

1 SENATE BILL 12

2 55TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2022

3 INTRODUCED BY

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10 AN ACT

11 RELATING TO LAW ENFORCEMENT; CREATING THE POSITION OF MISSING
12 INDIGENOUS PERSONS SPECIALIST WITHIN THE OFFICE OF THE ATTORNEY
13 GENERAL; PROVIDING DUTIES; CREATING THE PARTNERSHIP IN NATIVE
14 AMERICAN COMMUNITIES NETWORK GRANT PROGRAM; CREATING THE
15 PARTNERSHIP IN NATIVE AMERICAN COMMUNITIES NETWORK GRANT FUND;
16 MAKING APPROPRIATIONS; DECLARING AN EMERGENCY.

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

19 SECTION 1. A new section of Chapter 8, Article 5 NMSA
20 1978 is enacted to read:

21 "[NEW MATERIAL] ATTORNEY GENERAL--AUTHORITY TO INVESTIGATE
22 AND PROSECUTE MISSING INDIGENOUS PERSONS CASES.--The attorney
23 general may assist with the investigation and prosecution of
24 all missing persons cases in which one or more indigenous
25 persons are reasonably believed to be victims pursuant to the

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1 Missing Persons Information and Reporting Act."

2 SECTION 2. A new section of Chapter 8, Article 5 NMSA
3 1978 is enacted to read:

4 "[NEW MATERIAL] MISSING INDIGENOUS PERSONS SPECIALISTS--
5 DUTIES--TRAINING.--

6 A. The position of "missing indigenous persons
7 specialist" is created within the office of the attorney
8 general.

9 B. The attorney general shall employ one or more
10 missing indigenous persons specialists, who shall work in
11 collaboration with local, state, federal and tribal law
12 enforcement agencies on missing indigenous persons cases
13 pursuant to the Missing Persons Information and Reporting Act.

14 C. The missing indigenous persons specialists
15 shall:

16 (1) provide assistance to the attorney general
17 during the investigation and prosecution of all missing persons
18 cases in which one or more indigenous persons are reasonably
19 believed to be victims, pursuant to the Missing Persons
20 Information and Reporting Act;

21 (2) provide the attorney general with support
22 in assisting law enforcement agencies and families in the
23 search for missing indigenous persons;

24 (3) review entries in the database of the
25 national crime information center of the United States

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1 department of justice and other databases, including the
2 missing persons information clearinghouse, to ensure records of
3 missing indigenous persons are accurate, complete and made in a
4 timely fashion;

5 (4) review and determine the appropriate
6 jurisdictional authority for investigation and prosecution;

7 (5) collaborate with other state and
8 international missing persons programs and the national center
9 for missing and exploited children to aid in locating
10 indigenous children who are unlawfully taken out of or
11 unlawfully brought into New Mexico;

12 (6) provide public outreach and education on
13 missing indigenous persons issues and the prevention of
14 indigenous child abductions;

15 (7) provide support and technical assistance
16 to law enforcement agencies regarding data collection, data
17 sharing and the cooperative use of available resources;

18 (8) compile reports of pending missing
19 indigenous persons cases, including the status of pending
20 missing indigenous persons cases, the clearance rate of
21 investigating agencies responsible for tracking missing
22 indigenous persons cases and an analysis by year of the
23 characteristics of missing indigenous persons;

24 (9) assist with alerts and advisories at the
25 request of the department of public safety to assist in

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1 locating a missing indigenous person; and

2 (10) collaborate with the New Mexico law
3 enforcement academy to facilitate training for law enforcement
4 agencies related to missing indigenous persons cases.

5 D. The missing indigenous persons specialists shall
6 complete cultural competency and trauma-informed investigation
7 training relevant to indigenous cultures."

8 SECTION 3. A new section of Chapter 8, Article 5 NMSA
9 1978 is enacted to read:

10 "[NEW MATERIAL] PARTNERSHIP IN NATIVE AMERICAN COMMUNITIES
11 NETWORK GRANT PROGRAM--CREATED--PURPOSE.--

12 A. The "partnership in Native American communities
13 network grant program" is created within the office of the
14 attorney general. The purpose of the program is to create a
15 network to support the efforts by the state's Indian nations,
16 tribes and pueblos to identify, report and find Native
17 Americans who are missing.

18 B. The "partnership in Native American communities
19 network" shall be developed and operated by the office of the
20 attorney general as an online portal with a database that
21 allows the Indian nations, tribes and pueblos to securely
22 upload information regarding missing persons from those
23 communities. The partnership in Native American communities
24 network shall be maintained in a manner that is easily
25 accessible to the Indian nations, tribes and pueblos for

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1 providing information to assist in identifying, reporting and
2 finding Native Americans who are missing.

3 C. The office of the attorney general shall award
4 one tribal educational entity a grant to create and administer
5 a central administration point for the partnership in Native
6 American communities network. The office of the attorney
7 general shall develop the application and criteria for the
8 partnership in Native American communities network grant
9 program. The partnership in Native American communities
10 network grant program criteria shall include:

11 (1) policies and standards for technology
12 equipment, including data storage and security of information
13 entered into the network;

14 (2) standards for data verification;

15 (3) job qualifications and requirements for a
16 data specialist to administer the network;

17 (4) development of a system to provide
18 automatic initial alerts pursuant to law enforcement, tribal
19 and community organizations when a missing indigenous person
20 report is made, including determining which law enforcement
21 agencies shall receive the automatic initial alert;

22 (5) development of a standard reporting form
23 that includes space to provide the information to be used by
24 the data specialist to report to the missing persons
25 information clearinghouse. The standard reporting form

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1 required shall allow a data specialist to enter the information
2 about the missing indigenous person, including:

3 (a) name and any aliases or nicknames;

4 (b) gender, age, height, weight and
5 other descriptive physical characteristics;

6 (c) tribal affiliation, if any;

7 (d) last known location and related
8 information, including the date of last contact with the
9 missing indigenous person and the person with whom the missing
10 indigenous person last made contact; and

11 (e) photographs, including photographs
12 obtained from an online or social media profile; and

13 (6) administrative rights to the network for a
14 designee at each participating tribal agency.

15 D. The office of the attorney general may provide
16 additional smaller, noncompetitive grants through the
17 partnership in Native American communities network grant
18 program to be awarded to a qualifying tribal agency at each
19 Indian nation, tribe and pueblo within the state that submits a
20 complete application. Grants awarded under this subsection
21 shall provide matching funds for some or all of the costs
22 required for the tribal agency to set up and maintain access to
23 the partnership in Native American communities network."

24 SECTION 4. A new section of Chapter 8, Article 5 NMSA
25 1978 is enacted to read:

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1 "[NEW MATERIAL] PARTNERSHIP IN NATIVE AMERICAN COMMUNITIES
2 NETWORK GRANT FUND--CREATED.--The "partnership in Native
3 American communities network grant fund" is created in the
4 state treasury. The fund consists of appropriations, gifts,
5 grants and donations. Money in the fund at the end of fiscal
6 year 2023 shall revert to the general fund. The office of the
7 attorney general shall administer the fund, and money in the
8 fund is appropriated to the office of the attorney general to
9 administer the partnership in Native American communities
10 network grant program and to carry out the provisions of
11 Section 3 of this 2022 act. Disbursements from the fund shall
12 be made by warrant signed by the secretary of finance and
13 administration pursuant to vouchers signed by the attorney
14 general or the attorney general's authorized representative."

15 SECTION 5. APPROPRIATIONS.--

16 A. One million dollars (\$1,000,000) is appropriated
17 from the general fund to the office of the attorney general for
18 expenditure in fiscal year 2023 and subsequent fiscal years for
19 the office of the attorney general to employ one or more full-
20 time missing indigenous persons specialists to provide support
21 services to the attorney general and to provide cultural
22 competency training for the missing indigenous persons
23 specialists. Any unexpended or unencumbered balance remaining
24 at the end of a fiscal year shall not revert to the general
25 fund.

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