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AN ACT

RELATING TO PUBLIC SAFETY; CREATING THE ENDANGERED PERSON
ADVISORY; PROVIDING FOR NOTIFICATION TO AND DISSEMINATION BY
THE MEDIA OF MISSING PERSONS WHO ARE IN DANGER.

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) is amended to read:

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

A. "child" means an individual under the age of
eighteen years who is not emancipated;

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

C. "custodian" means a parent, guardian or other
person who exercises legal physical control, care or custody
of a child;

D. "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; or

(4) has Alzheimer's disease;

1 E. "immediate family member" means the spouse or
2 nearest relative of a person;

3 F. "lead station" means an AM radio station that
4 has been designated as the "state primary station" by the
5 federal communications commission for the emergency alert
6 system;

7 G. "missing person" means a person whose
8 whereabouts are unknown to the person's custodian or
9 immediate family member and the circumstances of whose
10 absence indicate that:

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

15 (2) the person voluntarily left the care and
16 control of the custodian without the custodian's consent and
17 without intent to return;

18 H. "missing person report" means information that
19 is:

20 (1) given to a law enforcement agency on a
21 form used for sending information to the national crime
22 information center; and

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

1 I. "person" means an individual, regardless of
2 age;

3 J. "possible match" means the similarities between
4 an unidentified body of a person and a missing person that
5 would lead one to believe they are the same person;

6 K. "reporter" means the person who reports a
7 missing person; and

8 L. "state agency" means an agency of the state,
9 political subdivision of the state or public post-secondary
10 educational institution."

11 Section 2. Section 29-15-7 NMSA 1978 (being Laws 1995,
12 Chapter 146, Section 7) is amended to read:

13 "29-15-7. LAW ENFORCEMENT REQUIREMENTS--MISSING PERSON
14 REPORTS--UNIDENTIFIED BODIES.--

15 A. A law enforcement agency, upon receiving a
16 missing person report, shall:

17 (1) immediately start an appropriate
18 investigation to determine the present location of the
19 missing person and to determine whether the missing person is
20 an endangered person;

21 (2) provide to the clearinghouse all
22 information the law enforcement agency has relating to an
23 investigation regarding or the location or identification of
24 a missing person;

25 (3) immediately enter the name of the

1 missing person into the clearinghouse and the national crime
2 information center missing person file; and

3 (4) if the missing person is determined to
4 be an endangered person, immediately notify the department of
5 public safety in accordance with procedures prescribed by the
6 department.

7 B. Information not immediately available shall be
8 obtained as soon as possible by the law enforcement agency
9 and entered into the clearinghouse and the national crime
10 information center file as a supplement to the original
11 entry.

12 C. All New Mexico law enforcement agencies are
13 required to enter information about all unidentified bodies
14 of persons found in their jurisdiction into the clearinghouse
15 and the national crime information center unidentified person
16 file, including all available identifying features of the
17 body and a description of the clothing found on the body. If
18 an information entry into the national crime information
19 center file results in an automatic entry of the information
20 into the clearinghouse, the law enforcement agency is not
21 required to make a direct entry of that information into the
22 clearinghouse."

23 Section 3. A new section of the Missing Persons
24 Information Act is enacted to read:

25 "ENDANGERED PERSON ADVISORY.--

1 A. The department of public safety shall issue an
2 endangered person advisory if, after review and investigation
3 of a missing person report of an endangered person, the
4 department makes an independent determination that the
5 missing person is an endangered person.

6 B. The department shall develop and implement
7 endangered person advisory procedures for the purpose of
8 disseminating, as rapidly as possible, information about an
9 endangered person. The procedures shall include:

10 (1) notification to the lead station of the
11 endangered person advisory;

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

14 (3) providing information about the
15 endangered person, including all identifying information, to
16 the lead station and other media sources."

17 Section 4. EFFECTIVE DATE.--The effective date of the
18 provisions of this act is July 1, 2007. _____

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