

LFC Requester:	Scott Sanchez
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AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO
AgencyAnalysis.nmlegis.gov and email to billanalysis@dfa.nm.gov
(Analysis must be uploaded as a PDF)

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Date Prepared: 31JAN2025 *Check all that apply:*
Bill Number: HB197 Original Correction
 Amendment Substitute

Sponsor: Rep. Joseph Sanchez **Agency Name and Code:** 790 – Department of Public Safety
Short Title: Expand Silver Alert Definition **Person Writing:** Matthew Broom, Deputy Chief
Title: Expand Silver Alert Definition **Phone:** 5757601485 **Email:** Matthew.broom@dps.nm.gov

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
NFI	NFI	N/A	N/A

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
NFI	NFI	NFI	N/A	N/A

(Parenthesis () indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	NFI	\$2,167.5	\$2,167.5	\$4,335.0	N/A	N/A

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
 Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

House Bill 197 (HB 197) proposes to amend Missing Persons Information and Reporting Act to clarify that a Silver Alert means a notification relating to an endangered person “who the reporter believes” displays signs or symptoms of Alzheimer’s disease or another form of dementia, cognitive decline or impairment, regardless of age.

FISCAL IMPLICATIONS

A significant fiscal impact is expected on the New Mexico State Police (NMSP) Media Relations Unit, which frequently assists smaller law enforcement agencies with limited resources in issuing and publicizing Silver Alerts. This increased workload could require additional personnel or operational support to ensure timely and effective dissemination of critical information to the public.

To enhance the monitoring and management of missing persons and alerts, the Law Enforcement Records Bureau (LERB) at Department of Public Safety must modernize to enhance the monitoring and management of missing persons and alerts, New Mexico must modernize its aging tracking system, which is nearing the end of its lifecycle and no longer meets essential operational requirements. Investing in an upgraded system will ensure greater efficiency, accuracy, and responsiveness in handling missing persons cases.

The estimated project cost is \$2,167,500, allocated as follows:

- \$1.25 million for the discovery and implementation phase,
- \$417,500 for system maintenance over five years, and
- \$500,000 for project management, independent verification and validation (IV&V), and data analysis.

The implementation of HB 197 may result in an increase in Silver Alert activations, leading to higher administrative and operational demands on the New Mexico Department of Public Safety (DPS) and local law enforcement agencies.

However, these costs will be offset by the improved efficiency of a modernized system, allowing for faster response times, streamlined coordination, and better resource management in locating missing individuals. Strengthening interagency collaboration and enhancing technology-based alert systems will ensure the long-term sustainability of the Silver Alert program while maintaining its effectiveness.

SIGNIFICANT ISSUES

Currently, the statute allows the lead investigator to determine whether an individual has Alzheimer’s or dementia based on the findings of their investigation.

The proposed revision, however, would remove the lead investigator’s authority to request an alert based on their investigation. Instead, it would rely on the “reporter’s” belief that the individual is showing signs or symptoms, which could potentially be misleading.

Simply because a “reporter” believes someone is exhibiting signs of Alzheimer’s or dementia does not necessarily mean that they have the condition. If the lead investigator, after reviewing the facts, determines the individual does not have Alzheimer’s or dementia, an alert would still be issued based on the reporter’s belief. I don’t think this is the best approach.

The addition of the terms “cognitive decline or impairment” broadens the coverage of who falls under a “silver alert,” especially when a reporter makes the determination not the lead investigator. This will lead to many more silver alerts being issued. Cognitive decline or impairment cognitive decline can result from a variety of conditions—such as medication side effects, vitamin deficiencies, depression, and specific drugs—particularly when used frequently or in high doses—can impair memory, learning, attention, and decision-making processes.

It's crucial that we ensure alerts are issued only for individuals who meet specific, fact-checked criteria. This will help maintain the integrity of the alert system and prevent situations where the alerts are not as effective as they should be.

Additionally, the phrase "regardless of age" in the current statute in Section N(3) and the proposed revision is unnecessary. If an individual meets the criteria for a Silver Alert, their age should not be a barrier—whether they are 30 or 50 years old, an alert should be issued. The language is confusing, especially for law enforcement agencies that sometimes contact us for guidance.

With a consistent recovery rate exceeding 90% in recent years, the Silver Alert system remains a highly effective tool in reuniting vulnerable individuals with their families. Continued investment in modernized tracking systems, enhanced public awareness, and streamlined law enforcement coordination will further increase efficiency and ensure that every alert issued contributes to positive, life-saving outcomes.

Expanding the criteria for issuing Silver Alerts—shifting from a "**clear indication**" of cognitive impairment to a **reporter's belief**—could lead to an increase in alerts. While this change may enhance responsiveness, it also requires a **balanced approach** to maintain the system's effectiveness and ensure law enforcement resources are used efficiently. Strengthening verification procedures and leveraging technology can help optimize outcomes while minimizing false positives.

Silver Alert Success Rates:

- **2025: 60%** (3 of 5 individuals located; 2 still missing)
- **2024: 100%** (25 of 25 individuals located)
- **2023: 93%** (38 of 41 individuals located; 3 still missing)
- **2022: 98%** (44 of 45 individuals located; 1 still missing)

PERFORMANCE IMPLICATIONS

The revised criteria may enhance the responsiveness of law enforcement agencies to missing persons cases involving cognitive decline. This could lead to quicker recoveries, reducing risks to vulnerable individuals and improving public safety.

However, the expansion of eligibility for Silver Alerts may result in a substantial increase in alert activations, which could contribute to "alert fatigue," a phenomenon where frequent or excessive notifications lead to decreased public engagement and responsiveness. If Silver Alerts are issued too frequently, the general public may begin to ignore or dismiss them as routine, reducing their sense of urgency and effectiveness. This desensitization can lead to delays in critical citizen assistance, as individuals may be less likely to actively look for missing persons or report sightings. Over time, the diminished impact of these alerts could weaken the entire alert system, making it less effective in cases where immediate public awareness is crucial.

Law enforcement agencies will need to carefully balance the expanded criteria with measures to ensure that alerts remain meaningful and retain their ability to prompt swift public action

ADMINISTRATIVE IMPLICATIONS

When a New Mexico law enforcement agency receives a missing person report, they immediately or within two hours enter the individual's information into the National Crime Information Center (NCIC) and the New Mexico Law Enforcement Telecommunications System (NMLETS), ensuring no waiting period delays the process. If the case involves a child or an at-risk adult, it is prioritized for urgent response. Once entered into NCIC, the New Mexico Department of Public Safety (NMDPS) Missing Person Clearinghouse verifies the report, assists with data management, and provides investigative support to the agency.

The Clearinghouse facilitates statewide alerts via New Mexico State Police, who issue alerts via a wide range of social media platforms based on corresponding criteria AMBER, Silver, or Endangered Missing Person Alerts. The Missing Person Clearinghouse collaborates with national organizations like the National Center for Missing & Exploited Children (NCMEC) and the FBI for broader investigations. Law enforcement agencies work closely with the Clearinghouse to ensure accurate record-keeping, distribute missing person bulletins, and coordinate multi-jurisdictional efforts.

New Mexico State Police work with individual agencies upon request to support and assist in whatever capacity is needed; throughout the investigation, officers gather critical details, conduct searches, interview witnesses, and use media outreach when necessary. The Clearinghouse also provides support to families, keeps law enforcement updated on best practices, and assists in ongoing case tracking. The Clearinghouse is responsible for updating the NMDPS website with information about the missing person including a flyer and other known information regarding the individual.

Law enforcement agencies and DPS will need to update their procedures for issuing Silver Alerts, ensuring officers and dispatchers understand the new criteria. Training will be necessary to educate personnel on handling cases where cognitive impairment is presumed rather than medically confirmed. Additionally, technology systems managing Silver Alerts may require modifications to accommodate the broader definition.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

No conflict, duplication, companionship or relationship to DPS.

TECHNICAL ISSUES

No Technical Issues to DPS.

OTHER SUBSTANTIVE ISSUES

No Substantive Issues to DPS.

ALTERNATIVES

None at this time.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status Quo will remain.

AMENDMENTS

None at this time.