



Sen. Antonio Muñoz

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1 AMENDMENT TO HOUSE BILL 2708

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 2708 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 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 shall  
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;

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

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

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

7           (5) on the basis that there is no indication that the  
8           missing person was in the jurisdiction served by the law  
9           enforcement agency at the time of the disappearance;

10          (6) on the basis that the circumstances suggest that  
11          the disappearance may be voluntary;

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

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

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

19          (9-5) on the basis of the missing person's mental state  
20          or medical condition; or

21          (10) for any other reason.

22          (b) Manner of reporting. All law enforcement agencies shall  
23          accept missing person reports in person. Law enforcement  
24          agencies are encouraged to accept reports by phone or by  
25          electronic or other media to the extent that such reporting is  
26          consistent with law enforcement policies or practices.

1 (c) Contents of report. In accepting a report of a missing  
2 person, the law enforcement agency shall attempt to gather  
3 relevant information relating to the disappearance. The law  
4 enforcement agency shall attempt to gather at the time of the  
5 report information that shall include, but shall not be limited  
6 to, the following:

7 (1) the name of the missing person, including  
8 alternative names used;

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

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

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

13 (5) the missing person's gender;

14 (6) the missing person's race;

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

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

18 (9) the missing person's prosthetics, surgical  
19 implants, or cosmetic implants;

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

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

22 (12) the missing person's driver's license number, if  
23 known;

24 (13) the missing person's social security number, if  
25 known;

26 (14) a photograph of the missing person; recent

1 photographs are preferable and the agency is encouraged to  
2 attempt to ascertain the approximate date the photograph  
3 was taken;

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

6 (16) a description of items that might be with the  
7 missing person, such as jewelry, accessories, and shoes or  
8 boots;

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

12 (18) the reasons why the reporting individual believes  
13 that the person is missing;

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

16 (20) the name and location of the missing person's  
17 dentist or primary care physician or provider, or both, if  
18 known;

19 (21) any circumstances that may indicate that the  
20 disappearance was not voluntary;

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

23 (23) a description of the possible means of  
24 transportation of the missing person, including make,  
25 model, color, license number, and Vehicle Identification  
26 Number of a vehicle;

1           (24) any identifying information about a known or  
2 possible abductor or person last seen with the missing  
3 person, or both, including:

4           (A) name;

5           (B) a physical description;

6           (C) date of birth;

7           (D) identifying marks;

8           (E) the description of possible means of  
9 transportation, including make, model, color, license  
10 number, and Vehicle Identification Number of a  
11 vehicle;

12          (F) known associates;

13          (25) any other information that may aid in locating the  
14 missing person; ~~and~~

15          (26) the date of last contact;~~;~~

16          (27) a DNA sample of the missing person; and

17          (28) a DNA reference sample created from family  
18 members' DNA samples for submission under paragraph (1) of  
19 subsection (c) of Section 10.

20          (d) Notification and follow up action.

21          (1) Notification. The law enforcement agency shall  
22 notify the person making the report, a family member, or  
23 other person in a position to assist the law enforcement  
24 agency in its efforts to locate the missing person of the  
25 following:

26          (A) general information about the handling of the

1 missing person case or about intended efforts in the  
2 case to the extent that the law enforcement agency  
3 determines that disclosure would not adversely affect  
4 its ability to locate or protect the missing person or  
5 to apprehend or prosecute any person criminally  
6 involved in the disappearance;

7 (B) that the person should promptly contact the law  
8 enforcement agency if the missing person remains  
9 missing in order to provide additional information and  
10 materials that will aid in locating the missing person  
11 such as the missing person's credit cards, debit cards,  
12 banking information, and cellular telephone records;  
13 and

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

18 The law enforcement agency, upon acceptance of a  
19 missing person report, shall inform the reporting citizen  
20 of one of 2 resources, based upon the age of the missing  
21 person. If the missing person is under 18 years of age,  
22 contact information for the National Center for Missing and  
23 Exploited Children shall be given. If the missing person is  
24 age 18 or older, contact information for the National  
25 Missing and Unidentified Persons System (NamUs)  
26 organization ~~Center for Missing Adults~~ shall be given.

1           ~~Agencies handling the remains of a missing person who~~  
2           ~~is deceased must notify the agency handling the missing~~  
3           ~~person's case. Documented efforts must be made to locate~~  
4           ~~family members of the deceased person to inform them of the~~  
5           ~~death and location of the remains of their family member.~~

6           The law enforcement agency is encouraged to make  
7           available informational materials, through publications or  
8           electronic or other media, that advise the public about how  
9           the information or materials identified in this subsection  
10          are used to help locate or identify missing persons.

11          (2) Follow up action. If the person identified in the  
12          missing person report remains missing after 30 days, but  
13          not more than 60 days, the law enforcement agency shall  
14          generate a report of the missing person within the National  
15          Missing and Unidentified Persons System (NamUs), and the  
16          law enforcement agency shall attempt to obtain the  
17          additional information and materials that have not been  
18          received, specified below ~~and the additional information~~  
19          ~~and materials specified below have not been received, the~~  
20          ~~law enforcement agency shall attempt to obtain:~~

21                 (A) DNA samples from family members or from the  
22                 missing person along with any needed documentation, or  
23                 both, including any consent forms, required for the use  
24                 of State or federal DNA databases, including, but not  
25                 limited to, the Local DNA Index System (LDIS), State  
26                 DNA Index System (SDIS), ~~and~~ National DNA Index System

1           (NDIS), and National Missing and Unidentified Persons  
2           System (NamUs) partner laboratories;

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

5           (C) any additional photographs of the missing  
6           person that may aid the investigation or an  
7           identification; the law enforcement agency is not  
8           required to obtain written authorization before it  
9           releases publicly any photograph that would aid in the  
10          investigation or identification of the missing person;

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

12          (E) fingerprints.

13          (3) Samples collected for DNA analysis shall be  
14          submitted to a National Missing and Unidentified Persons  
15          System (NamUs) partner laboratory or other resource where  
16          DNA profiles are entered into local, State, and national  
17          DNA Index Systems within 30 days ~~All DNA samples obtained~~  
18          ~~in missing person cases shall be immediately forwarded to~~  
19          ~~the Department of State Police for analysis.~~ The Department  
20          of State Police shall establish procedures for determining  
21          how to prioritize analysis of the samples relating to  
22          missing person cases. All DNA samples obtained in missing  
23          person cases from family members of the missing person  
24          shall not be retained after the location or identification  
25          of the remains of the missing person unless there is a  
26          search warrant signed by a court of competent jurisdiction.



1           (4) This subsection shall not be interpreted to  
2 preclude a law enforcement agency from attempting to obtain  
3 the materials identified in this subsection before the  
4 expiration of the 30-day period. The responsible law  
5 enforcement agency shall make a National Missing and  
6 Unidentified Persons System (NamUs) report on the missing  
7 person within 60 days after the report of the disappearance  
8 of the missing person.

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

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

13 (50 ILCS 722/10)

14 Sec. 10. Law enforcement analysis and reporting of missing  
15 person information.

16 (a) Prompt determination and definition of a high-risk  
17 missing person.

18 (1) Definition. "High-risk missing person" means a  
19 person whose whereabouts are not currently known and whose  
20 circumstances indicate that the person may be at risk of  
21 injury or death. The circumstances that indicate that a  
22 person is a high-risk missing person include, but are not  
23 limited to, any of the following:

24 (A) the person is missing as a result of a stranger  
25 abduction;

1 (B) the person is missing under suspicious  
2 circumstances;

3 (C) the person is missing under unknown  
4 circumstances;

5 (D) the person is missing under known dangerous  
6 circumstances;

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

8 (F) the person has already been designated as a  
9 high-risk missing person by another law enforcement  
10 agency;

11 (G) there is evidence that the person is at risk  
12 because:

13 (i) the person is in need of medical attention,  
14 including but not limited to persons with  
15 dementia-like symptoms, or prescription  
16 medication;

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

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

21 (iv) the person is mentally impaired,  
22 including, but not limited to, a person having a  
23 developmental disability, as defined in Section  
24 1-106 of the Mental Health and Developmental  
25 Disabilities Code, or a person having an  
26 intellectual disability, as defined in Section

1 1-116 of the Mental Health and Developmental  
2 Disabilities Code;

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

4 (vi) the person has been the subject of past  
5 threats or acts of violence;

6 (vii) the person has eloped from a nursing  
7 home;

8 (G-5) the person is a veteran or active duty member  
9 of the United States Armed Forces, the National Guard,  
10 or any reserve component of the United States Armed  
11 Forces who is believed to have a physical or mental  
12 health condition that is related to his or her service;  
13 or

14 (H) any other factor that may, in the judgment of  
15 the law enforcement official, indicate that the  
16 missing person may be at risk.

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

18 (1) ~~(A)~~ Upon initial receipt of a missing person  
19 report, the law enforcement agency shall immediately  
20 determine whether there is a basis to determine that the  
21 missing person is a high-risk missing person.

22 (2) ~~(B)~~ If a law enforcement agency has previously  
23 determined that a missing person is not a high-risk missing  
24 person, but obtains new information, it shall immediately  
25 determine whether the information indicates that the  
26 missing person is a high-risk missing person.

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

4           (c) Law enforcement reporting ~~(3) Law enforcement agency~~  
5           ~~reports.~~

6           (1) ~~(A)~~ The responding local law enforcement agency  
7           shall immediately enter all collected information relating  
8           to the missing person case in the Law Enforcement Agencies  
9           Data System (LEADS) and the National Crime Information  
10          Center (NCIC) databases and the National Missing and  
11          Unidentified Persons System (NamUs) within 45 days after  
12          the receipt of the report, or in the case of a high risk  
13          missing person, within 30 days after the receipt of the  
14          report. If the DNA sample submission is to a National  
15          Missing and Unidentified Persons System (NamUs) partner  
16          laboratory, the DNA profile shall be uploaded by the  
17          partner laboratory to the National DNA Index System (NDIS).  
18          A packet submission of all relevant reports and DNA samples  
19          shall be sent to the National Missing and Unidentified  
20          Persons System (NamUs) within 30 days for any high-risk  
21          missing person cases. The information shall be provided in  
22          accordance with applicable guidelines relating to the  
23          databases. The information shall be entered as follows:

24                (A) If Department of State Police laboratories are  
25                utilized in lieu of National Missing and Unidentified  
26                Persons System (NamUs) partner laboratories, all ~~(i)~~

1       ~~All~~ appropriate DNA profiles, as determined by the  
2       Department of State Police, shall be uploaded into the  
3       missing person databases of the State DNA Index System  
4       (SDIS) and National DNA Index System (NDIS) after  
5       completion of the DNA analysis and other procedures  
6       required for database entry. The responding local law  
7       enforcement agency shall submit any DNA samples  
8       voluntarily obtained from family members to a National  
9       Missing and Unidentified Persons System (NamUs)  
10      partner laboratory for DNA analysis within 30 days. A  
11      notation of DNA submission shall be made within the  
12      National Missing and Unidentified Persons System  
13      (NamUs) record.

14           (B) ~~(ii)~~ Information relevant to the Federal  
15      Bureau of Investigation's Violent Criminal  
16      Apprehension Program shall be entered as soon as  
17      possible.

18           (C) ~~(iii)~~ The Department of State Police shall  
19      ensure that persons entering data relating to medical  
20      or dental records in State or federal databases are  
21      specifically trained to understand and correctly enter  
22      the information sought by these databases. The  
23      Department of State Police shall either use a person  
24      with specific expertise in medical or dental records  
25      for this purpose or consult with a chief medical  
26      examiner, forensic anthropologist, or odontologist to

1           ensure the accuracy and completeness of information  
2           entered into the State and federal databases.

3           (2) ~~(B)~~ The Department of State Police shall  
4           immediately notify all law enforcement agencies within  
5           this State and the surrounding region of the information  
6           that will aid in the prompt location and safe return of the  
7           high-risk missing person.

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

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

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

19          Section 99. Effective date. This Act takes effect January  
20          1, 2020."