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FISCAL IMPACT REPORT

ORIGINAL DATE 1/23/19
LAST UPDATED 1/29/19 **HB** _____

SPONSOR Martinez, RC

SHORT TITLE Missing Person Notification Requirements **SB** 42/aSPAC

ANALYST Glenn

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY19	FY20	FY21	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	NFI	NFI	NFI			See Fiscal Implications

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Department of Information Technology (DOIT)

Department of Public Safety (DPS)

SUMMARY

Synopsis of SPAC Amendment

The Senate Public Affairs amendment deletes language in Section 2 requiring notification to the Department of Information Technology regarding a silver alert and replaces it with language directing DPS to require cellular service companies to implement silver alerts in accordance with the FCC’s wireless emergency alerts processes.

Synopsis of Original Bill

Senate Bill 42 amends the Missing Person and Information Act (“MPI Act”) to require a silver alert when an “endangered person,” as defined by the MPI Act, is missing and is fifty years or older, or suffers from Alzheimer’s disease or another form of dementia, regardless of age. The bill expands the silver alert requirements developed and implemented by DPS for disseminating information about a person subject to an alert, including notification to DOIT that a silver alert has been issued. Upon notification, DOIT is required to transmit the notification to all “state field operations employees.” The bill provides that only DPS may terminate a silver alert.

Under SB 42, DPS is required to develop a silver alert plan that includes, in addition to the notification to DOIT, procedures for: notifying the “lead station,” as defined by the MPI Act, that

a silver alert has been declared; other state and private news media sources to alert the public of the missing person; notifying cellular service companies and paging service companies, who will send a text message to their customers at no additional expense to the recipients; notifying all local and federal law enforcement agencies about an alert; the dissemination of information about the missing person to the lead station, DOIT, and local law enforcement agencies; and collecting and maintaining specified records regarding each silver alert issued. SB 42 requires DPS to distribute the silver alert plan and provide training to all local law enforcement agencies.

FISCAL IMPLICATIONS

DOIT indicates that SB 42 has no fiscal impact on DOIT.

DPS states that SB 42 has no fiscal impact on DPS because it already issues silver alerts as required by existing law.

SIGNIFICANT ISSUES

SB 42's amendment to the definition of "silver alert," NMSA 1978, § 29-15-2(N), expands the category of missing persons who may be subject to a silver alert. The bill would require a silver alert for any missing "endangered person," as defined in Section 29-15-2(E), over the age of 50, and any endangered person, regardless of age, who suffers from Alzheimer's disease or other form of dementia. Under the current law, a silver alert is issued when a missing endangered person is over age 50 and "has an irreversible deterioration of intellectual faculties."

DOIT states that SB 42 is not related to DOIT's mission. DOIT notes that SB42 would require it to transmit notifications to "field operations employees," but does not define the term. Nevertheless, DOIT is willing and able to provide DPS technical assistance in setting up an account to send out the silver alerts via email to state employees. DOIT believes DPS should be responsible for this email blast as the alerts are time sensitive and should not have to wait for a third party to send out the alerts.

DPS believes that the bill's the requirement that DPS notify a representative of each cellular service company and paging service will be difficult to implement with private companies. According to DPS, the current procedure for Amber Alerts that result in cell phone emergency alerts is activated by secondary notification, which is coordinated through the federal emergency alert system (EAS) and the National Center for Missing Exploited Children (NCMEC). DPS states there would be no guarantee that private cellular and paging companies would agree to the bill's requirement.

DPS notes that it is currently required to maintain records and collect information similar to that required by SB 42 pursuant to the New Mexico Missing Persons Clearinghouse, and that DPS is already performing most of the notification requirements described in Subsections (B)(5) and (6) in Section 2 of the bill.

TECHNICAL ISSUES

Subsection B(2) in Section 2 of SB 42 provides that the silver alert plan developed by DPS shall "provide a procedure in which other state and private print, radio, television or other media may alert members of the public of the missing person." This provision is awkwardly drafted, and

might be rewritten to clarify the drafters' intent. Also, the reference to "state" media is unclear; it might make more sense to replace the term "state" with "public."

DPS notes that SB 42's changes to NMSA 1978, Section 29-15-2(N) alter the original intent of the law pertaining to silver alerts. To make the changes intended by the bill without interfering with the category of missing persons subject to silver alerts under the existing law, an alternative to the bill's proposed amendment to Section 29-15-2(N) might state something such as:

"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; or

(4) who is a missing person and suffers from Alzheimer's disease or another form of dementia, regardless of age.

BG/gb/al