

New Mexico

CHAPTER 29. LAW ENFORCEMENT ARTICLE 15A. AMBER ALERT

§ 29-15A-1. Short title

This act [29-15A-1 to 29-15A-5] may be cited as the "AMBER Alert Law".

§ 29-15A-2. Definitions

As used in the AMBER Alert Law [29-15A-1 NMSA 1978]:

A. "AMBER alert" means a declaration by the authorized requester that an abduction has occurred and that notifications and broadcasts should be made pursuant to the AMBER alert notification plan;

B. "authorized requester" means the person designated by the chief of the state police to implement the AMBER alert notification plan;

C. "chief of the state police" means the director of the New Mexico state police division of the department of public safety;

D. "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; and

E. "state police" means the New Mexico state police division of the department of public safety.

§ 29-15A-3. State police; AMBER alert notification plan; declaration of AMBER alert

A. The state police shall develop and implement an AMBER alert notification plan for the purpose of disseminating, as rapidly as possible, information about a child abduction so that law enforcement agencies and citizens throughout the state may be aware and vigilant. The plan shall:

(1) provide a procedure for notifying the lead station by the authorized requester that an AMBER alert has been declared. The procedure shall include codes for use by the authorized requester in communicating with the lead station to prevent false alerts;

(2) provide a procedure in which other state and private print, radio, television or other media may alert the members of the public of the abduction;

(3) include a procedure for notifying the radio communications bureau of the communications division of the general services department that an AMBER alert has been declared. The bureau shall immediately transmit the notification and related information to all state field operations employees so that they may be aware and vigilant in the course of their regular activities;

(4) include a procedure for notifying all local and federal law enforcement agencies that an AMBER alert has been declared; and

(5) provide for dissemination of information about a child or a child's abductor to the lead station, the radio communications bureau and local law enforcement agencies when an AMBER alert has been declared.

B. The state police shall distribute the AMBER 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.

C. The authorized requester may declare an AMBER alert when the requester has reason to believe that:

(1) a child under the age of eighteen has been abducted by an unrelated person;

(2) the child is in imminent danger of serious bodily harm or death; and

(3) there is specific information available about the child or the child's abductor that may assist in an expedient and successful end to the abduction.

D. Once an AMBER alert has been declared, only the authorized requester may terminate the AMBER alert.

§ 29-15A-4. AMBER alert; initiation by other law enforcement agencies

A. The procedures for initiating an AMBER alert pursuant to the AMBER Alert Law [29-15A-1 NMSA 1978] are available to all law enforcement agencies in New Mexico; provided that nothing in that law prohibits a local law enforcement agency from developing and implementing its own similar notification plan; provided further that nothing in that act supercedes a provision or procedure in such a local notification plan.

B. If a law enforcement agency that has not developed and implemented its own similar plan desires that an AMBER alert be declared, it shall notify the authorized requester. The authorized requester shall declare an AMBER alert if, after evaluating the information, the authorized requester believes that the criteria for declaring an alert has been satisfied.

C. If an AMBER alert is initiated and there is information that the child's abductor may be traveling or has traveled across state lines, the authorized requester shall notify the other states or the Republic of Mexico in order for those governments to issue an alert. The state police shall

work with all bordering states and the Republic of Mexico in order to establish agreements to carry out regional alerts.

§ 29-15A-5. Submission of false information; penalty

A person who knowingly submits false information to a law enforcement agency regarding a child abduction is guilty of a petty misdemeanor and shall be sentenced in accordance with Section 31-19-1 NMSA 1978.

CHAPTER 29. LAW ENFORCEMENT
ARTICLE 15. MISSING PERSONS INFORMATION

N.M. Stat. Ann. § 29-15-1

§ 29-15-1. Short title

This act [29-15-1 to 29-15-12 NMSA 1978] may be cited as the "Missing Persons Information Act".

§ 29-15-2. Definitions

As used in the Missing Persons Information Act [29-15-1 to 29-15-12 NMSA 1978]:

- A. "child" means an individual under the age of eighteen years who is not emancipated;
- B. "clearinghouse" means the missing persons information clearinghouse;
- C. "custodian" means a parent, guardian or other person who exercises legal physical control, care or custody of a child;
- D. "immediate family member" means the spouse or nearest relative of a person;
- E. "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 his custodian without the custodian's consent and without intent to return;
- F. "missing person report" means information that is:

(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;

G. "person" means an individual, regardless of his age;

H. "possible match" means the similarities between an unidentified body of a person and a missing person that would lead one to believe they are the same person;

I. "reporter" means the person who reports a missing person; and

J. "state agency" means an agency of the state, political subdivision of the state or public post-secondary educational institution.

§ 29-15-3. Missing persons information clearinghouse; function

A. The "missing persons information clearinghouse" is established in the department of public safety. The department of public safety shall provide for the administration of the clearinghouse. The department of public safety may adopt rules and regulations to carry out the provisions of the Missing Persons Information Act [29-15-1 to 29-15-12 NMSA 1978] in the manner prescribed in Subsection E of Section 9-1-5 NMSA 1978.

B. The clearinghouse is a central repository of information on missing persons and shall be used by all law enforcement agencies, including tribal agencies, in this state.

C. The clearinghouse shall:

(1) establish a system of intrastate communication of information relating to missing persons;

(2) provide a centralized file for the exchange of information on missing persons and unidentified bodies of persons within the state;

(3) communicate with the national crime information center for the exchange of information on missing persons suspected of interstate travel;

(4) collect, process, maintain and disseminate accurate and complete information on missing persons;

(5) provide a statewide toll-free telephone line for the reporting of missing persons and for receiving information on missing persons;

(6) disseminate to custodians, law enforcement agencies, the state department of public education [public education department], the children, youth and families department and the

general public information that explains how to prevent child abduction and what to do if a child becomes missing;

(7) compile statistics relating to the incidence of missing persons within the state;

(8) provide training and technical assistance to law enforcement agencies and social services agencies pertaining to missing persons; and

(9) establish a media protocol for disseminating information pertaining to missing persons.

D. The clearinghouse shall print and distribute posters, flyers and other forms of information containing descriptions of missing persons.

E. The department of public safety may accept public or private grants, gifts and donations to assist the department in carrying out the provisions of the Missing Persons Information Act [Chapter 29, Article 15 NMSA 1978].

§ 29-15-4. State department of public education [Public education department]; cooperation with clearinghouse

The state department of public education [public education department] shall cooperate with the clearinghouse in seeking to locate missing children who may be enrolled in New Mexico school systems, including private schools, and for the reporting of children who may be missing or who may be unlawfully removed from schools.

§ 29-15-5. Custodian or immediate family member request for information

A. Upon written notification 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 person that may aid the custodian or immediate family member in the identification or location of the person.

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

§ 29-15-6. **Missing person** report forms

A. The clearinghouse shall distribute **missing person** report forms to law enforcement agencies in the state.

B. A **missing person** report may be made to a law enforcement agency in **person** or by telephone or other indirect method of communication and the **person** taking the report may enter the information on the form for the reporter. A **missing person** report form may be completed by the reporter and delivered to a law enforcement officer.

C. A copy of the **missing person** report form shall be filed with the clearinghouse.

§ 29-15-7. Law enforcement requirements; **missing person** reports; unidentified bodies

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

(1) immediately start an appropriate investigation to determine the present location of the **person**;

(2) provide to the clearinghouse all information the law enforcement agency has relating to an investigation regarding or the location or identification of a **missing person**; and

(3) immediately enter the name of the **missing person** into the clearinghouse and the national crime information center **missing person** file.

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

C. All New Mexico law enforcement agencies are required to enter information about all unidentified bodies of persons found in their jurisdiction into the clearinghouse and the national crime information center unidentified person file, including all available identifying features of the body and a description of the clothing found on the body. If an information entry into the national crime information center file results in an automatic entry of the information into the clearinghouse, the law enforcement agency is not required to make a direct entry of that information into the clearinghouse.

§ 29-15-10. Interagency cooperation

A. State agencies and public and private schools shall cooperate with a law enforcement agency that is investigating a **missing person** report and shall furnish any information that will assist the law enforcement agency in completing the investigation.

B. Information provided by a state agency or a public or private school shall not be released to any person outside the law enforcement agency or the clearinghouse, except as provided by regulation of the department of public safety.

§ 29-15-11. Confidentiality of records

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

(1) are otherwise confidential under state or federal law or regulations adopted pursuant to state or federal law;

(2) are related to the investigation by a law enforcement agency of a **missing person** or an unidentified body, if the department of public safety, in consultation with the law enforcement agency, determines that release of the information would be deleterious to the investigation;

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

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

B. The regulation may provide for the sharing of confidential information with the custodian or immediate family member of the **missing person**.

CHAPTER 32A. CHILDREN'S CODE ARTICLE 14. **MISSING CHILD** REPORTING

N.M. Stat. Ann. § 32A-14-1

§ 32A-14-1. Short title

Sections 1 through 4 [32A-14-1 to 32A-14-4 NMSA 1978] of this act may be cited as the "**Missing Child Reporting Act**".

§ 32A-14-2. Definitions

As used in the **Missing Child Reporting Act** [32A-14-1 to 32A-14-4 NMSA 1978]:

A. "law enforcement agency" means any law enforcement agency of the state or any political subdivision of the state, including the New Mexico state police and any municipal or county police or sheriff department;

B. "**missing child**" means an individual who is less than eighteen years old who is reported to any law enforcement agency as abducted, lost or a runaway; and

C. "state registrar" means the employee so designated by the health services division of the health and environment department [department of health] pursuant to the Vital Statistics Act [24-14-1 NMSA 1978].

§ 32A-14-3. **Missing child** reports; law enforcement agencies; duties

A. Upon receiving a report of a **child** believed to be **missing**, a law enforcement agency shall:

(1) immediately enter identifying and descriptive information about the **child** into the national crime information center computer. Law enforcement agencies having direct access to the national crime information center computer shall enter and retrieve the data directly and shall cooperate in the entry and retrieval of data on behalf of law enforcement agencies that do not have direct access to the system; and

(2) notify the state registrar within twenty-four hours, by telephone, facsimile or electronic transmission, of the **missing child**. Within three days of this initial notification, the law

enforcement agency shall make a written notification in a manner and form prescribed by the state registrar. Both notifications shall include the **missing child's** name, date of birth, county and state of birth, the mother's maiden name, the name of the noncustodial parent if the parents are not married, the name and telephone number of a contact **person** at the law enforcement agency reporting and any other information required by the state registrar.

B. Immediately after a **missing child** is located, the law enforcement agency that located or returned the **missing child** shall notify the law enforcement agency having jurisdiction over the investigation, and the originating agency shall clear the entry from the national crime information center computer and shall, within twenty-four hours, notify the state registrar in writing that the **missing child** has been located.

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