

1 SENATE BILL 92

2 **55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021**

3 INTRODUCED BY

4 Linda M. Lopez

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10 AN ACT

11 RELATING TO MISSING PERSONS; REQUIRING CONFIDENTIALITY OF A
12 FOUND PERSON'S STATUS AND LOCATION IN CERTAIN CIRCUMSTANCES.

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

15 SECTION 1. Section 29-15-5 NMSA 1978 (being Laws 1995,
16 Chapter 146, Section 5, as amended) is amended to read:

17 "29-15-5. CUSTODIAN OR IMMEDIATE FAMILY MEMBER REQUEST
18 FOR INFORMATION.--

19 A. Upon written or oral request to a law
20 enforcement agency by a custodian or immediate family member of
21 a missing person, the law enforcement agency shall immediately
22 request from the clearinghouse information concerning the
23 missing person that may aid the custodian or immediate family
24 member in the identification or location of the missing person.

25 B. A law enforcement agency to which a request has

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1 been made pursuant to Subsection A of this section shall report
2 to the custodian or immediate family member on the results of
3 its inquiry to the clearinghouse within seven calendar days
4 after the day the request is received by the law enforcement
5 agency, or as soon as the results of its inquiry become
6 available, whichever occurs last.

7 C. A law enforcement agency shall not report to a
8 custodian or immediate family member pursuant to Subsection B
9 of this section if the missing person has been found and has
10 informed a law enforcement agency or the clearinghouse that the
11 person requests confidentiality regarding the person's status
12 and location."

13 SECTION 2. Section 29-15-11 NMSA 1978 (being Laws 1995,
14 Chapter 146, Section 11, as amended) is amended to read:

15 "29-15-11. CONFIDENTIALITY OF RECORDS.--

16 A. The department of public safety shall by rule
17 provide for the classification of information and records as
18 confidential that:

19 (1) are otherwise confidential under state or
20 federal law or rules adopted pursuant to state or federal law;

21 (2) are related to the investigation by a law
22 enforcement agency of a missing person or unidentified human
23 remains, if the department of public safety, in consultation
24 with the law enforcement agency, determines that release of the
25 information would be deleterious to the investigation;

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1 (3) are records or notations that the
2 clearinghouse maintains for internal use in matters relating to
3 missing persons and unidentified human remains and the
4 department of public safety determines that release of the
5 internal documents might interfere with an investigation by a
6 law enforcement agency in New Mexico or any other jurisdiction;
7 or

8 (4) the department of public safety determines
9 might interfere with an investigation or otherwise harm a
10 person, custodian or reporter.

11 B. The rule may provide for the sharing of
12 confidential information with the custodian or immediate family
13 member of the missing person, except as provided pursuant to
14 Section 29-15-5 NMSA 1978."