

Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis:

HB 197, proposes an amendment to the Missing Persons Information and Reporting Act to expand the definition of a Silver Alert. The bill amends the definition for issuing a Silver Alert by:

allowing a reporter's belief that an endangered person "displays signs or symptoms of Alzheimer's disease or another form of dementia, cognitive decline or impairment, regardless of age" as sufficient for triggering an alert. Currently the definition requires that there be a "clear indication" that the individual suffers from Alzheimer's disease or another form of dementia. The current definition also does not include "cognitive decline or impairment."

FISCAL IMPLICATIONS

There are no fiscal implications for the New Mexico Aging and Long-Term Services Department (ALTSD).

SIGNIFICANT ISSUES

- Public Safety & Awareness:
 - Broadening eligibility for Silver Alerts could enhance public safety by increasing response efforts for missing persons with cognitive impairment.
 - The current definition requires law enforcement to ascertain whether there is a clear indication that the endangered person suffers from Alzheimer's disease or another form of dementia. This is a challenge for law enforcement as law enforcement may not be able to quickly obtain the information necessary to support a determination that there is a clear indication that a person has Alzheimer's disease or another form of dementia.
 - By allowing law enforcement to simply rely on a reporter's belief that the endangered person suffers from Alzheimer's disease or dementia, cognitive decline or impairment—law enforcement will be able to move forward with the silver alert process without needing to gather more information.

- Law Enforcement Burden:
 - Local and state law enforcement agencies may experience an increased number of reports requiring verification and investigation that meet the criteria of silver alert.

- Medical & Privacy Concerns:
 - The bill relies on a reporter's belief regarding cognitive impairment without specifying assessment methods or the necessity of a medical diagnosis, which could introduce judgement.

PERFORMANCE IMPLICATIONS

None expected for ALTSD.

ADMINISTRATIVE IMPLICATIONS

None expected for ALTSD.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

- Potential Relationship with Brittany Alert System (for individuals with developmental disabilities):
 - HB 197 could lead to overlap between Silver Alerts and Brittany Alerts, which are issued for endangered persons with developmental disabilities.
 - Clarification may be needed on when each alert type should be used.

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

- The Silver Alert system will continue to exclude individuals with general cognitive decline or impairment, limiting access to emergency response resources for missing individuals who do not have a formal Alzheimer's or dementia diagnosis.
- Families and caregivers may face delays or barriers in receiving law enforcement assistance for missing individuals with cognitive impairment if law enforcement determines that it does not have enough evidence to support a finding of a clear indication that the endangered person has Alzheimer's disease or another form of dementia.

AMENDMENTS