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SENATE BILL 41

57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025

INTRODUCED BY

Angel M. Charley and Michelle Paulene Abeyta

AN ACT

RELATING TO ENDANGERED PERSONS; MANDATING THAT THE DEPARTMENT OF PUBLIC SAFETY CREATE AND MAINTAIN A TURQUOISE ALERT SYSTEM FOR THE RAPID DISSEMINATION OF INFORMATION RELATING TO MISSING AMERICAN INDIANS.

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

1 Subsection A of Section 28-16A-6 NMSA 1978 and that the
2 person's health or safety is at risk;

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

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

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

12 E. "endangered person" means a missing person who:

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

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

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

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

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

25 (6) has Alzheimer's disease, dementia or

1 another degenerative brain disorder or a brain injury; or

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

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

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

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

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

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

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

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

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1 (1) given to a law enforcement agency on a
2 form used for sending information to the national crime
3 information center; and

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

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

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

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

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

15 (1) who is a missing person; and

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

17 (3) about whom there is a clear indication
18 that the individual suffers from Alzheimer's disease or another
19 form of dementia, regardless of age;

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

23 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; and

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1 Q. "turquoise alert" means a notification relating
2 to an endangered person who is:

3 (1) a missing person; and

4 (2) an enrolled member, or a person eligible
5 for enrollment, in a federally recognized Indian nation, tribe
6 or pueblo."

7 SECTION 2. A new section of the Missing Persons
8 Information and Reporting Act, Section 29-15-3.5 NMSA 1978, is
9 enacted to read:

10 "29-15-3.5. [NEW MATERIAL] TURQUOISE ALERT ADVISORY.--

11 A. The department of public safety or the lead
12 investigating law enforcement agency shall issue a turquoise
13 alert if, after review and investigation of a missing person
14 report of a person subject to the alert, the department of
15 public safety or the lead investigating law enforcement agency
16 makes an independent determination that the missing person is a
17 person subject to the alert.

18 B. The department of public safety shall develop
19 and implement a turquoise alert plan for the purpose of
20 disseminating, as rapidly as possible, information about a
21 person subject to the alert. The plan shall:

22 (1) provide a procedure for the department to
23 notify the lead station that a turquoise alert has been
24 declared. The procedure shall include codes for use by the
25 department in communicating with the lead station to prevent

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1 false alerts;

2 (2) provide a procedure in which other state
3 and private print, radio, television or other media may alert
4 members of the public of the missing person;

5 (3) include a procedure for notifying the
6 department of information technology that a turquoise alert has
7 been declared. The department of information technology shall
8 immediately transmit the notification and related information
9 to all state field operations employees so that they may be
10 aware and vigilant in the course of their regular activities;

11 (4) require cellular service companies to
12 implement turquoise alerts in accordance with the federal
13 communications commission's wireless emergency alerts
14 processes;

15 (5) include a procedure for notifying all
16 local and federal law enforcement agencies that a turquoise
17 alert has been declared;

18 (6) provide for dissemination of information
19 about the missing person to the lead station, the department of
20 information technology and local law enforcement agencies when
21 a turquoise alert has been declared; and

22 (7) provide for collecting and maintaining the
23 following records regarding each turquoise alert issued:

24 (a) the municipality where the missing
25 person report originated;

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- 1 (b) the age of the missing person;
- 2 (c) the gender of the missing person;
- 3 (d) the date of the missing person
- 4 report;
- 5 (e) the date the turquoise alert is
- 6 issued; and
- 7 (f) the date of recovery of the missing
- 8 person.

9 C. The department of public safety shall distribute
10 the turquoise alert notification plan to all local law
11 enforcement agencies and provide such training and other
12 assistance as is necessary to ensure that the plan can be
13 properly implemented.

14 D. Once a turquoise alert has been declared, only
15 the department of public safety or the lead investigating law
16 enforcement agency may terminate the turquoise alert."