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FISCAL IMPACT REPORT

ORIGINAL DATE 2/9/15
 LAST UPDATED 3/18/15 HB _____

SPONSOR Candelaria

SHORT TITLE Endangered Person “Brittany Alert” SB 278/aSFI#1

ANALYST Chenier

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY15	FY16	FY17	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total		See fiscal implications	See fiscal implications	See fiscal implications	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Department of Health (DOH)

Department of Public Safety (DPS)

SUMMARY

Synopsis of SFI Amendment #1

The Senate Floor Amendment to Senate Bill 278 would strike language defining developmental disability and would replace it with reference to Subsection A Section 28-16A-6 NMSA 1978 and clarifies that the individual’s health or safety is at risk.

Synopsis of Bill

Senate bill 278 defines “Brittany Alert” and modifies the definition of “endangered person” in the Missing Persons Information and Reporting Act; requires the Department of Public Safety to issue a “Brittany Alert” if, after review and investigation of a missing person report, the department makes an independent determination that a person is subject to the alert; and, requires DPS to develop and implement “Brittany Alert” procedures.

The bill defines “Brittany Alert” as an endangered person who is missing, about whom there is a clear indication that the person either has a severe physical impairment that substantially limits one or more major life activities, or has a developmental disability as defined in the state Mental Health and Developmental Disabilities Code.

The bill requires DPS to issue a “Brittany Alert” if, after review and investigation of a missing

person report, DPS makes an independent determination that the missing person is a person subject to the alert.

The bill also requires DPS to develop and implement “Brittany Alert” procedures to disseminate information about the person subject to the report as rapidly as possible, including:

- Notification to the lead AM radio station designated as the “state primary station” by the Federal Communications Commission for the emergency alert system;
- Notification to other public and private media sources and members of the public as necessary; and
- Provision of information to the lead AM station and other media about the subject of the “Brittany Alert,” including all identifying information.

FISCAL IMPLICATIONS

There would be a small cost to develop and implement procedures and training for law enforcement agencies on the Brittany Alert.

SIGNIFICANT ISSUES

DPS provided the following:

Amendments to the missing persons statute identified on lines 2-5 of page 3, defining persons with a “severe physical impairment or a developmental disability” as an “endangered person”, fits well within the current missing persons criteria for an endangered person advisory. This change alone will support the Department of Public Safety in issuing an alert if a person with a severe physical impairment is missing so long as the other current requirements for a missing person are met.

The new material on page 5 Section 2, are an exact duplicate of existing advisory requirements under the Missing Persons statute. Providing for the inclusion of persons with a disability under the endangered persons definition would provide the procedures required to issue an alert for missing persons with a severe physical impairment or developmental disability.

DOH provided the following:

The new procedure (called the “Brittany Alert”) is so named for a young woman who went missing from her family’s home, and did not meet the criteria for an Amber Alert (used for endangered children) nor for a Silver Alert (used for endangered adults 50+ with clear indications of an “irreversible deterioration of their intellectual faculties”). Her family felt that she was in danger being away from the family’s care and supervision. She was subsequently found but her family’s search for her was potentially hampered by the lack of immediate, organized public notification.