

1 HOUSE BILL 197
2 57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025
3 INTRODUCED BY
4 Joseph L. Sanchez and Elaine Sena Cortez
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10 AN ACT

11 RELATING TO PUBLIC SAFETY; AMENDING THE DEFINITION OF "SILVER
12 ALERT" IN THE MISSING PERSONS INFORMATION AND REPORTING ACT TO
13 INCLUDE COGNITIVE DECLINE OR IMPAIRMENT.
14

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

16 SECTION 1. Section 29-15-2 NMSA 1978 (being Laws 1995,
17 Chapter 146, Section 2, as amended) is amended to read:

18 "29-15-2. DEFINITIONS.--As used in the Missing Persons
19 Information and Reporting Act:

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

22 (1) who is a missing person; and

23 (2) about whom there is a clear indication
24 that the person has a developmental disability as defined in
25 Subsection A of Section 28-16A-6 NMSA 1978 and that the

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1 person's health or safety is at risk;

2 B. "child" means a person under the age of eighteen
3 years who is not emancipated;

4 C. "clearinghouse" means the missing persons
5 information clearinghouse;

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

11 E. "endangered person" means a missing person 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;

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

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

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

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

13 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 J. "missing person report" means information that
24 is:

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

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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 K. "person" means an individual, regardless of age;

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

10 M. "reporter" means the person who reports a
11 missing person;

12 N. "silver alert" means a notification relating to
13 an endangered person:

14 (1) who is a missing person; and

15 (2) who is fifty years or older; or

16 (3) ~~[about whom there is a clear indication~~
17 ~~that the individual suffers from Alzheimer's disease or another~~
18 ~~form of dementia, regardless of age]~~ who the reporter believes
19 displays signs or symptoms of Alzheimer's disease or another
20 form of dementia, cognitive decline or impairment, regardless
21 of age;

22 O. "state agency" means an agency of the state, a
23 political subdivision of the state or a public post-secondary
24 educational institution; and

25 P. "state registrar" means the employee so

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designated by the public health division of the department of health pursuant to the Vital Statistics Act."