

Fiscal impact reports (FIRs) are prepared by the Legislative Finance Committee (LFC) for standing finance committees of the Legislature. LFC does not assume responsibility for the accuracy of these reports if they are used for other purposes.

FISCAL IMPACT REPORT

SPONSOR Zamora LAST UPDATED _____
ORIGINAL DATE 02/13/2025
SHORT TITLE Improve Silver Alerts BILL NUMBER House Bill 301
ANALYST Chilton

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT* (dollars in thousands)

Agency/Program	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
DPS	No fiscal impact	No fiscal impact	No fiscal impact	No fiscal impact		

Parentheses () indicate expenditure decreases.

*Amounts reflect most recent analysis of this legislation.

Relates to House Bill 197

Sources of Information

LFC Files

Agency Analysis Received From

Department of Public Safety (DPS)

Aging and Long-Term Services Department (ALTSD)

SUMMARY

Synopsis of House Bill 301

House Bill 301 amends Section 29-15-3.2 NMSA 1978, which deals with “silver alert” missing persons (this refers to missing elderly persons and to cognitively impaired persons at any age). The bill would require Department of Public Safety (DPS) to notify the Department of Information Technology (DoIT) upon the issuance of a Silver Alert. DoIT would then notify a representative of cellular service companies and paging service companies, which would then be required to send a text message regarding the missing person to each of the company’s customers with no expense to the customers. Otherwise, the statute 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 301. Neither the Aging and Long-Term Services Department (ALTSD) nor DPS indicate a fiscal impact to those agencies, but DPS expresses the concern that “the requirement for cellular and paging service providers to send Silver Alerts at

no cost introduces potential operational expenses for service providers, which may indirectly affect state negotiations or funding allocations.”

SIGNIFICANT ISSUES

ALTSD comments that cellular service and paging service providers already may participate in wireless emergency alert systems, and that House Bill 301 appears to require that all such companies must participate, which would make Silver Alerts regulation similar to that for Amber Alerts. ATLSA also notes that the bill does not include provisions for geographic specificity; for example, customers in Shiprock may not need to know about missing persons in Hobbs.

DPS comments on the benefits of passing this legislation but cautions that:

Mandating cellular companies to transmit alerts raises concerns about compliance, enforcement, and potential burden on private entities. Additionally, widespread alert dissemination risks alert fatigue, reducing public responsiveness. Ensuring message accuracy and preventing false alerts will be critical for maintaining public trust and law enforcement efficiency... If DPS were to send wireless emergency alerts for all Silver Alerts for every law enforcement agency in the state, it would amount to DPS issuing multiple alerts per week, if not per day. Using the Integrated Public Alert and Warning System (IPAWS) to distribute wireless emergency alerts, in this case, for silver alerts, poses the risk of inducing alert fatigue, which occurs when the public is inundated with multiple emergency alerts on a frequent basis.

DPS also notes that this sort of alert fatigue may induce customers to turn off all such notifications, possibly impeding future efforts to find missing persons.

DPS suggests the following possible changes:

- Page 1, Section A reads “The department of public safety shall issue a silver alert if...” This is an issue because it removes autonomy from every law enforcement agency in the state and has them rely on DPS to issue the alert. We recommend the language be changed to “The department of public safety or the lead investigating law enforcement agency shall issue a silver alert if...”
- Page 4, Section D should be changed to read “Once a silver alert has been declared, only the department of public safety or the lead investigating law enforcement agency may terminate the silver alert.”

PERFORMANCE IMPLICATIONS

DPS points out that “integrating alerts into existing national and state databases will require technical upgrades to avoid compatibility issues with law enforcement systems.”

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Related to House Bill 197, which would expand the statutory definition of silver alerts.

OTHER SUBSTANTIVE ISSUES

DPS suggests enforcement methods to be used with cellular companies to transmit alerts might include one or more of the following:

1. Incorporate the Requirement into Licensing or Franchise Agreements: The state can make alert transmission a condition of a carrier's operating license or franchise agreement. This means that, similar to a rule in a contract, carriers must comply or face fines, penalties, or even license suspension;
2. Establish Regular Reporting and Auditing Procedures: The agency can require carriers to periodically submit compliance reports or conduct routine tests (for example, simulated alerts) to verify that their systems function as required. Audits and spot checks ensure that alerts are actually being transmitted when needed;
3. Set Clear Technical Standards and Certification Requirements: By mandating that carriers use specific technology (or upgrade existing systems) to reliably broadcast alerts, the agency minimizes uncertainty about how alerts are sent. These standards can be designed in coordination with federal guidelines so that the burden on carriers is minimized and interoperability with national systems is maintained;
4. Impose Penalties for Non-Compliance: If a carrier fails to meet the mandate, the state agency can impose administrative fines or other sanctions under state law. This enforcement mechanism works as an incentive for carriers to remain compliant and invest in necessary technology; and
5. Coordinate with Federal Authorities: Because telecommunications are federally regulated, the state agency can work in tandem with the Federal Communications Commission (FCC) to align state requirements with federal rules. This helps ensure that state mandates do not conflict with federal law and leverages the FCC's own enforcement mechanisms.

ALTERNATIVES

DPS proposes an alternative:

Establish a second set of criteria which states that the IPAWS wireless emergency alerts may be sent, notwithstanding any exigent circumstances, after all investigative leads have been exhausted.

LAC/hj