that accepts the information

18   from the authorized requester and delivers it to the cellular

19   service or paging service company;

20             (5)   include a procedure for notifying all

21   local and federal law enforcement agencies that an AMBER alert

22   has been declared; and

23             (6)   provide for dissemination of information

24   about a child or a child's abductor or a missing individual

25   with Alzheimer's disease to the lead station, the radio

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1    communications bureau and local law enforcement agencies when

2    an AMBER alert has been declared.

3            B.    The state police shall distribute the AMBER

4    alert notification plan to all local law enforcement agencies

5    and provide such training and other assistance as is necessary

6    to ensure that the plan can be properly implemented.

7            C.    The authorized requester may declare an AMBER

8    alert when the requester has reason to believe that:

9                    (1)    a child has been abducted and:

10                        (a)    the child is under the age of

11   eighteen and has been abducted by an unrelated person;

12                        [(2)] (b)    the child is in imminent

13   danger of serious bodily harm or death; and

14                        [(3)] (c)    there is specific information

15   available about the child or the child's abductor that may

16   assist in an expedient and successful end to the abduction; or

17                    (2)    an individual with Alzheimer's disease has

18   been reported missing and there is available information about

19   the individual that may result in the individual being

20   identified and found.

21           D.    Once an AMBER alert has been declared, only the

22   authorized requester may terminate the AMBER alert."

23       Section 3.    Section 29-15A-4 NMSA 1978 (being Laws 2003,

24   Chapter 93, Section 4) is amended to read:

25       "29-15A-4.    AMBER ALERT--INITIATION BY OTHER LAW

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1    ENFORCEMENT AGENCIES.--

2         A.   The procedures for initiating an AMBER alert

3    pursuant to the AMBER Alert Law are available to all law

4    enforcement agencies in New Mexico; provided that nothing in

5    that law prohibits a local law enforcement agency from

6    developing and implementing its own similar notification plan;

7    provided further that nothing in that [act] law supercedes a

8    provision or procedure in such a local notification plan.

9         B.   If a law enforcement agency that has not

10   developed and implemented its own similar plan desires that an

11   AMBER alert be declared, it shall notify the authorized

12   requester.  The authorized requester shall declare an AMBER

13   alert if, after evaluating the information, the authorized

14   requester believes that the criteria for declaring an alert

15   [has] have been satisfied.

16        C.   If an AMBER alert is initiated because of a

17   child abduction and there is information that the child's

18   abductor may be traveling or has traveled across state lines,

19   the authorized requester shall notify the other states [or] and

20   the Republic of Mexico, if appropriate, in order for those

21   governments to issue an alert.  The state police shall work

22   with all bordering states and the Republic of Mexico in order

23   to establish agreements to carry out regional alerts."

24        Section 4.  Section 29-15A-5 NMSA 1978 (being Laws 2003,

25   Chapter 93, Section 5) is amended to read:

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1      "29-15A-5.  SUBMISSION OF FALSE INFORMATION--PENALTY.--A

2  person who knowingly submits false information to a law

3  enforcement agency regarding a child abduction <u>or a missing</u>

4  <u>individual with Alzheimer's disease</u> is guilty of a petty

5  misdemeanor and shall be sentenced in accordance with Section

6  31-19-1 NMSA 1978."

7      Section 5.  Section 63-9B-4.1 NMSA 1978 (being Laws 2005,

8  Chapter 142, Section 2) is amended to read:

9      "63-9B-4.1.  AMBER ALERT NOTIFICATION.--

10      A.  Each cellular service company or paging service

11  company that is authorized to conduct business in New Mexico

12  and offers text messaging services to its customers shall file

13  with the authorized requester, designated by the chief of the

14  New Mexico state police pursuant to the AMBER Alert Law, the

15  names and telephone numbers of representatives that will be

16  available at all times for notification of an AMBER alert.

17      B.  The authorized requester may designate one or

18  more services to accept notification of an AMBER alert and

19  deliver the notification to each cellular service company or

20  paging service company.  Connections with the services shall be

21  made in the most technically efficient manner possible, using

22  standard network sharing protocol from authorized agencies or

23  their respective communication contractors.

24      C.  Upon notification of an AMBER alert by the

25  <u>authorized</u> requester, a representative of a cellular service

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company or paging service company may cause a text message to

be sent to its customers that use a text messaging service,

alerting them that an AMBER alert has been declared and

containing such other information about the child and the

abductor or the missing individual with Alzheimer's disease

that may reasonably lead to the expedient and successful end to

the [abduction] AMBER alert."

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