

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

18 (b) Notwithstanding any other action deemed appropriate  
19 for the handling of the human remains, the assisting law  
20 enforcement agency, medical examiner, or coroner shall make  
21 reasonable attempts to promptly identify human remains. This  
22 does not include historic or prehistoric skeletal remains.  
23 These actions shall ~~may~~ include, but are not limited to,

1 obtaining the following when possible:

2 (1) photographs of the human remains (prior to an  
3 autopsy);

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

5 (3) photographs of items found on or with the human  
6 remains;

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

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

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

12 (7) any other information that may support  
13 identification efforts.

14 (c) No medical examiner or coroner or any other person  
15 shall dispose of, or engage in actions that will materially  
16 affect the unidentified human remains before the assisting law  
17 enforcement agency, medical examiner, or coroner obtains items  
18 essential for human identification efforts listed in  
19 subsection (b) of this Section. †

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

22 ~~(2) photographs of the unidentified person or human~~  
23 ~~remains; and~~

24 ~~(3) all other appropriate steps for identification~~  
25 ~~have been exhausted.~~

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

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

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

17           (f-5) Fingerprints from the unidentified remains,  
18 including partial prints, shall be submitted to the Department  
19 of State Police or other resource for the purpose of attempting  
20 to identify the deceased. The coroner or medical examiner shall  
21 cause a dental examination to be performed by a forensic  
22 odontologist for the purpose of dental charting, comparison to  
23 missing person records, or both. Tissue samples collected for  
24 DNA analysis shall be submitted within 30 days of the recovery  
25 of the remains to a National Missing and Unidentified Persons  
26 System partner laboratory or other resource where DNA profiles

1 are entered into the National DNA Index System upon completion  
2 of testing. Forensic anthropological analysis of the remains  
3 shall also be considered.

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

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

10 ~~(2) DNA profiles and information shall be entered into~~  
11 ~~the National DNA Index System (NDIS) within 5 business days~~  
12 ~~after the completion of the DNA analysis and procedures~~  
13 ~~necessary for the entry of the DNA profile; and~~

14 ~~(3) information sought by the Violent Criminal~~  
15 ~~Apprehension Program database shall be entered as soon as~~  
16 ~~practicable.~~

17 (g-2) The medical examiner or coroner shall report the  
18 unidentified human remains and the location where the remains  
19 were found to the Department of State Police within 24 hours of  
20 discovery as mandated by Section 15 of this Act. The assisting  
21 law enforcement agency, medical examiner, or coroner shall  
22 contact the Department of State Police to request the creation  
23 of an National Crime Information Center Unidentified Person  
24 record within 5 days of the discovery of the remains. The  
25 assisting law enforcement agency, medical examiner, or coroner  
26 shall provide the Department of State Police all information

1 required for National Crime Information Center entry. Upon  
2 notification, the Department of State Police shall create the  
3 Unidentified Person record without unnecessary delay.

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

15 ~~(h) (Blank). If the Department of State Police does not~~  
16 ~~input the data directly into the federal databases, the~~  
17 ~~Department of State Police shall consult with the medical~~  
18 ~~examiner or coroner's office to ensure appropriate training of~~  
19 ~~the data entry personnel and the establishment of a quality~~  
20 ~~assurance protocol for ensuring the ongoing quality of data~~  
21 ~~entered in the federal and State databases.~~

22 (h-5) The assisting law enforcement agency, medical  
23 examiner, or coroner shall create an unidentified person record  
24 in the National Missing and Unidentified Persons System prior  
25 to the submission of samples or within 30 days of the discovery  
26 of the remains, if no identification has been made. The entry

1 shall include all available case information including  
2 fingerprint data and dental charts. Samples shall be submitted  
3 to a National Missing and Unidentified Persons System partner  
4 laboratory for DNA analysis within 30 Days. A notation of DNA  
5 submission shall be made within the National Missing and  
6 Unidentified Persons System Unidentified Person record.

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

17 (j) For historic or prehistoric human skeletal remains  
18 determined by an anthropologist to be older than 100 years,  
19 jurisdiction shall be transferred to the Department of Natural  
20 Resources for further investigation under the Archaeological  
21 and Paleontological Resources Protection Act.

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

23 (50 ILCS 722/25)

24 Sec. 25. Unidentified persons. The coroner or medical  
25 examiner shall obtain a DNA sample from any individual whose

1 remains are not identifiable. The DNA sample shall be forwarded  
2 to a National Missing and Unidentified Persons System partner  
3 laboratory or other resource for analysis and inclusion in the  
4 National DNA Index System ~~the Department of State Police for~~  
5 ~~inclusion in the State and National DNA Databases.~~

6 Prior to the burial or interment of any unknown  
7 individual's remains or any unknown individual's body part, the  
8 medical examiner or coroner in possession of the remains or  
9 body part must assign a DNA log number to the unknown  
10 individual or body part. The medical examiner or coroner shall  
11 place a tag that is stamped or inscribed with the DNA log  
12 number on the individual or body part. The DNA log number shall  
13 be stamped on the unidentified individual's toe tag, if  
14 possible.

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