



The Legislature
of the
State of New Mexico

49th Legislature, Second Session

LAWS 2010

CHAPTER 32

SENATE BILL 167, as amended

Introduced by

SENATOR LINDA M. LOPEZ



FOR THE COURTS, CORRECTIONS AND JUSTICE COMMITTEE

CHAPTER 32

AN ACT

1
2 RELATING TO LAW ENFORCEMENT; INCLUDING VICTIMS OF DOMESTIC
3 ABUSE AS ENDANGERED PERSONS IN THE MISSING PERSONS
4 INFORMATION ACT; EXPANDING THE DEFINITION OF "IMMEDIATE
5 FAMILY MEMBER"; AMENDING SECTIONS OF THE MISSING PERSONS
6 INFORMATION ACT.

7
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

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

11 "29-15-1. SHORT TITLE.--Chapter 29, Article 15 NMSA
12 1978 may be cited as the "Missing Persons Information Act"."

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

15 "29-15-2. DEFINITIONS.--As used in the Missing Persons
16 Information Act:

17 A. "child" means an individual under the age of
18 eighteen years who is not emancipated;

19 B. "clearinghouse" means the missing persons
20 information clearinghouse;

21 C. "custodian" means a parent, guardian or other
22 person who exercises legal physical control, care or custody
23 of a child;

24 D. "endangered person" means a missing person who:

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

1 the person's self;

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

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

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

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

12 (6) has Alzheimer's disease or another
13 degenerative brain disorder;

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

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

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

24 (1) the person did not leave the care and
25 control of the custodian or immediate family member

1 voluntarily and the taking of the person was not authorized
2 by law; or

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

6 H. "missing person report" means information that
7 is:

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

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

14 I. "person" means an individual, regardless of
15 age;

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

19 K. "reporter" means the person who reports a
20 missing person; and

21 L. "state agency" means an agency of the state, a
22 political subdivision of the state or a public post-secondary
23 educational institution."

24 Section 3. Section 29-15-7 NMSA 1978 (being Laws 1995,
25 Chapter 146, Section 7, as amended) is amended to read:

1 "29-15-7. LAW ENFORCEMENT REQUIREMENTS--MISSING PERSON
2 REPORTS--UNIDENTIFIED HUMAN REMAINS.--

3 A. A law enforcement agency, upon receiving a
4 missing person report, shall:

5 (1) immediately start an appropriate
6 investigation to determine the present location of the
7 missing person and to determine whether the missing person is
8 an endangered person;

9 (2) provide to the clearinghouse all
10 information the law enforcement agency has relating to an
11 investigation regarding, or the location or identification
12 of, a missing person;

13 (3) immediately enter the name of the
14 missing person into the clearinghouse and the national crime
15 information center missing person file; and

16 (4) if the missing person is determined to
17 be an endangered person, notify the department of public
18 safety within twelve hours of receiving the report, in
19 accordance with procedures prescribed by the department.

20 B. Information not immediately available shall be
21 obtained as soon as possible by the law enforcement agency
22 and entered into the clearinghouse and the national crime
23 information center file as a supplement to the original
24 entry.

25 C. All New Mexico law enforcement agencies are

1 required to enter information about all unidentified human
2 remains of persons found in their jurisdiction into the
3 clearinghouse and the national crime information center
4 unidentified person file, including all available identifying
5 features of the human remains and a description of the
6 clothing found with the human remains. If an information
7 entry into the national crime information center file results
8 in an automatic entry of the information into the
9 clearinghouse, the law enforcement agency is not required to
10 make a direct entry of that information into the
11 clearinghouse."

Diane D. Denish

Diane D. Denish, President
Senate

Lenore M. Naranjo
Lenore M. Naranjo, Chief Clerk
Senate

Ben Lujan

Ben Lujan, Speaker
House of Representatives

Stephen R. Arias
Stephen R. Arias, Chief Clerk
House of Representatives

Approved by me this 3rd day of March, 2010

Bill Richardson

Governor Bill Richardson
State of New Mexico

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