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AN ACT

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

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

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

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

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

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

C. A law enforcement agency shall not report to a  
custodian or immediate family member pursuant to Subsection B

1 of this section if the missing person is not a minor, has  
2 been found and has informed a law enforcement agency or the  
3 clearinghouse that the person requests confidentiality  
4 regarding the person's status and location. If the missing  
5 person who requests confidentiality regarding the person's  
6 status and location is a person with a custodian appointed by  
7 a judge, the law enforcement agency shall inform the court  
8 that the person has been found and has requested  
9 confidentiality regarding the person's status and location.  
10 A law enforcement agency shall also report to the custodian  
11 that the person has been found unless there is competent  
12 evidence that to do so may cause harm to the incapacitated  
13 person.

14 D. The Inspection of Public Records Act shall not  
15 apply to a request to inspect records regarding a person who  
16 has requested confidentiality pursuant to Subsection C of  
17 this section."

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

20 "29-15-11. CONFIDENTIALITY OF RECORDS.--

21 A. The department of public safety shall by rule  
22 provide for the classification of information and records as  
23 confidential that:

24 (1) are otherwise confidential under state  
25 or federal law or rules adopted pursuant to state or federal

1 law;

2 (2) are related to the investigation by a  
3 law enforcement agency of a missing person or unidentified  
4 human remains, if the department of public safety, in  
5 consultation with the law enforcement agency, determines that  
6 release of the information would be deleterious to the  
7 investigation;

8 (3) are records or notations that the  
9 clearinghouse maintains for internal use in matters relating  
10 to missing persons and unidentified human remains and the  
11 department of public safety determines that release of the  
12 internal documents might interfere with an investigation by a  
13 law enforcement agency in New Mexico or any other  
14 jurisdiction; or

15 (4) the department of public safety  
16 determines might interfere with an investigation or otherwise  
17 harm a person, custodian or reporter.

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