



Sen. Antonio Muñoz

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LRB100 17440 SLF 39719 a

1 AMENDMENT TO HOUSE BILL 4348

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 4348 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Missing Persons Identification Act is  
5 amended by changing Sections 20 and 25 as follows:

6 (50 ILCS 722/20)

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

9 (a) In this Section, "assisting law enforcement agency"  
10 means a law enforcement agency with jurisdiction acting under  
11 the request and direction of the medical examiner or coroner to  
12 assist with human remains identification.

13 (a-5) If the official with custody of the human remains is  
14 not a coroner or medical examiner, the official shall  
15 immediately notify the coroner or medical examiner of the  
16 county in which the remains were found. The coroner or medical

1 examiner shall go to the scene and take charge of the remains.

2 (b) Notwithstanding any other action deemed appropriate  
3 for the handling of the human remains, the assisting law  
4 enforcement agency, medical examiner, or coroner shall make  
5 reasonable attempts to promptly identify human remains. This  
6 does not include historic or prehistoric skeletal remains.  
7 These actions shall ~~may~~ include, but are not limited to,  
8 obtaining the following when possible:

9 (1) photographs of the human remains (prior to an  
10 autopsy);

11 (2) dental and ~~or~~ skeletal X-rays;

12 (3) photographs of items found on or with the human  
13 remains;

14 (4) fingerprints from the remains, ~~if possible;~~

15 (5) ~~samples of tissue~~ samples suitable for DNA analysis  
16 ~~typing, if possible;~~

17 (6) (blank); and ~~samples of whole bone or hair suitable~~  
18 ~~for DNA typing, or both;~~

19 (7) any other information that may support  
20 identification efforts.

21 (c) No medical examiner or coroner or any other person  
22 shall dispose of, or engage in actions that will materially  
23 affect the unidentified human remains before the assisting law  
24 enforcement agency, medical examiner, or coroner obtains items  
25 essential for human identification efforts listed in  
26 subsection (b) of this Section. †

1           ~~(1) samples suitable for DNA identification,~~  
2           ~~archiving;~~

3           ~~(2) photographs of the unidentified person or human~~  
4           ~~remains; and~~

5           ~~(3) all other appropriate steps for identification~~  
6           ~~have been exhausted.~~

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

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

12           (f) The assisting law enforcement agency, medical  
13           examiner, or coroner ~~or the Department of State Police~~ shall  
14           seek support from appropriate State and federal agencies,  
15           including National Missing and Unidentified Persons System  
16           resources to facilitate prompt identification of human remains  
17           ~~for human remains identification efforts.~~ This support may  
18           include, but is not limited to, fingerprint comparison;  
19           forensic odontology; nuclear or mitochondrial DNA analysis, or  
20           both; and forensic anthropology. ~~available mitochondrial or~~  
21           ~~nuclear DNA testing, federal grants for DNA testing, or federal~~  
22           ~~grants for crime laboratory or medical examiner or coroner's~~  
23           ~~office improvement.~~

24           (f-5) Fingerprints from the unidentified remains,  
25           including partial prints, shall be submitted to the Department  
26           of State Police or other resource for the purpose of attempting

1 to identify the deceased. The coroner or medical examiner shall  
2 cause a dental examination to be performed by a forensic  
3 odontologist for the purpose of dental charting, comparison to  
4 missing person records, or both. Tissue samples collected for  
5 DNA analysis shall be submitted within 30 days of the recovery  
6 of the remains to a National Missing and Unidentified Persons  
7 System partner laboratory or other resource where DNA profiles  
8 are entered into the National DNA Index System upon completion  
9 of testing. Forensic anthropological analysis of the remains  
10 shall also be considered.

11 (g) (Blank). ~~The Department of State Police shall promptly~~  
12 ~~enter information in federal and State databases that may aid~~  
13 ~~in the identification of human remains. Information shall be~~  
14 ~~entered into federal databases as follows:~~

15 ~~(1) information for the National Crime Information~~  
16 ~~Center shall be entered within 72 hours;~~

17 ~~(2) DNA profiles and information shall be entered into~~  
18 ~~the National DNA Index System (NDIS) within 5 business days~~  
19 ~~after the completion of the DNA analysis and procedures~~  
20 ~~necessary for the entry of the DNA profile; and~~

21 ~~(3) information sought by the Violent Criminal~~  
22 ~~Apprehension Program database shall be entered as soon as~~  
23 ~~practicable.~~

24 (g-2) The medical examiner or coroner shall report the  
25 unidentified human remains and the location where the remains  
26 were found to the Department of State Police within 24 hours of

1 discovery as mandated by Section 15 of this Act. The assisting  
2 law enforcement agency, medical examiner, or coroner shall  
3 contact the Department of State Police to request the creation  
4 of an National Crime Information Center Unidentified Person  
5 record within 5 days of the discovery of the remains. The  
6 assisting law enforcement agency, medical examiner, or coroner  
7 shall provide the Department of State Police all information  
8 required for National Crime Information Center entry. Upon  
9 notification, the Department of State Police shall create the  
10 Unidentified Person record without unnecessary delay.

11 (g-5) The assisting law enforcement agency, medical  
12 examiner, or coroner shall obtain a National Crime Information  
13 Center number from the Department of State Police to verify  
14 entry and maintain this number within the unidentified human  
15 remains case file. A National Crime Information Center  
16 Unidentified Person record shall remain on file indefinitely or  
17 until action is taken by the originating agency to clear or  
18 cancel the record. The assisting law enforcement agency,  
19 medical examiner, or coroner shall notify the Department of  
20 State Police of necessary record modifications or cancellation  
21 if identification is made.

22 ~~(h) (Blank). If the Department of State Police does not~~  
23 ~~input the data directly into the federal databases, the~~  
24 ~~Department of State Police shall consult with the medical~~  
25 ~~examiner or coroner's office to ensure appropriate training of~~  
26 ~~the data entry personnel and the establishment of a quality~~

1 ~~assurance protocol for ensuring the ongoing quality of data~~  
2 ~~entered in the federal and State databases.~~

3 (h-5) The assisting law enforcement agency, medical  
4 examiner, or coroner shall create an unidentified person record  
5 in the National Missing and Unidentified Persons System prior  
6 to the submission of samples or within 30 days of the discovery  
7 of the remains, if no identification has been made. The entry  
8 shall include all available case information including  
9 fingerprint data and dental charts. Samples shall be submitted  
10 to a National Missing and Unidentified Persons System partner  
11 laboratory for DNA analysis within 30 Days. A notation of DNA  
12 submission shall be made within the National Missing and  
13 Unidentified Persons System Unidentified Person record.

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

24 (j) For historic or prehistoric human skeletal remains  
25 determined by an anthropologist to be older than 100 years,  
26 jurisdiction shall be transferred to the Department of Natural

1 Resources for further investigation under the Archaeological  
2 and Paleontological Resources Protection Act.

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

4 (50 ILCS 722/25)

5 Sec. 25. Unidentified persons. The coroner or medical  
6 examiner shall obtain a DNA sample from any individual whose  
7 remains are not identifiable. The DNA sample shall be forwarded  
8 to a National Missing and Unidentified Persons System partner  
9 laboratory or other resource for analysis and inclusion in the  
10 National DNA Index System ~~the Department of State Police for~~  
11 ~~inclusion in the State and National DNA Databases.~~

12 Prior to the burial or interment of any unknown  
13 individual's remains or any unknown individual's body part, the  
14 medical examiner or coroner in possession of the remains or  
15 body part must assign a DNA log number to the unknown  
16 individual or body part. The medical examiner or coroner shall  
17 place a tag that is stamped or inscribed with the DNA log  
18 number on the individual or body part. The DNA log number shall  
19 be stamped on the unidentified individual's toe tag, if  
20 possible.

21 (Source: P.A. 97-679, eff. 2-6-12.)".