

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 5 and 10 as follows:

6 (50 ILCS 722/5)

7 Sec. 5. Missing person reports.

8 (a) Report acceptance. All law enforcement agencies shall
9 accept without delay any report of a missing person and may
10 attempt to obtain a DNA sample from the missing person or a DNA
11 reference sample created from family members' DNA samples for
12 submission under paragraph (1) of subsection (c) of Section 10.
13 Acceptance of a missing person report filed in person may not
14 be refused on any ground. No law enforcement agency may refuse
15 to accept a missing person report:

16 (1) on the basis that the missing person is an adult;

17 (2) on the basis that the circumstances do not indicate
18 foul play;

19 (3) on the basis that the person has been missing for a
20 short period of time;

21 (4) on the basis that the person has been missing a
22 long period of time;

23 (5) on the basis that there is no indication that the

1 missing person was in the jurisdiction served by the law
2 enforcement agency at the time of the disappearance;

3 (6) on the basis that the circumstances suggest that
4 the disappearance may be voluntary;

5 (7) on the basis that the reporting individual does not
6 have personal knowledge of the facts;

7 (8) on the basis that the reporting individual cannot
8 provide all of the information requested by the law
9 enforcement agency;

10 (9) on the basis that the reporting individual lacks a
11 familial or other relationship with the missing person;

12 (9-5) on the basis of the missing person's mental state
13 or medical condition; or

14 (10) for any other reason.

15 (b) Manner of reporting. All law enforcement agencies shall
16 accept missing person reports in person. Law enforcement
17 agencies are encouraged to accept reports by phone or by
18 electronic or other media to the extent that such reporting is
19 consistent with law enforcement policies or practices.

20 (c) Contents of report. In accepting a report of a missing
21 person, the law enforcement agency shall attempt to gather
22 relevant information relating to the disappearance. The law
23 enforcement agency shall attempt to gather at the time of the
24 report information that shall include, but shall not be limited
25 to, the following:

26 (1) the name of the missing person, including

1 alternative names used;

2 (2) the missing person's date of birth;

3 (3) the missing person's identifying marks, such as
4 birthmarks, moles, tattoos, and scars;

5 (4) the missing person's height and weight;

6 (5) the missing person's gender;

7 (6) the missing person's race;

8 (7) the missing person's current hair color and true or
9 natural hair color;

10 (8) the missing person's eye color;

11 (9) the missing person's prosthetics, surgical
12 implants, or cosmetic implants;

13 (10) the missing person's physical anomalies;

14 (11) the missing person's blood type, if known;

15 (12) the missing person's driver's license number, if
16 known;

17 (13) the missing person's social security number, if
18 known;

19 (14) a photograph of the missing person; recent
20 photographs are preferable and the agency is encouraged to
21 attempt to ascertain the approximate date the photograph
22 was taken;

23 (15) a description of the clothing the missing person
24 was believed to be wearing;

25 (16) a description of items that might be with the
26 missing person, such as jewelry, accessories, and shoes or

1 boots;

2 (17) information on the missing person's electronic
3 communications devices, such as cellular telephone numbers
4 and e-mail addresses;

5 (18) the reasons why the reporting individual believes
6 that the person is missing;

7 (19) the name and location of the missing person's
8 school or employer, if known;

9 (20) the name and location of the missing person's
10 dentist or primary care physician or provider, or both, if
11 known;

12 (21) any circumstances that may indicate that the
13 disappearance was not voluntary;

14 (22) any circumstances that may indicate that the
15 missing person may be at risk of injury or death;

16 (23) a description of the possible means of
17 transportation of the missing person, including make,
18 model, color, license number, and Vehicle Identification
19 Number of a vehicle;

20 (24) any identifying information about a known or
21 possible abductor or person last seen with the missing
22 person, or both, including:

23 (A) name;

24 (B) a physical description;

25 (C) date of birth;

26 (D) identifying marks;

1 (E) the description of possible means of
2 transportation, including make, model, color, license
3 number, and Vehicle Identification Number of a
4 vehicle;

5 (F) known associates;

6 (25) any other information that may aid in locating the
7 missing person; and

8 (26) the date of last contact.

9 (d) Notification and follow up action.

10 (1) Notification. The law enforcement agency shall
11 notify the person making the report, a family member, or
12 other person in a position to assist the law enforcement
13 agency in its efforts to locate the missing person of the
14 following:

15 (A) general information about the handling of the
16 missing person case or about intended efforts in the
17 case to the extent that the law enforcement agency
18 determines that disclosure would not adversely affect
19 its ability to locate or protect the missing person or
20 to apprehend or prosecute any person criminally
21 involved in the disappearance;

22 (B) that the person should promptly contact the law
23 enforcement agency if the missing person remains
24 missing in order to provide additional information and
25 materials that will aid in locating the missing person
26 such as the missing person's credit cards, debit cards,

1 banking information, and cellular telephone records;
2 and

3 (C) that any DNA samples provided for the missing
4 person case are provided on a voluntary basis and will
5 be used solely to help locate or identify the missing
6 person and will not be used for any other purpose.

7 The law enforcement agency, upon acceptance of a
8 missing person report, shall inform the reporting citizen
9 of one of 2 resources, based upon the age of the missing
10 person. If the missing person is under 18 years of age,
11 contact information for the National Center for Missing and
12 Exploited Children shall be given. If the missing person is
13 age 18 or older, contact information for the National
14 Missing and Unidentified Persons System (NamUs)
15 organization ~~Center for Missing Adults~~ shall be given.

16 ~~Agencies handling the remains of a missing person who~~
17 ~~is deceased must notify the agency handling the missing~~
18 ~~person's case. Documented efforts must be made to locate~~
19 ~~family members of the deceased person to inform them of the~~
20 ~~death and location of the remains of their family member.~~

21 The law enforcement agency is encouraged to make
22 available informational materials, through publications or
23 electronic or other media, that advise the public about how
24 the information or materials identified in this subsection
25 are used to help locate or identify missing persons.

26 (2) Follow up action. If the person identified in the

1 missing person report remains missing after 30 days, but
2 not more than 60 days, the law enforcement agency may
3 generate a report of the missing person within the National
4 Missing and Unidentified Persons System (NamUs), and the
5 law enforcement agency may attempt to obtain the additional
6 information and materials that have not been received,
7 specified below ~~and the additional information and~~
8 ~~materials specified below have not been received, the law~~
9 ~~enforcement agency shall attempt to obtain:~~

10 (A) DNA samples from family members or from the
11 missing person along with any needed documentation, or
12 both, including any consent forms, required for the use
13 of State or federal DNA databases, including, but not
14 limited to, the Local DNA Index System (LDIS), State
15 DNA Index System (SDIS), ~~and~~ National DNA Index System
16 (NDIS), and National Missing and Unidentified Persons
17 System (NamUs) partner laboratories;

18 (B) an authorization to release dental or skeletal
19 x-rays of the missing person;

20 (C) any additional photographs of the missing
21 person that may aid the investigation or an
22 identification; the law enforcement agency is not
23 required to obtain written authorization before it
24 releases publicly any photograph that would aid in the
25 investigation or identification of the missing person;

26 (D) dental information and x-rays; and

1 (E) fingerprints.

2 (3) Samples collected for DNA analysis may be submitted
3 to a National Missing and Unidentified Persons System
4 (NamUs) partner laboratory or other resource where DNA
5 profiles are entered into local, State, and national DNA
6 Index Systems within 60 days ~~All DNA samples obtained in~~
7 ~~missing person cases shall be immediately forwarded to the~~
8 ~~Department of State Police for analysis.~~ The Department of
9 State Police shall establish procedures for determining
10 how to prioritize analysis of the samples relating to
11 missing person cases. All DNA samples obtained in missing
12 person cases from family members of the missing person may
13 not be retained after the location or identification of the
14 remains of the missing person unless there is a search
15 warrant signed by a court of competent jurisdiction.

16 (4) This subsection shall not be interpreted to
17 preclude a law enforcement agency from attempting to obtain
18 the materials identified in this subsection before the
19 expiration of the 30-day period. The responsible law
20 enforcement agency may make a National Missing and
21 Unidentified Persons System (NamUs) report on the missing
22 person within 60 days after the report of the disappearance
23 of the missing person.

24 (5) Law enforcement agencies are encouraged to
25 establish written protocols for the handling of missing
26 person cases to accomplish the purposes of this Act.

1 (Source: P.A. 99-244, eff. 1-1-16; 99-581, eff. 1-1-17.)

2 (50 ILCS 722/10)

3 Sec. 10. Law enforcement analysis and reporting of missing
4 person information.

5 (a) Prompt determination and definition of a high-risk
6 missing person.

7 (1) Definition. "High-risk missing person" means a
8 person whose whereabouts are not currently known and whose
9 circumstances indicate that the person may be at risk of
10 injury or death. The circumstances that indicate that a
11 person is a high-risk missing person include, but are not
12 limited to, any of the following:

13 (A) the person is missing as a result of a stranger
14 abduction;

15 (B) the person is missing under suspicious
16 circumstances;

17 (C) the person is missing under unknown
18 circumstances;

19 (D) the person is missing under known dangerous
20 circumstances;

21 (E) the person is missing more than 30 days;

22 (F) the person has already been designated as a
23 high-risk missing person by another law enforcement
24 agency;

25 (G) there is evidence that the person is at risk

1 because:

2 (i) the person is in need of medical attention,
3 including but not limited to persons with
4 dementia-like symptoms, or prescription
5 medication;

6 (ii) the person does not have a pattern of
7 running away or disappearing;

8 (iii) the person may have been abducted by a
9 non-custodial parent;

10 (iv) the person is mentally impaired,
11 including, but not limited to, a person having a
12 developmental disability, as defined in Section
13 1-106 of the Mental Health and Developmental
14 Disabilities Code, or a person having an
15 intellectual disability, as defined in Section
16 1-116 of the Mental Health and Developmental
17 Disabilities Code;

18 (v) the person is under the age of 21;

19 (vi) the person has been the subject of past
20 threats or acts of violence;

21 (vii) the person has eloped from a nursing
22 home;

23 (G-5) the person is a veteran or active duty member
24 of the United States Armed Forces, the National Guard,
25 or any reserve component of the United States Armed
26 Forces who is believed to have a physical or mental

1 health condition that is related to his or her service;
2 or

3 (H) any other factor that may, in the judgment of
4 the law enforcement official, indicate that the
5 missing person may be at risk.

6 (b) ~~(2)~~ Law enforcement risk assessment.

7 (1) ~~(A)~~ Upon initial receipt of a missing person
8 report, the law enforcement agency shall immediately
9 determine whether there is a basis to determine that the
10 missing person is a high-risk missing person.

11 (2) ~~(B)~~ If a law enforcement agency has previously
12 determined that a missing person is not a high-risk missing
13 person, but obtains new information, it shall immediately
14 determine whether the information indicates that the
15 missing person is a high-risk missing person.

16 (3) ~~(C)~~ Law enforcement agencies are encouraged to
17 establish written protocols for the handling of missing
18 person cases to accomplish the purposes of this Act.

19 (c) Law enforcement reporting ~~(3) Law enforcement agency~~
20 ~~reports.~~

21 (1) ~~(A)~~ The responding local law enforcement agency
22 shall immediately enter all collected information relating
23 to the missing person case in the Law Enforcement Agencies
24 Data System (LEADS) and the National Crime Information
25 Center (NCIC) databases and the National Missing and
26 Unidentified Persons System (NamUs) within 45 days after

1 the receipt of the report, or in the case of a high risk
2 missing person, within 30 days after the receipt of the
3 report. If the DNA sample submission is to a National
4 Missing and Unidentified Persons System (NamUs) partner
5 laboratory, the DNA profile may be uploaded by the partner
6 laboratory to the National DNA Index System (NDIS). A
7 packet submission of all relevant reports and DNA samples
8 may be sent to the National Missing and Unidentified
9 Persons System (NamUs) within 30 days for any high-risk
10 missing person cases. The information shall be provided in
11 accordance with applicable guidelines relating to the
12 databases. The information shall be entered as follows:

13 (A) If Department of State Police laboratories are
14 utilized in lieu of National Missing and Unidentified
15 Persons System (NamUs) partner laboratories, all ~~(i)~~
16 ~~All~~ appropriate DNA profiles, as determined by the
17 Department of State Police, shall be uploaded into the
18 missing person databases of the State DNA Index System
19 (SDIS) and National DNA Index System (NDIS) after
20 completion of the DNA analysis and other procedures
21 required for database entry. The responding local law
22 enforcement agency may submit any DNA samples
23 voluntarily obtained from family members to a National
24 Missing and Unidentified Persons System (NamUs)
25 partner laboratory for DNA analysis within 30 days. A
26 notation of DNA submission may be made within the

1 National Missing and Unidentified Persons System
2 (NamUs) record.

3 (B) ~~(ii)~~ Information relevant to the Federal
4 Bureau of Investigation's Violent Criminal
5 Apprehension Program shall be entered as soon as
6 possible.

7 (C) ~~(iii)~~ The Department of State Police shall
8 ensure that persons entering data relating to medical
9 or dental records in State or federal databases are
10 specifically trained to understand and correctly enter
11 the information sought by these databases. The
12 Department of State Police shall either use a person
13 with specific expertise in medical or dental records
14 for this purpose or consult with a chief medical
15 examiner, forensic anthropologist, or odontologist to
16 ensure the accuracy and completeness of information
17 entered into the State and federal databases.

18 (2) ~~(B)~~ The Department of State Police shall
19 immediately notify all law enforcement agencies within
20 this State and the surrounding region of the information
21 that will aid in the prompt location and safe return of the
22 high-risk missing person.

23 (3) ~~(C)~~ The local law enforcement agencies that receive
24 the notification from the Department of State Police shall
25 notify officers to be on the lookout for the missing person
26 or a suspected abductor.

1 (4) ~~(D)~~ Pursuant to any applicable State criteria,
2 local law enforcement agencies shall also provide for the
3 prompt use of an Amber Alert in cases involving abducted
4 children; or use of the Endangered Missing Person Advisory
5 in appropriate high risk cases.

6 (Source: P.A. 100-631, eff. 1-1-19; 100-662, eff. 1-1-19;
7 100-835, eff. 1-1-19; revised 9-28-18.)

8 Section 99. Effective date. This Act takes effect January
9 1, 2021.