SENATE BILL 41

57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025

INTRODUCED BY

Angel M. Charley and Michelle Paulene Abeyta and Cindy Nava

and Charlotte Little

AN ACT

RELATING TO ENDANGERED PERSONS; MANDATING THAT THE DEPARTMENT
OF PUBLIC SAFETY CREATE AND MAINTAIN A TURQUOISE ALERT SYSTEM
FOR THE RAPID DISSEMINATION OF INFORMATION RELATING TO MISSING
AMERICAN INDIANS.

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

SECTION 1. Section 29-15-2 NMSA 1978 (being Laws 1995,

Chapter 146, Section 2, as amended) is amended to read:

"29-15-2. DEFINITIONS.--As used in the Missing Persons

Information and Reporting Act:

A. "Brittany alert" means a notification relating

to an endangered person:

(1) who is a missing person; and

(2) about whom there is a clear indication

that the person has a developmental disability as defined in

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1 Subsection A of Section 28-16A-6 NMSA 1978 and that the

2 person's health or safety is at risk;

3 B. "child" means a person under the age of eighteen

4 years who is not emancipated;

5 C. "clearinghouse" means the missing persons

6 information clearinghouse;

7 D. "custodian" means a parent, guardian or other

8 person who exercises legal physical control, care or custody of

9 a child or of an adult with a developmental disability; or a

10 person who performs one or more activities of daily living for

11 an adult;

12 E. "endangered person" means a missing person who:

13 (1) is in imminent danger of causing harm to

14 the person's self;

15 (2) is in imminent danger of causing harm to

16 another;

17 (3) is in imminent danger of being harmed by

18 another or who has been harmed by another;

19 (4) has been a victim of a crime as provided

20 in the Crimes Against Household Members Act or in Section

21 30-3A-3 or 30-3A-3.1 NMSA 1978, or their equivalents in any

22 other jurisdiction;

23 (5) is or was protected by an order of

24 protection pursuant to the Family Violence Protection Act;

25 (6) has Alzheimer's disease, dementia or

.230297.1SA

another degenerative brain disorder or a brain injury; or

(7) has a developmental disability as defined in Subsection A of Section 28-16A-6 NMSA 1978 and that person's health or safety is at risk;

F. "immediate family member" means the spouse, nearest relative or close friend of a person;

G. "law enforcement agency" means a law enforcement agency of the state, a state agency or a political subdivision of the state;

H. "lead station" means an AM radio station that has been designated as the "state primary station" by the federal communications commission for the emergency alert system;

I. "missing person" means a person whose whereabouts are unknown to the person's custodian or immediate family member and the circumstances of whose absence indicate that:

(1) the person did not leave the care and control of the custodian or immediate family member voluntarily and the taking of the person was not authorized by law; or

(2) the person voluntarily left the care and control of the custodian without the custodian's consent and without intent to return;

J. "missing person report" means information that is:

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(1) given to a law enforcement agency on a form used for sending information to the national crime information center; and

(2) about a person whose whereabouts are unknown to the reporter and who is alleged in the form submitted by the reporter to be missing;

K. "person" means an individual, regardless of age;

L. "possible match" means the similarities between unidentified human remains and a missing person that would lead one to believe they are the same person;

M. "reporter" means the person who reports a missing person;

N. "silver alert" means a notification relating to an endangered person:

(1) who is a missing person; and

(2) who is fifty years or older; or

(3) about whom there is a clear indication that the individual suffers from Alzheimer's disease or another form of dementia, regardless of age;

O. "state agency" means an agency of the state, a political subdivision of the state or a public post-secondary educational institution; [and]

P. "state registrar" means the employee so designated by the public health division of the department of health pursuant to the Vital Statistics Act; and

.230297.1SA

- 4 -

Q. "turquoise alert" means a notification relating to an endangered person who is:

(1) a missing person; and

(2) an enrolled member, or a person eligible for enrollment, in a federally recognized Indian nation, tribe or pueblo."

SECTION 2. A new section of the Missing Persons Information and Reporting Act, Section 29-15-3.5 NMSA 1978, is enacted to read:

"29-15-3.5. [NEW MATERIAL] TURQUOISE ALERT ADVISORY.--

A. The department of public safety or the lead investigating law enforcement agency shall issue a turquoise alert if, after review and investigation of a missing person report of a person subject to the alert, the department of public safety or the lead investigating law enforcement agency makes an independent determination that the missing person is a person subject to the alert.

B. The department of public safety shall develop and implement a turquoise alert plan for the purpose of disseminating, as rapidly as possible, information about a person subject to the alert. The plan shall:

(1) provide a procedure for the department to notify the lead station that a turquoise alert has been declared. The procedure shall include codes for use by the department in communicating with the lead station to prevent

.230297.1SA

1   false alerts;

2   (2)   provide a procedure in which other state

3   and private print, radio, television or other media may alert

4   members of the public of the missing person;

5   (3)   include a procedure for notifying the

6   department of information technology that a turquoise alert has

7   been declared. The department of information technology shall

8   immediately transmit the notification and related information

9   to all state field operations employees so that they may be

10   aware and vigilant in the course of their regular activities;

11   (4)   require cellular service companies to

12   implement turquoise alerts in accordance with the federal

13   communications commission's wireless emergency alerts

14   processes;

15   (5)   include a procedure for notifying all

16   local and federal law enforcement agencies that a turquoise

17   alert has been declared;

18   (6)   provide for dissemination of information

19   about the missing person to the lead station, the department of

20   information technology and local law enforcement agencies when

21   a turquoise alert has been declared; and

22   (7)   provide for collecting and maintaining the

23   following records regarding each turquoise alert issued:

24   (a)   the municipality where the missing

25   person report originated;

.230297.1SA

(b)   the age of the missing person;

(c)   the gender of the missing person;

(d)   the date of the missing person report;

(e)   the date the turquoise alert is issued; and

(f)   the date of recovery of the missing person.

C.   The department of public safety shall distribute the turquoise alert notification plan to all local law enforcement agencies and provide such training and other assistance as is necessary to ensure that the plan can be properly implemented.

D.   Once a turquoise alert has been declared, only the department of public safety or the lead investigating law enforcement agency may terminate the turquoise alert."

- 7 -

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