

SENATE JUDICIARY COMMITTEE SUBSTITUTE FOR
SENATE BILL 12

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

AN ACT

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

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

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

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

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underscoring material = new
[bracketed material] = delete

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.--

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) review entries in the database of the
17 national crime information center of the United States
18 department of justice and other databases, including the
19 missing persons information clearinghouse, to ensure records of
20 missing indigenous persons are accurate, complete and made in a
21 timely fashion;

22 (2) collaborate with other state and
23 international missing persons programs and the national center
24 for missing and exploited children to aid in locating
25 indigenous children who are unlawfully taken out of or

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1 unlawfully brought into New Mexico;

2 (3) provide public outreach and education on
3 missing indigenous persons issues and the prevention of
4 indigenous child abductions;

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

8 (5) compile reports of pending missing
9 indigenous persons cases, including the status of pending
10 missing indigenous persons cases, the clearance rate of
11 investigating agencies responsible for tracking missing
12 indigenous persons cases and an analysis by year of the
13 characteristics of missing indigenous persons;

14 (6) assist with alerts and advisories at the
15 request of the department of public safety to assist in
16 locating a missing indigenous person; and

17 (7) collaborate with the New Mexico law
18 enforcement academy to facilitate training for law enforcement
19 agencies related to missing indigenous persons cases."

20 SECTION 3. A new section of Chapter 8, Article 5 NMSA
21 1978 is enacted to read:

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

24 A. The "partnership in Native American communities
25 network grant program" is created within the office of the

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underscoring material = new
[bracketed material] = delete

1 attorney general. The purpose of the program is to create a
2 network to support the efforts by the state's Indian nations,
3 tribes and pueblos to identify, report and find Native
4 Americans who are missing.

5 B. The "partnership in Native American communities
6 network" shall be developed and operated by the office of the
7 attorney general as an online portal with a database to
8 securely upload information regarding missing indigenous
9 persons.

10 C. The office of the attorney general shall award
11 grants to create and administer the Native American communities
12 network and develop the application and criteria for the grant
13 program. The partnership in Native American communities
14 network grant program criteria shall include:

15 (1) policies and standards for technology
16 equipment, including data storage and security of information
17 entered into the network;

18 (2) standards for data verification;

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

21 (4) development of a system to provide
22 automatic initial alerts pursuant to law enforcement, tribal
23 and community organizations when a missing indigenous person
24 report is made.

25 D. The office of the attorney general may also

1 award grants through the partnership in Native American
2 communities network grant program to a qualifying tribal agency
3 at each Indian nation, tribe and pueblo as matching funds for a
4 tribal agency to create and maintain access to the partnership
5 in Native American communities network."

6 SECTION 4. A new section of Chapter 8, Article 5 NMSA
7 1978 is enacted to read:

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

22 SECTION 5. APPROPRIATIONS.--

23 A. One million dollars (\$1,000,000) is appropriated
24 from the general fund to the office of the attorney general for
25 expenditure in fiscal year 2023 for the office of the attorney

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1 general to employ one or more full-time missing indigenous
2 persons specialists. Any unexpended or unencumbered balance
3 remaining at the end of fiscal year 2023 shall revert to the
4 general fund.

5 B. One million dollars (\$1,000,000) is appropriated
6 from the general fund to the partnership in Native American
7 communities network grant fund for expenditure in fiscal year
8 2023 to provide grants in accordance with the partnership in
9 Native American communities network grant program. Any
10 unexpended or unencumbered balance remaining at the end of
11 fiscal year 2023 shall revert to the general fund.

12 SECTION 6. DELAYED REPEAL.--Sections 3 and 4 of this act
13 are repealed effective July 1, 2023.

14 SECTION 7. EMERGENCY.--It is necessary for the public
15 peace, health and safety that this act take effect immediately.