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FISCAL IMPACT REPORT

SPONSOR <u>Sanchez</u>	LAST UPDATED _____
	ORIGINAL DATE <u>02/05/2025</u>
SHORT TITLE <u>Expand “Silver Alert” Definition</u>	BILL NUMBER <u>House Bill 197</u>
	ANALYST <u>Chilton</u>

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT* (dollars in thousands)

Agency/Program	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
	Indeterminate but minimal**	Indeterminate but minimal	Indeterminate but minimal	Indeterminate but minimal	Recurring	General Fund

Parentheses () indicate expenditure decreases.
 *Amounts reflect most recent analysis of this legislation
 **But see “Fiscal Impacts” for discussion.

Sources of Information

LFC Files

Agency Analysis Received From
 Department of Public Service (DPS)
 Aging and Long-Term Services Department (ALTSD)

Agency Analysis was Solicited but Not Received From
 Municipal League (ML)
 Mid-Rio Grande Council of Governments (MRCOG)
 Department of Health (DOH)

SUMMARY

Synopsis of House Bill 197

House Bill 197 (HB197) modifies the definition “Silver Alert” in the Missing Persons Information and Reporting Act (Section 29-15-2 NMSA 1978). Instead of requiring a “clear indication” that a person is affected with Alzheimer’s disease or another form of dementia, the broadened definition requires only that the reporter to believe that the endangered person displays the signs or symptoms of Alzheimer’s disease or another form of dementia, cognitive decline or impairment.

The Department of Public Service (DPS) must, according to Section 29-15-3.2 NMSA 1978, develop a plan to publicize the missing person who meets the Silver Alert criteria to news media and to local law enforcement agencies. Providing specific information is required by this section, which otherwise remains unchanged.

This bill does not contain an effective date and, as a result, would go into effect 90 days after the Legislature adjourns if enacted, or June 20, 2025.

FISCAL IMPLICATIONS

There is no appropriation in House Bill 197. Both the Aging and Long-Term Services Department (ALTSD) and DPS indicate that passage of this bill will modestly increase the number of Silver Alert notifications and thus the workload of DPS and local law enforcement agencies.

DPS notes that it must modify its missing person tracking system, which it characterizes as “aging.” It states that the missing persons system will be more efficient with the investment of \$2,167,500 for three phases of system upgrade. However, these costs are endemic to the dated system, rather than solely due to the expansion of the Silver Alert definition.

SIGNIFICANT ISSUES

Missing person alerts are issued in a number of circumstances, including when the individual concerned is under age 18, have a “clear indication” of a developmental disability, is in danger of harm from themselves or another person, might cause harm to another person, or when an elderly missing person has “a clear indication” of Alzheimer’s disease or another form of dementia. The bill would authorize a Silver Alert based on the reporting person’s belief that the missing person has a form of dementia or cognitive decline, rather than requiring that there be a “clear indication” of dementia, presumably requiring the investigating officer to ascertain that a diagnosis has been made.

According to DPS, the “Silver Alert” notification has been very effective. DPS notes the success rate to be 110 of 116 (95 percent) over the period January 1, 2022 to January 31, 2025. Extension of the system to people with various forms of perceived cognitive impairment may enable those persons to be safer, with a similar success rate.

DPS indicates that there may also be a downside to the expansion of criteria: “the expansion of eligibility for Silver Alerts may result in a substantial increase in alert activations, which could contribute to ‘alert fatigue,’ a phenomenon where frequent or excessive notifications lead to decreased public engagement and responsiveness. If Silver Alerts are issued too frequently, the general public may begin to ignore or dismiss them as routine, reducing their sense of urgency and effectiveness. This desensitization can lead to delays in critical citizen assistance, as individuals may be less likely to actively look for missing persons or report sightings. Over time, the diminished impact of these alerts could weaken the entire alert system, making it less effective in cases where immediate public awareness is crucial.”

ADMINISTRATIVE IMPLICATIONS

DPS indicates that it will need to update its information to law enforcement officers regarding the newly expanded “Silver Alert” definition, enabling them to engage the existing procedures through DPS’s Missing Person Clearinghouse, the National Crime Information Center, the New Mexico Law Enforcement Telecommunications System, and local law enforcement agencies.

TECHNICAL ISSUES

Mild cognitive decline is normal with age; the bill does not specify the severity of cognitive decline that might trigger a Silver Alert notification about a missing person.

ALTSD points out that “HB197 could lead to overlap between Silver Alerts and Brittany Alerts, which are issued for endangered persons with developmental disabilities.”

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

People with cognitive decline will continue to be excluded from the “Silver Alert” process, and law enforcement officers will continue to require the “clear indication” of Alzheimer’s or dementia symptoms before issuing a Silver Alert, perhaps delaying vital action.

LAC/SR