



Sen. Antonio Muñoz

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LRB101 10075 RLC 60777 a

1 AMENDMENT TO HOUSE BILL 2708

2 AMENDMENT NO. _____. Amend House Bill 2708, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Missing Persons Identification Act is
6 amended by changing Sections 5 and 10 as follows:

7 (50 ILCS 722/5)

8 Sec. 5. Missing person reports.

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

- 1 (1) on the basis that the missing person is an adult;
- 2 (2) on the basis that the circumstances do not indicate
- 3 foul play;
- 4 (3) on the basis that the person has been missing for a
- 5 short period of time;
- 6 (4) on the basis that the person has been missing a
- 7 long period of time;
- 8 (5) on the basis that there is no indication that the
- 9 missing person was in the jurisdiction served by the law
- 10 enforcement agency at the time of the disappearance;
- 11 (6) on the basis that the circumstances suggest that
- 12 the disappearance may be voluntary;
- 13 (7) on the basis that the reporting individual does not
- 14 have personal knowledge of the facts;
- 15 (8) on the basis that the reporting individual cannot
- 16 provide all of the information requested by the law
- 17 enforcement agency;
- 18 (9) on the basis that the reporting individual lacks a
- 19 familial or other relationship with the missing person;
- 20 (9-5) on the basis of the missing person's mental state
- 21 or medical condition; or
- 22 (10) for any other reason.
- 23 (b) Manner of reporting. All law enforcement agencies shall
- 24 accept missing person reports in person. Law enforcement
- 25 agencies are encouraged to accept reports by phone or by
- 26 electronic or other media to the extent that such reporting is

1 consistent with law enforcement policies or practices.

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

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

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

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

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

14 (5) the missing person's gender;

15 (6) the missing person's race;

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

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

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

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

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

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

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

1 (14) a photograph of the missing person; recent
2 photographs are preferable and the agency is encouraged to
3 attempt to ascertain the approximate date the photograph
4 was taken;

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

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

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

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

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

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

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

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

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

1 Number of a vehicle;

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

5 (A) name;

6 (B) a physical description;

7 (C) date of birth;

8 (D) identifying marks;

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

13 (F) known associates;

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

16 (26) the date of last contact.

17 (d) Notification and follow up action.

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

23 (A) general information about the handling of the
24 missing person case or about intended efforts in the
25 case to the extent that the law enforcement agency
26 determines that disclosure would not adversely affect

1 its ability to locate or protect the missing person or
2 to apprehend or prosecute any person criminally
3 involved in the disappearance;

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

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

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

24 ~~Agencies handling the remains of a missing person who~~
25 ~~is deceased must notify the agency handling the missing~~
26 ~~person's case. Documented efforts must be made to locate~~

1 ~~family members of the deceased person to inform them of the~~
2 ~~death and location of the remains of their family member.~~

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

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

18 (A) DNA samples from family members or from the
19 missing person along with any needed documentation, or
20 both, including any consent forms, required for the use
21 of State or federal DNA databases, including, but not
22 limited to, the Local DNA Index System (LDIS), State
23 DNA Index System (SDIS), ~~and~~ National DNA Index System
24 (NDIS), and National Missing and Unidentified Persons
25 System (NamUs) partner laboratories;

26 (B) an authorization to release dental or skeletal

1 x-rays of the missing person;

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

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

9 (E) fingerprints.

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

24 (4) This subsection shall not be interpreted to
25 preclude a law enforcement agency from attempting to obtain
26 the materials identified in this subsection before the

1 expiration of the 30-day period. The responsible law
2 enforcement agency may make a National Missing and
3 Unidentified Persons System (NamUs) report on the missing
4 person within 60 days after the report of the disappearance
5 of the missing person.

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

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

10 (50 ILCS 722/10)

11 Sec. 10. Law enforcement analysis and reporting of missing
12 person information.

13 (a) Prompt determination and definition of a high-risk
14 missing person.

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

21 (A) the person is missing as a result of a stranger
22 abduction;

23 (B) the person is missing under suspicious
24 circumstances;

25 (C) the person is missing under unknown

1 circumstances;

2 (D) the person is missing under known dangerous
3 circumstances;

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

5 (F) the person has already been designated as a
6 high-risk missing person by another law enforcement
7 agency;

8 (G) there is evidence that the person is at risk
9 because:

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

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

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

18 (iv) the person is mentally impaired,
19 including, but not limited to, a person having a
20 developmental disability, as defined in Section
21 1-106 of the Mental Health and Developmental
22 Disabilities Code, or a person having an
23 intellectual disability, as defined in Section
24 1-116 of the Mental Health and Developmental
25 Disabilities Code;

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

1 (vi) the person has been the subject of past
2 threats or acts of violence;

3 (vii) the person has eloped from a nursing
4 home;

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

11 (H) any other factor that may, in the judgment of
12 the law enforcement official, indicate that the
13 missing person may be at risk.

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

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

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

24 (3) ~~(C)~~ 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 (c) Law enforcement reporting ~~(3) Law enforcement agency~~
2 ~~reports.~~

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

21 (A) If Department of State Police laboratories are
22 utilized in lieu of National Missing and Unidentified
23 Persons System (NamUs) partner laboratories, all ~~(i)~~
24 ~~All~~ appropriate DNA profiles, as determined by the
25 Department of State Police, shall be uploaded into the
26 missing person databases of the State DNA Index System

1 (SDIS) and National DNA Index System (NDIS) after
2 completion of the DNA analysis and other procedures
3 required for database entry. The responding local law
4 enforcement agency may submit any DNA samples
5 voluntarily obtained from family members to a National
6 Missing and Unidentified Persons System (NamUs)
7 partner laboratory for DNA analysis within 30 days. A
8 notation of DNA submission may be made within the
9 National Missing and Unidentified Persons System
10 (NamUs) record.

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

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

26 (2) ~~(B)~~ The Department of State Police shall

1 immediately notify all law enforcement agencies within
2 this State and the surrounding region of the information
3 that will aid in the prompt location and safe return of the
4 high-risk missing person.

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

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

14 (Source: P.A. 100-631, eff. 1-1-19; 100-662, eff. 1-1-19;
15 100-835, eff. 1-1-19; revised 9-28-18.)

16 Section 99. Effective date. This Act takes effect January
17 1, 2021."