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AN ACT

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

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;

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

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

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

1 for an adult;

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

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

5 (2) is in imminent danger of causing harm to  
6 another;

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

9 (4) has been a victim of a crime as provided  
10 in the Crimes Against Household Members Act or in Section  
11 30-3A-3 or 30-3A-3.1 NMSA 1978, or their equivalents in any  
12 other jurisdiction;

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

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

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

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

22 G. "law enforcement agency" means a law  
23 enforcement agency of the state, a state agency or a  
24 political subdivision of the state;

25 H. "lead station" means an AM radio station that

1 has been designated as the "state primary station" by the  
2 federal communications commission for the emergency alert  
3 system;

4 I. "missing person" means a person whose  
5 whereabouts are unknown to the person's custodian or  
6 immediate family member and the circumstances of whose  
7 absence indicate that:

8 (1) the person did not leave the care and  
9 control of the custodian or immediate family member  
10 voluntarily and the taking of the person was not authorized  
11 by law; or

12 (2) the person voluntarily left the care and  
13 control of the custodian without the custodian's consent and  
14 without intent to return;

15 J. "missing person report" means information that  
16 is:

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

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

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

25 L. "possible match" means the similarities between HB 197  
Page 3

