

1 SENATE BILL 41

2 57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025

3 INTRODUCED BY

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10 AN ACT

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

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

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

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

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

23 (1) who is a missing person; and

24 (2) about whom there is a clear indication  
25 that the person has a developmental disability as defined in

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underscored material = new  
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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."