

AN ACT concerning local government.

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

Section 5. The Missing Persons Identification Act is amended by changing Sections 15 and 20 as follows:

(50 ILCS 722/15)

Sec. 15. Reporting of unidentified persons and human remains.

(a) Handling of death scene investigations.

(1) The Illinois State Police shall provide information to local law enforcement agencies about best practices for handling death scene investigations.

(2) The Illinois State Police shall identify any publications or training opportunities that may be available to local law enforcement agencies or law enforcement officers and coroners and medical examiners concerning the handling of death scene investigations.

(b) Law enforcement reports.

(1) Before performing any death scene investigation deemed appropriate under the circumstances, 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.

(2) Any coroner or medical examiner with custody of human remains that are not identified within 24 hours of discovery shall promptly notify the Illinois State Police of the location of those remains. A coroner or medical examiner with custody of human remains that are not identified within 72 hours of discovery shall promptly notify the Federal Bureau of Investigation of the location of those remains and the failure to identify the remains.

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

(Source: P.A. 102-538, eff. 8-20-21.)

(50 ILCS 722/20)

Sec. 20. Unidentified persons or human remains identification responsibilities.

(a) In this Section, "assisting law enforcement agency" means a law enforcement agency with jurisdiction acting under the request and direction of the medical examiner or coroner to assist with human remains identification.

(a-5) If the official with custody of the human remains is not a coroner or medical examiner, the official shall immediately notify the coroner or medical examiner of the county in which the remains were found. The coroner or medical

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

(b) Notwithstanding any other action deemed appropriate for the handling of the human remains, the assisting law enforcement agency, medical examiner, or coroner shall make reasonable attempts to promptly identify human remains. This does not include historic or prehistoric skeletal remains. These actions shall include, but are not limited to, obtaining the following when possible:

- (1) photographs of the human remains (prior to an autopsy);
- (2) dental and skeletal X-rays;
- (3) photographs of items found on or with the human remains;
- (4) fingerprints from the remains;
- (5) tissue samples suitable for DNA analysis;
- (6) (blank); and
- (7) any other information that may support identification efforts.

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

(d) Cremation of unidentified human remains is prohibited.

(e) (Blank).

(f) The assisting law enforcement agency, medical examiner, or coroner shall seek support from appropriate State and federal agencies, including National Missing and Unidentified Persons System resources to facilitate prompt identification of human remains. This support may include, but is not limited to, fingerprint comparison; forensic odontology; nuclear or mitochondrial DNA analysis, or both; and forensic anthropology.

(f-5) Fingerprints from the unidentified remains, including partial prints, shall be submitted to the Illinois State Police or other resource for the purpose of attempting to identify the deceased. The coroner or medical examiner shall cause a dental examination to be performed by a forensic odontologist for the purpose of dental charting, comparison to missing person records, or both. Tissue samples collected for DNA analysis shall be submitted within 30 days of the recovery of the remains to a National Missing and Unidentified Persons System partner laboratory or other resource where DNA profiles are entered into the National DNA Index System upon completion of testing. Forensic anthropological analysis of the remains shall also be considered.

(g) (Blank).

(g-2) The medical examiner or coroner shall report the unidentified human remains and the location where the remains were found to the Illinois State Police within 24 hours of discovery and then to the Federal Bureau of Investigation

within 72 hours of discovery if the remains are not identified as mandated by Section 15 of this Act. The assisting law enforcement agency, medical examiner, or coroner shall contact the Illinois State Police to request the creation of a National Crime Information Center Unidentified Person record within 5 days of the discovery of the remains. The assisting law enforcement agency, medical examiner, or coroner shall provide the Illinois State Police all information required for National Crime Information Center entry. Upon notification, the Illinois State Police shall create the Unidentified Person record without unnecessary delay.

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

(h) (Blank).

(h-5) The assisting law enforcement agency, medical examiner, or coroner shall create an unidentified person record in the National Missing and Unidentified Persons System

prior to the submission of samples or within 30 days of the discovery of the remains, if no identification has been made. The entry shall include all available case information including fingerprint data and dental charts. Samples shall be submitted to a National Missing and Unidentified Persons System partner laboratory for DNA analysis within 30 Days. A notation of DNA submission shall be made within the National Missing and Unidentified Persons System Unidentified Person record.

(i) Nothing in this Act shall be interpreted to preclude any assisting law enforcement agency, medical examiner, coroner, or the Illinois State Police from pursuing other efforts to identify human remains including efforts to publicize information, descriptions, or photographs related to the investigation.

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

(Source: P.A. 101-81, eff. 7-12-19; 102-538, eff. 8-20-21.)