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SENATE BILL 21

52ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2016

INTRODUCED BY

Jacob R. Candelaria

FOR THE LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE

AN ACT

RELATING TO ENDANGERED PERSONS; CREATING A BRITTANY ALERT
PROCEDURE FOR THE DEPARTMENT OF PUBLIC SAFETY.

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, as amended) is amended to read:

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

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

(1) who is a missing person; and

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

underscored material = new
[bracketed material] = delete

1 ~~[A.]~~ B. "child" means ~~[an individual]~~ a person
2 under the age of eighteen years who is not emancipated;

3 ~~[B.]~~ C. "clearinghouse" means the missing persons
4 information clearinghouse;

5 ~~[C.]~~ D. "custodian" means a parent, guardian or
6 other person who exercises legal physical control, care or
7 custody of a child or of an adult with a developmental
8 disability; or a person who performs one or more activities of
9 daily living for an adult;

10 ~~[D.]~~ E. "endangered person" means a missing person
11 who:

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

14 (2) is in imminent danger of causing harm to
15 another;

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

18 (4) has been a victim of a crime as provided
19 in the Crimes Against Household Members Act or in Section
20 30-3A-3 or 30-3A-3.1 NMSA 1978, or their equivalents in any
21 other jurisdiction;

22 (5) is or was protected by an order of
23 protection pursuant to the Family Violence Protection Act; ~~[or]~~

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

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

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

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

6 ~~[F.]~~ G. "law enforcement agency" means a law
7 enforcement agency of the state, a state agency or a political
8 subdivision of the state;

9 ~~[G.]~~ H. "lead station" means an AM radio station
10 that has been designated as the "state primary station" by the
11 federal communications commission for the emergency alert
12 system;

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

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

20 (2) the person voluntarily left the care and
21 control of the custodian without the custodian's consent and
22 without intent to return;

23 ~~[I.]~~ J. "missing person report" means information
24 that is:

25 (1) given to a law enforcement agency on a

1 form used for sending information to the national crime
2 information center; and

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

6 [~~J.~~] K. "person" means an individual, regardless of
7 age;

8 [~~K.~~] L. "possible match" means the similarities
9 between unidentified human remains and a missing person that
10 would lead one to believe they are the same person;

11 [~~L.~~] M. "reporter" means the person who reports a
12 missing person;

13 [~~M.~~] N. "silver alert" means a notification
14 relating to an endangered person:

15 (1) who is a missing person;

16 (2) who is fifty years or older; and

17 (3) about whom there is a clear indication
18 that the individual has an irreversible deterioration of
19 intellectual faculties;

20 [~~N.~~] O. "state agency" means an agency of the
21 state, a political subdivision of the state or a public post-
22 secondary educational institution; and

23 [~~O.~~] P. "state registrar" means the employee so
24 designated by the public health division of the department of
25 health pursuant to the Vital Statistics Act."

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underscoring material = new
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1 SECTION 2. A new section of the Missing Persons

2 Information and Reporting Act is enacted to read:

3 "[NEW MATERIAL] BRITTANY ALERT ADVISORY.--

4 A. The department of public safety shall issue a
5 Brittany alert if, after review and investigation of a missing
6 person report of a person subject to the alert, the department
7 makes an independent determination that the missing person is a
8 person subject to the alert.

9 B. The department shall develop and implement
10 Brittany alert procedures for the purpose of disseminating, as
11 rapidly as possible, information about a person subject to the
12 alert. The procedures shall include:

13 (1) notification to the lead station of the
14 Brittany alert;

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

17 (3) the provision of information about the
18 subject of the Brittany alert, including all identifying
19 information, to the lead station and other media sources."

20 SECTION 3. EFFECTIVE DATE.--The effective date of the
21 provisions of this act is July 1, 2016.