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## FISCAL IMPACT REPORT

SPONSOR Lopez ORIGINAL DATE 1/23/22  
LAST UPDATED 1/31/22 HB 85/ec

SHORT TITLE Missing in New Mexico – Event SB \_\_\_\_\_

ANALYST Mulvaney

### **ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	FY22	FY23	FY24	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>		NFI				

### **SOURCES OF INFORMATION**

LFC Files

#### Responses Received From

Attorney General’s Office (NMAG)  
Department of Public Safety (DPS)  
Department of Health (DOH)  
Crime Victims Reparation Commission (CVRC)  
Children, Youth and Families (CYFD)  
Parole Board (PB)  
Corrections Department (NMCD)

### **SUMMARY**

#### Synopsis of Bill

House Bill 85 creates a “missing in New Mexico event” to support all New Mexicans who have missing relatives. It is designed to provide an opportunity for federal, state, local, and tribal governments to come together in one location and assist families in filing missing persons reports, update missing persons reports, submit DNA records or meet with an investigator. It also encourages state agencies including DPS, DOH, HSD, OMI, and NMAG, as well as local law enforcement agencies to come together to support the relatives of missing persons by providing them with support services and allowing them access to media to provide information about their missing relatives.

HB85 also amends, Section 29-15-3 NMSA 1978, relating to the missing persons information clearinghouse, to add hosting the annual missing in New Mexico event to the clearinghouse’s list of duties.

Section 1 adds a new section to the Missing Persons Information and Reporting Act which states that each year, the Department of Public Safety, in collaboration with the clearinghouse, shall host a missing in New Mexico event in support of all New Mexicans who are searching for missing relatives.

The event is designed to provide an opportunity for tribal, local, state, and federal governments to come together in one location to:

1. Assist families in finding their loved ones by providing missing persons reports, submit DNA records and other identifying data and/or meet with an investigator.
2. Provide a network for New Mexicans with missing relatives to heal, access support services and access media outlets to distribute information about missing relatives to the general public.

This bill contains an emergency clause and would become effective immediately upon signature by the governor.

### **FISCAL IMPLICATIONS**

This bill does not contain an appropriation. It is unclear how the event will be funded. DPS states it can absorb the initial cost projections for this new initiative with existing FTE budget resources.

### **SIGNIFICANT ISSUES**

According to the U.S. Government Accountability Office, October 2021 report 22-104045:

The total number of missing or murdered Indigenous women—referred to as American Indian and Alaska Native (AI/AN) women in this report— is unknown because, for several reasons, federal databases do not contain comprehensive national data on all AI/AN women reported missing. For example, federal law requires federal, state, and local law enforcement agencies—but not tribal law enforcement agencies—to report missing children under the age of 21, but not those over 21. In addition, instances of missing AI/AN women may be underreported due to mistrust of law enforcement and other reasons.

Implementation of data-related requirements in two laws, enacted in October 2020, present opportunities to increase and improve data on the number of missing or murdered Indians, including AI/AN women. For example, Savanna's Act requires tribal consultations on how to improve tribal data relevance and access to databases. The Department of Justice (DOJ) has taken some steps to analyze data in federal databases related to cases of missing or murdered AI/AN women, including publishing more detailed single-year statistics in 2020 on missing persons by race, gender, and age. However, data analyses efforts are in the early stages, and DOJ does not have a plan to continue these efforts past November 2021. Developing such a plan could provide DOJ and other stakeholders with information to better understand the nature of the missing or murdered AI/AN crisis and identify emerging trends.

## **ADMINISTRATIVE IMPLICATIONS**

As per DPS bill analysis:

The yearly event will assemble resources in one location to further strengthen bonds between individuals, families, support staff, law enforcement, judiciary, medical and mental health providers, and the public. The outcome will be a network focused on healing and educating law enforcement, criminal justice, families and public. It will include more than 200 criminal justice and law enforcement agencies, non-profit family support organizations, New Mexico families of missing persons, and the public. The event will provide a safe space for families to discuss their common experiences associated with their missing loved ones, and for law enforcement to have a firsthand account. Tribal and rural New Mexico communities have overwhelmingly expressed fear or hesitation to report a missing person to their local law enforcement. The Missing Persons Day would educate participants of this barrier, initiate a dialogue, and start breaking down those walls. The MMIWR task force and the Federal Operation Lady Justice have invested endless hours on this initiative and will continue to move forward with this movement. The goal is also to leverage media outlets to get information out to the public about MMIW loved ones.

## **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

Related to SB12 Office for Missing Indigenous Persons  
Duplicate bill SB13 Missing in New Mexico Event

## **OTHER SUBSTANTIVE ISSUES**

As noted by the GAO report cited above, the Federal Government is actively engaged in these issues:

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HB85 fits squarely within the overall framework being developed by all levels of government including tribal, local, state, and federal.

BM/al/acv