

SENATE JUDICIARY COMMITTEE SUBSTITUTE FOR  
SENATE BILL 12

55TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2022

This document may incorporate amendments proposed by a committee, but not yet adopted, as well as amendments that have been adopted during the current legislative session. The document is a tool to show amendments in context and cannot be used for the purpose of adding amendments to legislation.

AN ACT

RELATING TO LAW ENFORCEMENT; CREATING THE POSITION OF MISSING  
INDIGENOUS PERSONS SPECIALIST WITHIN THE OFFICE OF THE ATTORNEY  
GENERAL; PROVIDING DUTIES; CREATING THE PARTNERSHIP IN NATIVE  
AMERICAN COMMUNITIES NETWORK GRANT PROGRAM; CREATING THE  
PARTNERSHIP IN NATIVE AMERICAN COMMUNITIES NETWORK GRANT FUND;  
MAKING SJC→**APPROPRIATIONS**←SJC SJC→**AN APPROPRIATION**←SJC;  
DECLARING AN EMERGENCY.

.222620.1AIC February 14, 2022 (4:35pm)

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

SECTION 1. A new section of Chapter 8, Article 5 NMSA 1978 is enacted to read:

"[NEW MATERIAL] ATTORNEY GENERAL--AUTHORITY TO INVESTIGATE AND PROSECUTE MISSING INDIGENOUS PERSONS CASES.--The attorney general shall assist SJC→, with the consent of an Indian nation, tribe or pueblo,←SJC with the investigation and prosecution of all missing persons cases in which one or more indigenous persons are reasonably believed to be victims pursuant to the Missing Persons Information and Reporting Act."

SECTION 2. A new section of Chapter 8, Article 5 NMSA 1978 is enacted to read:

"[NEW MATERIAL] MISSING INDIGENOUS PERSONS SPECIALISTS-- DUTIES.--

A. The position of "missing indigenous persons specialist" is created within the office of the attorney general.

B. The attorney general shall employ one or more missing indigenous persons specialists, who shall work in collaboration with local, state, federal and tribal law enforcement agencies on missing indigenous persons cases pursuant to the Missing Persons Information and Reporting Act.

C. The missing indigenous persons specialists shall:

- (1) review entries in the database of the

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national crime information center of the United States department of justice and other databases, including the missing persons information clearinghouse, to ensure records of missing indigenous persons are accurate, complete and made in a timely fashion;

(2) collaborate with other state and international missing persons programs and the national center for missing and exploited children to aid in locating indigenous children who are unlawfully taken out of or unlawfully brought into New Mexico;

(3) provide public outreach and education on missing indigenous persons issues and the prevention of indigenous child abductions;

(4) provide support and technical assistance to law enforcement agencies regarding data collection, data sharing and the cooperative use of available resources;

(5) compile reports of pending missing indigenous persons cases, including the status of pending missing indigenous persons cases, the clearance rate of investigating agencies responsible for tracking missing indigenous persons cases and an analysis by year of the characteristics of missing indigenous persons;

(6) assist with alerts and advisories at the request of the department of public safety to assist in locating a missing indigenous person; and

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(7) collaborate with the New Mexico law enforcement academy to facilitate training for law enforcement agencies related to missing indigenous persons cases."

**SECTION 3.** A new section of Chapter 8, Article 5 NMSA 1978 is enacted to read:

"[NEW MATERIAL] PARTNERSHIP IN NATIVE AMERICAN COMMUNITIES NETWORK GRANT PROGRAM--CREATED--PURPOSE.--

A. The "partnership in Native American communities network grant program" is created within the office of the attorney general. The purpose of the program is to create a network to support the efforts by the state's Indian nations, tribes and pueblos to identify, report and find Native Americans who are missing.

B. The "partnership in Native American communities network" shall be developed and operated by the office of the attorney general as an online portal with a database to securely upload information regarding missing indigenous persons.

C. The office of the attorney general shall award grants to create and administer the Native American communities network and develop the application and criteria for the grant program. The partnership in Native American communities network grant program criteria shall include:

(1) policies and standards for technology equipment, including data storage and security of information

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entered into the network;

(2) standards for data verification;

(3) job qualifications and requirements for a data specialist to administer the network; and

(4) development of a system to provide automatic initial alerts pursuant to law enforcement, tribal and community organizations when a missing indigenous person report is made.

D. The office of the attorney general may also award grants through the partnership in Native American communities network grant program to a qualifying tribal agency at each Indian nation, tribe and pueblo as matching funds for a tribal agency to create and maintain access to the partnership in Native American communities network."

SECTION 4. A new section of Chapter 8, Article 5 NMSA 1978 is enacted to read:

"[NEW MATERIAL] PARTNERSHIP IN NATIVE AMERICAN COMMUNITIES NETWORK GRANT FUND--CREATED.--The "partnership in Native American communities network grant fund" is created in the state treasury. The fund consists of appropriations, gifts, grants and donations. Money in the fund at the end of fiscal year SJC→2023←SJC SJC→2024←SJC shall revert to the SJC→~~general fund~~←SJC SJC→consumer settlement fund of the office of the attorney general←SJC. The office of the attorney general shall administer the fund, and money in the fund is

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appropriated to the office of the attorney general to administer the partnership in Native American communities network grant program and to carry out the provisions of Section 3 of this 2022 act. Disbursements from the fund shall be made by warrant signed by the secretary of finance and administration pursuant to vouchers signed by the attorney general or the attorney general's authorized representative."

SJC→~~SECTION 5. APPROPRIATIONS.--~~

~~A. One million dollars (\$1,000,000) is appropriated from the general fund to the office of the attorney general for expenditure in fiscal year 2023 for the office of the attorney general to employ one or more full-time missing indigenous persons specialists. Any unexpended or unencumbered balance remaining at the end of fiscal year 2023 shall revert to the general fund.~~

~~B. One million dollars (\$1,000,000) is appropriated from the general fund to the partnership in Native American communities network grant fund for expenditure in fiscal year 2023 to provide grants in accordance with the partnership in Native American communities network grant program. Any unexpended or unencumbered balance remaining at the end of fiscal year 2023 shall revert to the general fund.~~←SJC

SJC→SECTION 5. APPROPRIATION.--One million dollars (\$1,000,000) is appropriated from the consumer settlement fund of the office of the attorney general to the partnership in

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Native American communities network grant fund for expenditure in fiscal years 2023 and 2024 to provide grants in accordance with the partnership in Native American communities network grant program. Any unexpended or unencumbered balance remaining at the end of fiscal year 2024 shall revert to the consumer settlement fund of the office of the attorney general. ←SJC

SECTION 6. DELAYED REPEAL.--Sections 3 and 4 of this act are repealed effective July 1, SJC→2023←SJC SJC→2024←SJC.

SECTION 7. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.

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