

LFC Requester: _____

AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO

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(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: February 6, 2025 *Check all that apply:*
Bill Number: HB301 Original Correction
 Amendment Substitute

Sponsor: Martin R. Zamora **Agency Name and Code** Aging and Long-Term Services
Short Title: Improve Silver Alerts **Number:** Department 62400
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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
NA	NA	NA	NA
NA	NA	NA	NA

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
NA	NA	NA	NA	NA

(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	NA	NA	NA	NA	NA	NA

(Parenthesis () Indicate Expenditure Decreases)

SECTION III: NARRATIVE

BILL SUMMARY

House Bill 301(HB 301) aims to enhance the Silver Alert system in New Mexico by amending the current statute by requiring the Department of Public Safety (DPS) to include in its silver alert plan a procedure for notifying a representative of each cellular and paging service company in New Mexico when a silver alert is implemented. Furthermore, HB 301 requires these companies to send text message alerts to customers at no expense to the recipient or to any service that accepts the information from the authorized requester and delivers it to the cellular service or paging service company.

FISCAL IMPLICATIONS

There is no direct Fiscal Implication to the Aging and Long-Term Services Department (ALTSD).

SIGNIFICANT ISSUES

The current New Mexico state statute § 29-15-3.2(4), which governs silver alerts already requires that alerts be implemented in accordance with federal communication commission wireless emergency alert processes. The Wireless Emergency Alert Processes are included in federal regulation 47 CFR Part 10. However, participation in the wireless emergency alert system is voluntary and commercial mobile service providers may elect to not participate.¹

Therefore, HB 301 may be interpreted to require any cellular service or paging service company to participate in the silver alert system. Furthermore, if the Department of Public Safety is not currently ensuring that cellular service or paging service companies are complying with federal regulations, and sending text messages, this amendment would clarify requirements related to text messages when a silver alert has been issued. This confusion may be reasonable as the AMBER Alert Law § 29A-15A-3(A)(4), clearly requires text messages, but the Silver Alert law does not currently require text

HB 301 requires that a silver alert be sent “to the company’s customers” which may result in silver alerts being transmitted to a larger geographic area than is necessary as it may be interpreted that all of the company’s customers should be alerted. For example, the Las Cruces community may not need to be alerted regarding a person subject to a silver alert from Farmington. An unfocused silver alert system may cause New Mexicans to get “alert fatigue” and ignore silver alerts, which could decrease the effectiveness of the silver alert system. However, if effectively implemented, the silver alert enhancements could reduce response times for missing persons and lead to higher recovery rates through expanded public awareness.

Additionally, silver alerts may contain private information about the person subject to the alert, by

¹ 47 CFR Part 10.220

implication; therefore, any use of the silver alert system should take into consideration the scope of how the information is shared.

PERFORMANCE IMPLICATIONS

None anticipated for ALTSD.

ADMINISTRATIVE IMPLICATIONS

None anticipated for ALTSD.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

- Potential Conflicts:
 - May conflict with existing federal regulations on wireless emergency alerts; however, it appears that the current statutory requirement in NMSA § 29-15-3.2(4) that a silver alert be implemented “in accordance with the federal communication commission’s wireless emergency alert processes” may already require alerts to be issued at no expense to consumers.ⁱ
- Companion or Related Legislation:
 - The proposed amendment aligns with existing Amber Alert.. § 29A-15A-3(A)(4), “AMBER Alert Law.”
- Relationship:
 - HB197 modifies Silver Alert criteria by including any 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.

TECHNICAL ISSUES

The bill does not specify who enforces compliance or penalties for non-compliance.

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

HB 301 could include the amendment proposed in HB197, that modifies the silver alert criteria to include any 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.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

It will remain unclear if silver alerts should be sent out as no cost to consumer text messages, and there will be no requirement that DPS actively coordinate with representatives from cellular and paging service companies to implement silver alerts.

AMENDMENTS

ⁱ “Wireless Emergency Alerts.” FCC Consumer Guides (accessed February 6, 2025).
<https://www.fcc.gov/consumers/guides/wireless-emergency-alerts-wea#:~:text=Authorized%20public%20safety%20officials%20send,devices%20in%20the%20affected%20area>.