

1

SENATE BILL

2

52ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2016

3

INTRODUCED BY

4

5

6

DISCUSSION DRAFT

7

8

9

10

AN ACT

11

RELATING TO ENDANGERED PERSONS; CREATING A BRITTANY ALERT

12

PROCEDURE FOR THE DEPARTMENT OF PUBLIC SAFETY.

13

14

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

15

SECTION 1. Section 29-15-2 NMSA 1978 (being Laws 1995,

16

Chapter 146, Section 2, as amended) is amended to read:

17

"29-15-2. DEFINITIONS.--As used in the Missing Persons

18

Information and Reporting Act:

19

A. "Brittany alert" means a notification relating

20

to an endangered person:

21

(1) who is a missing person; and

22

(2) about whom there is a clear indication

23

that the person has a developmental disability as defined in

24

Subsection A of Section 28-16A-6 NMSA 1978 and that the

25

person's health or safety is at risk;

.202463.1

underscored material = new  
[bracketed material] = delete

underscored material = new  
[bracketed material] = delete

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

~~[A.]~~ B. "child" means ~~[an individual]~~ a person  
under the age of eighteen years who is not emancipated;

~~[B.]~~ C. "clearinghouse" means the missing persons  
information clearinghouse;

~~[C.]~~ 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 for an adult;

~~[D.]~~ E. "endangered person" means a missing person  
who:

- (1) is in imminent danger of causing harm to  
the person's self;
- (2) is in imminent danger of causing harm to  
another;
- (3) is in imminent danger of being harmed by  
another or who has been harmed by another;
- (4) has been a victim of a crime as provided  
in the Crimes Against Household Members Act or in Section  
30-3A-3 or 30-3A-3.1 NMSA 1978, or their equivalents in any  
other jurisdiction;
- (5) is or was protected by an order of  
protection pursuant to the Family Violence Protection Act; ~~[or]~~
- (6) has Alzheimer's disease, dementia or  
another degenerative brain disorder or a brain injury; or

1

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

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

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

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

13           ~~[H.]~~ 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           ~~[I.]~~ J. "missing person report" means information  
24 that is:

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

.202463.1

underscored material = new  
[bracketed material] = delete

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

form used for sending information to the national crime  
information center; and

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

~~[J.]~~ K. "person" means an individual, regardless of  
age;

~~[K.]~~ L. "possible match" means the similarities  
between unidentified human remains and a missing person that  
would lead one to believe they are the same person;

~~[L.]~~ M. "reporter" means the person who reports a  
missing person;

~~[M.]~~ N. "silver alert" means a notification  
relating to an endangered person:

- (1) who is a missing person;
- (2) who is fifty years or older; and
- (3) about whom there is a clear indication

that the individual has an irreversible deterioration of  
intellectual faculties;

~~[N.]~~ O. "state agency" means an agency of the  
state, a political subdivision of the state or a public post-  
secondary educational institution; and

~~[O.]~~ P. "state registrar" means the employee so  
designated by the public health division of the department of  
health pursuant to the Vital Statistics Act."

1

SECTION 2. A new section of the Missing Persons

2 Information and Reporting Act is enacted to read:

3 "[NEW MATERIAL] BRITTANY ALERT ADVISORY.--

4 A. The department of public safety shall issue a  
5 Brittany alert if, after review and investigation of a missing  
6 person report of a person subject to the alert, the department  
7 makes an independent determination that the missing person is a  
8 person subject to the alert.

9 B. The department shall develop and implement  
10 Brittany alert procedures for the purpose of disseminating, as  
11 rapidly as possible, information about a person subject to the  
12 alert. The procedures shall include:

13 (1) notification to the lead station of the  
14 Brittany alert;

15 (2) notification to other public and private  
16 media sources and members of the public as necessary; and

17 (3) the provision of information about the  
18 subject of the Brittany alert, including all identifying  
19 information, to the lead station and other media sources."

20 SECTION 3. EFFECTIVE DATE.--The effective date of the  
21 provisions of this act is July 1, 2016.

underscoring material = new  
[bracketed material] = delete