

AN ACT

RELATING TO ENDANGERED PERSONS; CREATING A SILVER ALERT
PROCEDURE FOR THE DEPARTMENT OF PUBLIC SAFETY; RECONCILING
MULTIPLE AMENDMENTS TO THE SAME SECTION OF LAW IN LAWS 2010.

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

SECTION 1. A new section of the Missing Persons
Information and Reporting Act is enacted to read:

"SILVER ALERT ADVISORY.--

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

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

(1) notification to the lead station of the
silver alert;

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

(3) providing information about the subject
of the silver alert, including all identifying information, to
the lead station and other media sources."

SECTION 2. Section 29-15-2 NMSA 1978 (being Laws 1995, Chapter 146, Section 2, as amended by Laws 2010, Chapter 32, Section 2 and by Laws 2010, Chapter 33, Section 3) is amended to read:

"29-15-2. DEFINITIONS.--As used in the Missing Persons Information and Reporting 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; or a person who performs one or more activities of daily living for an adult;

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;

(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;

E. "immediate family member" means the spouse, nearest relative or close friend of a person;

F. "law enforcement agency" means a law enforcement agency of the state, a state agency or a political subdivision of the state;

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

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

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

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

I. "missing person report" means information that

is:

(1) given to a law enforcement agency on a 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. "person" means an individual, regardless of age;

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

M. "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. "state agency" means an agency of the state, a political subdivision of the state or a public post-secondary educational institution; and

O. "state registrar" means the employee so

designated by the public health division of the department of health pursuant to the Vital Statistics Act."

SECTION 3. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2013. _____

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