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AN ACT

RELATING TO ENDANGERED PERSONS; CREATING A BRITTANY ALERT
PROCEDURE FOR THE DEPARTMENT OF PUBLIC SAFETY.

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
Subsection A of Section 28-16A-6 NMSA 1978 and that the
person's health or safety is at risk;

B. "child" means a person under the age of
eighteen years who is not emancipated;

C. "clearinghouse" means the missing persons
information clearinghouse;

D. "custodian" means a parent, guardian or other
person who exercises legal physical control, care or custody
of a child or of an adult with a developmental disability; or
a person who performs one or more activities of daily living
for an adult;

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

2 (1) is in imminent danger of causing harm to
3 the person's self;

4 (2) is in imminent danger of causing harm to
5 another;

6 (3) is in imminent danger of being harmed by
7 another or who has been harmed by another;

8 (4) has been a victim of a crime as provided
9 in the Crimes Against Household Members Act or in
10 Section 30-3A-3 or 30-3A-3.1 NMSA 1978, or their equivalents
11 in any other jurisdiction;

12 (5) is or was protected by an order of
13 protection pursuant to the Family Violence Protection Act;

14 (6) has Alzheimer's disease, dementia or
15 another degenerative brain disorder or a brain injury; or

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

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

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

24 H. "lead station" means an AM radio station that
25 has been designated as the "state primary station" by the

1 federal communications commission for the emergency alert
2 system;

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

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

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

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

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

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

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

24 L. "possible match" means the similarities between
25 unidentified human remains and a missing person that would

1 lead one to believe they are the same person;

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

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

6 (1) who is a missing person;

7 (2) who is fifty years or older; and

8 (3) about whom there is a clear indication
9 that the individual has an irreversible deterioration of
10 intellectual faculties;

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

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

17 SECTION 2. A new section of the Missing Persons
18 Information and Reporting Act is enacted to read:

19 "BRITTANY ALERT ADVISORY.--

20 A. The department of public safety shall issue a
21 Brittany alert if, after review and investigation of a
22 missing person report of a person subject to the alert, the
23 department makes an independent determination that the
24 missing person is a person subject to the alert.

25 B. The department shall develop and implement

1 Brittany alert procedures for the purpose of disseminating,
2 as rapidly as possible, information about a person subject to
3 the alert. The procedures shall include:

4 (1) notification to the lead station of the
5 Brittany alert;

6 (2) notification to other public and private
7 media sources and members of the public as necessary; and

8 (3) the provision of information about the
9 subject of the Brittany alert, including all identifying
10 information, to the lead station and other media sources."

11 SECTION 3. EFFECTIVE DATE.--The effective date of the
12 provisions of this act is July 1, 2016. _____

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