



## 95TH GENERAL ASSEMBLY

### State of Illinois

### 2007 and 2008

#### HB0194

Introduced 1/19/2007, by Rep. Dan Brady

#### SYNOPSIS AS INTRODUCED:

New Act

20 ILCS 2605/2605-375

was 20 ILCS 2605/55a in part

Creates the Missing Persons Identification Act. Provides that all law enforcement agencies shall accept without delay any report of a missing person. Provides that the law enforcement agency must accept a missing person report filed in person. Provides that the law enforcement agency, upon acceptance of a missing person report, shall inform the reporting citizen of one of 2 resources, based upon the age of the missing person. If the missing person is under 18 years of age, contact information for the National Center for Missing and Exploited Children shall be given. Provides that if the missing person is age 18 or older, contact information for the National Center for Missing Adults shall be given. Provides that before performing any death scene investigation, the official with custody of the human remains shall ensure that the coroner or medical examiner of the county in which the deceased was found has been notified. Requires the coroner or medical examiner to go to the scene and take charge of the remains. Provides that documented efforts must be made to locate family members of the deceased person to inform them of the death and location of the remains of their family member. Amends the Department of State Police Law to make conforming changes. Effective immediately.

LRB095 04211 RLC 24251 b

FISCAL NOTE ACT  
MAY APPLY

STATE MANDATES  
ACT MAY REQUIRE  
REIMBURSEMENT

1 AN ACT concerning missing persons.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the  
5 Missing Persons Identification Act.

6 Section 5. Missing person reports.

7 (a) Report acceptance. All law enforcement agencies shall  
8 accept without delay any report of a missing person. Acceptance  
9 of a missing person report filed in person may not be refused  
10 on any ground. No law enforcement agency may refuse to accept a  
11 missing person report:

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

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

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

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

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

22 (6) on the basis that the circumstances suggest that  
23 the disappearance may be voluntary;

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

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

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

8           (10) for any other reason.

9           (b) Manner of reporting. All law enforcement agencies shall  
10          accept missing person reports in person. Law enforcement  
11          agencies are encouraged to accept reports by phone or by  
12          electronic or other media to the extent that such reporting is  
13          consistent with law enforcement policies or practices.

14          (c) Contents of report. In accepting a report of a missing  
15          person, the law enforcement agency shall attempt to gather  
16          relevant information relating to the disappearance. The law  
17          enforcement agency shall attempt to gather at the time of the  
18          report information that shall include, but shall not be limited  
19          to, the following:

20                 (1) the name of the missing person, including  
21                 alternative names used;

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

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

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

26                 (5) the missing person's gender;

- 1 (6) the missing person's race;
- 2 (7) the missing person's current hair color and true or  
3 natural hair color;
- 4 (8) the missing person's eye color;
- 5 (9) the missing person's prosthetics, surgical  
6 implants, or cosmetic implants;
- 7 (10) the missing person's physical anomalies;
- 8 (11) the missing person's blood type, if known;
- 9 (12) the missing person's drivers license number, if  
10 known;
- 11 (13) the missing person's social security number, if  
12 known;
- 13 (14) a photograph of the missing person; recent  
14 photographs are preferable and the agency is encouraged to  
15 attempt to ascertain the approximate date the photograph  
16 was taken;
- 17 (15) a description of the clothing the missing person  
18 was believed to be wearing;
- 19 (16) a description of items that might be with the  
20 missing person, such as jewelry, accessories, and shoes or  
21 boots;
- 22 (17) information on the missing person's electronic  
23 communications devices, such as cellular telephone numbers  
24 and e-mail addresses;
- 25 (18) the reasons why the reporting individual believes  
26 that the person is missing;

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

3 (20) the name and location of the missing person's  
4 dentist or primary care physician, or both, if known;

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

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

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

13 (24) any identifying information about a known or  
14 possible abductor or person last seen with the missing  
15 person, or both, including:

16 (A) name;

17 (B) a physical description;

18 (C) date of birth;

19 (D) identifying marks;

20 (E) the description of possible means of  
21 transportation, including make, model, color, license  
22 number, and Vehicle Identification Number of a  
23 vehicle;

24 (F) known associates;

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

1 (26) the date of last contact.

2 (d) Notification and follow up action.

3 (1) Notification. The law enforcement agency shall  
4 notify the person making the report, a family member, or  
5 other person in a position to assist the law enforcement  
6 agency in its efforts to locate the missing person of the  
7 following:

8 (A) general information about the handling of the  
9 missing person case or about intended efforts in the  
10 case to the extent that the law enforcement agency  
11 determines that disclosure would not adversely affect  
12 its ability to locate or protect the missing person or  
13 to apprehend or prosecute any person criminally  
14 involved in the disappearance;

15 (B) that the person should promptly contact the law  
16 enforcement agency if the missing person remains  
17 missing in order to provide additional information and  
18 materials that will aid in locating the missing person  
19 such as the missing person's credit cards, debit cards,  
20 banking information, and cellular telephone records;  
21 and

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

26 The law enforcement agency, upon acceptance of a

1 missing person report, shall inform the reporting citizen  
2 of one of 2 resources, based upon the age of the missing  
3 person. If the missing person is under 18 years of age,  
4 contact information for the National Center for Missing and  
5 Exploited Children shall be given. If the missing person is  
6 age 18 or older, contact information for the National  
7 Center for Missing Adults shall be given.

8 Agencies handling the remains of a missing person who  
9 is deceased must notify the agency handling the missing  
10 person's case. Documented efforts must be made to locate  
11 family members of the deceased person to inform them of the  
12 death and location of the remains of their family member.

13 The law enforcement agency is encouraged to make  
14 available informational materials, through publications or  
15 electronic or other media, that advise the public about how  
16 the information or materials identified in this subsection  
17 are used to help locate or identify missing persons.

18 (2) Follow up action. If the person identified in the  
19 missing person report remain missing after 30 days, and the  
20 additional information and materials specified below have  
21 not been received, the law enforcement agency shall attempt  
22 to obtain:

23 (A) DNA samples from family members or from the  
24 missing person along with any needed documentation, or  
25 both, including any consent forms, required for the use  
26 of State or federal DNA databases, including, but not

1 limited to, the Local DNA Index System (LDIS), State  
2 DNA Index System (SDIS), and National DNA Index System  
3 (NDIS);

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

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

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

13 (E) fingerprints.

14 (3) All DNA samples obtained in missing person cases  
15 shall be immediately forwarded to the Department of State  
16 Police for analysis. The Department of State Police shall  
17 establish procedures for determining how to prioritize  
18 analysis of the samples relating to missing person cases.

19 (4) This subsection shall not be interpreted to  
20 preclude a law enforcement agency from attempting to obtain  
21 the materials identified in this subsection before the  
22 expiration of the 30-day period.

23 Section 10. Law enforcement analysis and reporting of  
24 missing person information.

25 (a) Prompt determination of high-risk missing person.



1           (1) Definition. "High-risk missing person" means a  
2 person whose whereabouts are not currently known and whose  
3 circumstances indicate that the person may be at risk of  
4 injury or death. The circumstances that indicate that a  
5 person is a high-risk missing person include, but are not  
6 limited to, any of the following:

7           (A) the person is missing as a result of a stranger  
8 abduction;

9           (B) the person is missing under suspicious  
10 circumstances;

11           (C) the person is missing under unknown  
12 circumstances;

13           (D) the person is missing under known dangerous  
14 circumstances;

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

16           (F) the person has already been designated as a  
17 high-risk missing person by another law enforcement  
18 agency;

19           (G) there is evidence that the person is at risk  
20 because:

21           (i) the person is in need of medical attention  
22 or prescription medication;

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

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

1 (iv) the person is mentally impaired;  
2 (v) the person is under the age of 21;  
3 (vi) the person has been the subject of past  
4 threats or acts of violence;

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

7 (H) any other factor that may, in the judgment of  
8 the law enforcement official, indicate that the  
9 missing person may be at risk.

10 (2) Law enforcement risk assessment.

11 (A) Upon initial receipt of a missing person  
12 report, the law enforcement agency shall immediately  
13 determine whether there is a basis to determine that  
14 the missing person is a high-risk missing person.

15 (B) If a law enforcement agency has previously  
16 determined that a missing person is not a high-risk  
17 missing person, but obtains new information, it shall  
18 immediately determine whether the information  
19 indicates that the missing person is a high-risk  
20 missing person.

21 (C) Law enforcement agencies are encouraged to  
22 establish written protocols for the handling of  
23 missing person cases to accomplish the purposes of this  
24 Act.

25 (3) Law enforcement agency reports.

26 (A) The responding local law enforcement agency

1 shall immediately enter all collected information  
2 relating to the missing person case in the Law  
3 Enforcement Agencies Data System (LEADS) and the  
4 National Crime Information Center (NCIC) databases.  
5 The information shall be provided in accordance with  
6 applicable guidelines relating to the databases. The  
7 information shall be entered as follows:

8 (i) All appropriate DNA profiles, as  
9 determined by the Department of State Police,  
10 shall be uploaded into the missing person  
11 databases of the State DNA Index System (SDIS) and  
12 National DNA Index System (NDIS) after completion  
13 of the DNA analysis and other procedures required  
14 for database entry.

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

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

1           consult with a chief medical examiner, forensic  
2           anthropologist, or odontologist to ensure the  
3           accuracy and completeness of information entered  
4           into the State and federal databases.

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

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

14          (D) Pursuant to any applicable State criteria,  
15          local law enforcement agencies shall also provide for  
16          the prompt use of an Amber Alert in cases involving  
17          abducted children; or public dissemination of  
18          photographs in appropriate high risk cases.

19          Section 15. Reporting of unidentified persons and human  
20          remains.

21          (a) Handling of death scene investigations.

22                 (1) The Department of State Police shall provide  
23                 information to local law enforcement agencies about best  
24                 practices for handling death scene investigations.

25                 (2) The Department of State Police shall identify any

1 publications or training opportunities that may be  
2 available to local law enforcement agencies or law  
3 enforcement officers and coroners and medical examiners  
4 concerning the handling of death scene investigations.

5 (b) Law enforcement reports.

6 (1) Before performing any death scene investigation  
7 deemed appropriate under the circumstances, the official  
8 with custody of the human remains shall ensure that the  
9 coroner or medical examiner of the county in which the  
10 deceased was found has been notified.

11 (2) Any coroner or medical examiner with custody of  
12 human remains that are not identified within 24 hours of  
13 discovery shall promptly notify the Department of State  
14 Police of the location of those remains.

15 (3) If the coroner or medical examiner with custody of  
16 remains cannot determine whether or not the remains found  
17 are human, the coroner or medical examiner shall notify the  
18 Department of State Police of the existence of possible  
19 human remains.

20 Section 20. Unidentified persons or human remains  
21 identification responsibilities.

22 (a) If the official with custody of human remains is not a  
23 coroner or medical examiner, the official shall immediately  
24 notify the coroner or medical examiner of the county in which  
25 the remains were found. The coroner or medical examiner shall

1 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 medical examiner or  
4 coroner shall make reasonable attempts to promptly identify  
5 human remains. These actions may include but are not limited to  
6 obtaining:

7 (1) photographs of the human remains (prior to an  
8 autopsy);

9 (2) dental or skeletal X-rays;

10 (3) photographs of items found with the human remains;

11 (4) fingerprints from the remains, if possible;

12 (5) samples of tissue suitable for DNA typing, if  
13 possible;

14 (6) samples of whole bone or hair suitable for DNA  
15 typing, or both;

16 (7) any other information that may support  
17 identification efforts.

18 (c) No medical examiner or coroner or any other person  
19 shall dispose of, or engage in actions that will materially  
20 affect the unidentified human remains before the medical  
21 examiner or coroner obtains:

22 (1) samples suitable for DNA identification,  
23 archiving;

24 (2) photographs of the unidentified person or human  
25 remains; and

26 (3) all other appropriate steps for identification

1 have been exhausted.

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

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

7 (f) The medical examiner or coroner or the Department of  
8 State Police shall seek support from appropriate State and  
9 federal agencies for human remains identification efforts.  
10 This support may include, but is not be limited to, available  
11 mitochondrial or nuclear DNA testing, federal grants for DNA  
12 testing, or federal grants for crime laboratory or medical  
13 examiner or coroner's office improvement.

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

18 (1) information for the National Crime Information  
19 Center shall be entered within 72 hours;

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

24 (3) information sought by the Violent Criminal  
25 Apprehension Program database shall be entered as soon as  
26 practicable.

1 (h) If the Department of State Police does not input the  
2 data directly into the federal databases, the Department of  
3 State Police shall consult with the medical examiner or  
4 coroner's office to ensure appropriate training of the data  
5 entry personnel and the establishment of a quality assurance  
6 protocol for ensuring the ongoing quality of data entered in  
7 the federal and State databases.

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

16 Section 95. The Department of State Police Law of the Civil  
17 Administrative Code of Illinois is amended by changing Section  
18 2605-375 as follows:

19 (20 ILCS 2605/2605-375) (was 20 ILCS 2605/55a in part)

20 Sec. 2605-375. Missing persons; Law Enforcement Agencies  
21 Data System (LEADS).

22 (a) To establish and maintain a statewide Law Enforcement  
23 Agencies Data System (LEADS) for the purpose of providing  
24 electronic access by authorized entities to criminal justice



1 data repositories and effecting an immediate law enforcement  
2 response to reports of missing persons, including lost, missing  
3 or runaway minors and missing endangered seniors. The  
4 Department shall implement an automatic data exchange system to  
5 compile, to maintain, and to make available to other law  
6 enforcement agencies for immediate dissemination data that can  
7 assist appropriate agencies in recovering missing persons and  
8 provide access by authorized entities to various data  
9 repositories available through LEADS for criminal justice and  
10 related purposes. To assist the Department in this effort,  
11 funds may be appropriated from the LEADS Maintenance Fund.

12 (b) In exercising its duties under this Section, the  
13 Department shall provide ~~do the following:~~ ~~(1) Provide~~ a  
14 uniform reporting format (LEADS) for the entry of pertinent  
15 information regarding the report of a missing person into  
16 LEADS. The report must include all of the following:

17 (1) ~~(A)~~ Relevant information obtained from the  
18 notification concerning the missing person, including all  
19 of the following:

20 (A) ~~(i)~~ a physical description of the missing  
21 person;

22 (B) ~~(ii)~~ the date, time, and place that the missing  
23 person was last seen; and

24 (C) ~~(iii)~~ the missing person's address.

25 (2) ~~(B)~~ Information gathered by a preliminary  
26 investigation, if one was made.

1           (3) ~~(C)~~ A statement by the law enforcement officer in  
2 charge stating the officer's assessment of the case based  
3 on the evidence and information received.

4           (b-5) The Department of State Police shall: ~~prepare the~~  
5 ~~report required by this paragraph (1) as soon as practical, but~~  
6 ~~not later than 5 hours after the Department receives~~  
7 ~~notification of a missing person.~~

8           (1) ~~(2)~~ Develop and implement a policy whereby a  
9 statewide or regional alert would be used in situations  
10 relating to the disappearances of individuals, based on  
11 criteria and in a format established by the Department.  
12 Such a format shall include, but not be limited to, the age  
13 of the missing person and the suspected circumstance of the  
14 disappearance.

15           (2) ~~(3)~~ Notify all law enforcement agencies that  
16 reports of missing persons shall be entered as soon as the  
17 minimum level of data specified by the Department is  
18 available to the reporting agency and that no waiting  
19 period for the entry of the data exists.

20           (3) ~~(4)~~ Compile and retain information regarding lost,  
21 abducted, missing, or runaway minors in a separate data  
22 file, in a manner that allows that information to be used  
23 by law enforcement and other agencies deemed appropriate by  
24 the Director, for investigative purposes. The information  
25 shall include the disposition of all reported lost,  
26 abducted, missing, or runaway minor cases.

1           (4) ~~(5)~~ Compile and maintain an historic data  
2 repository relating to lost, abducted, missing, or runaway  
3 minors and other missing persons, including, but not  
4 limited to, missing endangered seniors, in order to develop  
5 and improve techniques utilized by law enforcement  
6 agencies when responding to reports of missing persons.

7           (5) ~~(6)~~ Create a quality control program regarding  
8 confirmation of missing person data, timeliness of entries  
9 of missing person reports into LEADS, and performance  
10 audits of all entering agencies.

11           ~~(7) Upon completion of the report required by paragraph~~  
12 ~~(1), the Department of State Police shall immediately~~  
13 ~~forward the contents of the report to all of the following:~~

14           ~~(A) all law enforcement agencies that have~~  
15 ~~jurisdiction in the location where the missing person~~  
16 ~~lives and all law enforcement agencies that have~~  
17 ~~jurisdiction in the location where the missing person~~  
18 ~~was last seen;~~

19           ~~(B) all law enforcement agencies to which the~~  
20 ~~person who made the notification concerning the~~  
21 ~~missing person requests the report be sent, if the~~  
22 ~~Department determines that the request is reasonable~~  
23 ~~in light of the information received;~~

24           ~~(C) all law enforcement agencies that request a~~  
25 ~~copy of the report; and~~

26           ~~(D) the National Crime Information Center's~~

1 ~~Missing Person File, if appropriate.~~

2 ~~(8) The Department of State Police shall begin an~~  
3 ~~investigation concerning the missing person not later than~~  
4 ~~24 hours after receiving notification of a missing person.~~

5 (c) The Illinois Law Enforcement Training Standards Board  
6 shall conduct a training program for law enforcement personnel  
7 of local governmental agencies in the Missing Persons  
8 Identification Act ~~statewide coordinated missing endangered~~  
9 ~~senior alert system established under this Section.~~

10 (d) The Department of State Police shall perform the duties  
11 prescribed in the Missing Persons Identification Act, subject  
12 to appropriation.

13 (Source: P.A. 94-145, eff. 1-1-06.)

14 Section 99. Effective date. This Act takes effect upon  
15 becoming law.