



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB4348

by Rep. John Connor

SYNOPSIS AS INTRODUCED:

50 ILCS 722/20

Amends the Missing Persons Identification Act. Provides that the responsible investigative agency shall send the National Missing and Unidentified Persons System created by the United States Department of Justice, if possible, with copies of fingerprints on standardized 8 inch by 8 inch fingerprint cards or the equivalent digital image, prints or partial prints of any fingers, a forensic odontology report concerning the body, detailed personal descriptions, DNA samples for nuclear and mitochondrial DNA analysis, available DNA analysis results, and all other identifying data, including date and place of death, of all deceased persons whose deaths are in a classification requiring inquiry by the coroner or medical examiner and who remain unidentified after all available methods have been exhausted. Provides that the medical examiner, coroner, or responsible investigative agency shall make reasonable attempts to promptly identify human remains. Defines "responsible investigative authority".

LRB100 17440 SLF 32608 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning local government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Missing Persons Identification Act is
5 amended by changing Section 20 as follows:

6 (50 ILCS 722/20)

7 Sec. 20. Unidentified persons or human remains
8 identification responsibilities.

9 (a) In this Section, "responsible investigative agency"
10 means a local law enforcement agency with jurisdiction over
11 unidentified human remains for the purpose of assisting the
12 coroner or medical examiner with investigating the identity or
13 the manner and cause of death for the unidentified human
14 remains. If the official with custody of human remains is not a
15 coroner or medical examiner, the official shall immediately
16 notify the coroner or medical examiner of the county in which
17 the remains were found. The coroner or medical examiner shall
18 go to the scene and take charge of the remains.

19 (b) Notwithstanding any other action deemed appropriate
20 for the handling of the human remains, the medical examiner, ~~or~~
21 coroner, or responsible investigative agency shall make
22 reasonable attempts to promptly identify human remains. These
23 actions may include but are not limited to obtaining:

- 1 (1) photographs of the human remains (prior to an
- 2 autopsy);
- 3 (2) dental or skeletal X-rays;
- 4 (3) photographs of items found with the human remains;
- 5 (4) fingerprints from the remains, if possible;
- 6 (5) samples of tissue suitable for DNA typing, if
- 7 possible;
- 8 (6) samples of whole bone or hair suitable for DNA
- 9 typing, or both;
- 10 (7) any other information that may support
- 11 identification efforts.

12 (b-5) The responsible investigative agency shall send the

13 National Missing and Unidentified Persons System created by the

14 United States Department of Justice (NamUs), if possible, with

15 copies of fingerprints on standardized 8 inch by 8 inch

16 fingerprint cards or the equivalent digital image, prints or

17 partial prints of any fingers, a forensic odontology report

18 concerning the body, detailed personal descriptions, DNA

19 samples for nuclear and mitochondrial DNA analysis, available

20 DNA analysis results, and all other identifying data, including

21 date and place of death, of all deceased persons whose deaths

22 are in a classification requiring inquiry by the coroner or

23 medical examiner and who remain unidentified after all

24 available methods have been exhausted.

25 (c) No medical examiner or coroner or any other person

26 shall dispose of, or engage in actions that will materially

1 affect the unidentified human remains before the medical
2 examiner or coroner obtains:

3 (1) samples suitable for DNA identification,
4 archiving;

5 (2) photographs of the unidentified person or human
6 remains; and

7 (3) all other appropriate steps for identification
8 have been exhausted.

9 (d) Cremation of unidentified human remains is prohibited.

10 (e) The medical examiner or coroner or the Department of
11 State Police shall make reasonable efforts to obtain prompt DNA
12 analysis of biological samples if the human remains have not
13 been identified by other means within 30 days.

14 (f) The medical examiner or coroner or the Department of
15 State Police shall seek support from appropriate State and
16 federal agencies for human remains identification efforts.
17 This support may include, but is not limited to, available
18 mitochondrial or nuclear DNA testing, federal grants for DNA
19 testing, or federal grants for crime laboratory or medical
20 examiner or coroner's office improvement.

21 (g) The Department of State Police shall promptly enter
22 information in federal and State databases that may aid in the
23 identification of human remains. Information shall be entered
24 into federal databases as follows:

25 (1) information for the National Crime Information
26 Center shall be entered within 72 hours;

1 (2) DNA profiles and information shall be entered into
2 the National DNA Index System (NDIS) within 5 business days
3 after the completion of the DNA analysis and procedures
4 necessary for the entry of the DNA profile; and

5 (3) information sought by the Violent Criminal
6 Apprehension Program database shall be entered as soon as
7 practicable.

8 (h) If the Department of State Police does not input the
9 data directly into the federal databases, the Department of
10 State Police shall consult with the medical examiner or
11 coroner's office to ensure appropriate training of the data
12 entry personnel and the establishment of a quality assurance
13 protocol for ensuring the ongoing quality of data entered in
14 the federal and State databases.

15 (i) Nothing in this Act shall be interpreted to preclude
16 any medical examiner or coroner's office, the Department of
17 State Police, or a local law enforcement agency from pursuing
18 other efforts to identify unidentified human remains including
19 efforts to publicize information, descriptions, or photographs
20 that may aid in the identification of the unidentified remains,
21 allow family members to identify the missing person, and seek
22 to protect the dignity of the missing person.

23 (Source: P.A. 95-192, eff. 8-16-07.)