

1 AN ACT concerning State government.

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

4 Section 5. The Department of State Police Law of the Civil
5 Administrative Code of Illinois is amended by changing Section
6 2605-375 as follows:

7 (20 ILCS 2605/2605-375) (was 20 ILCS 2605/55a in part)

8 Sec. 2605-375. Missing persons; Law Enforcement Agencies
9 Data System (LEADS); Silver Alerts.

10 (a) To establish and maintain a statewide Law Enforcement
11 Agencies Data System (LEADS) for the purpose of providing
12 electronic access by authorized entities to criminal justice
13 data repositories and effecting an immediate law enforcement
14 response to reports of missing persons, including lost, missing
15 or runaway minors and missing endangered seniors. The
16 Department shall implement an automatic data exchange system to
17 compile, to maintain, and to make available to other law
18 enforcement agencies for immediate dissemination data that can
19 assist appropriate agencies in recovering missing persons and
20 provide access by authorized entities to various data
21 repositories available through LEADS for criminal justice and
22 related purposes. To assist the Department in this effort,
23 funds may be appropriated from the LEADS Maintenance Fund.

1 (b) In exercising its duties under this Section, the
2 Department shall provide a uniform reporting format (LEADS) for
3 the entry of pertinent information regarding the report of a
4 missing person into LEADS. The report must include all of the
5 following:

6 (1) Relevant information obtained from the
7 notification concerning the missing person, including all
8 of the following:

9 (A) a physical description of the missing person;

10 (B) the date, time, and place that the missing
11 person was last seen; and

12 (C) the missing person's address.

13 (2) Information gathered by a preliminary
14 investigation, if one was made.

15 (3) A statement by the law enforcement officer in
16 charge stating the officer's assessment of the case based
17 on the evidence and information received.

18 (b-5) The Department of State Police shall:

19 (1) Develop and implement a policy whereby a statewide
20 or regional alert would be used in situations relating to
21 the disappearances of individuals, based on criteria and in
22 a format established by the Department. Such a format shall
23 include, but not be limited to, the age of the missing
24 person and the suspected circumstance of the
25 disappearance.

26 (1.5) In developing the alert system policy under

1 paragraph (1) of this subsection, include Silver Alerts for
2 use with respect to missing endangered seniors, as defined
3 in Section 2605-5, and persons with disabilities. The
4 Silver Alert system policy must require the Department, at
5 a minimum, to:

6 (A) Establish a Silver Plan Task Force to monitor
7 and review the implementation and operation of the
8 Silver Alert system, including procedures, budgetary
9 requirements, and response protocols. The Task Force
10 shall also develop additional network resources for
11 use in the system.

12 (B) Coordinate with the Illinois Department of
13 Transportation for the use of electronic message
14 signs, as federal guidelines will allow, on roads and
15 highways in the vicinity of the disappearance of a
16 missing endangered senior or person with a disability
17 to immediately provide critical information to the
18 public.

19 (C) Coordinate with the Illinois Emergency
20 Management Agency in the development and
21 implementation of a community outreach program to
22 promote public awareness of the Silver Alert system.

23 (2) Notify all law enforcement agencies that reports of
24 missing persons shall be entered as soon as the minimum
25 level of data specified by the Department is available to
26 the reporting agency and that no waiting period for the

1 entry of the data exists.

2 (3) Compile and retain information regarding lost,
3 abducted, missing, or runaway minors in a separate data
4 file, in a manner that allows that information to be used
5 by law enforcement and other agencies deemed appropriate by
6 the Director, for investigative purposes. The information
7 shall include the disposition of all reported lost,
8 abducted, missing, or runaway minor cases.

9 (4) Compile and maintain an historic data repository
10 relating to lost, abducted, missing, or runaway minors and
11 other missing persons, including, but not limited to,
12 missing endangered seniors, in order to develop and improve
13 techniques utilized by law enforcement agencies when
14 responding to reports of missing persons.

15 (5) Create a quality control program regarding
16 confirmation of missing person data, timeliness of entries
17 of missing person reports into LEADS, and performance
18 audits of all entering agencies.

19 (c) The Illinois Law Enforcement Training Standards Board
20 shall conduct a training program for law enforcement personnel
21 of local governmental agencies in the Missing Persons
22 Identification Act.

23 (d) The Department of State Police shall perform the duties
24 prescribed in the Missing Persons Identification Act, subject
25 to appropriation.

26 (Source: P.A. 94-145, eff. 1-1-06; 95-192, eff. 8-16-07.)

1 Section 10. The Department of Transportation Law of the
2 Civil Administrative Code of Illinois is amended by changing
3 Section 2705-505.5 as follows:

4 (20 ILCS 2705/2705-505.5)

5 Sec. 2705-505.5. Child abduction and missing endangered
6 seniors and persons with disabilities message signs. The
7 Department of Transportation shall coordinate with the
8 Department of State Police in the use of electronic message
9 signs on roads and highways in the vicinity of a child
10 abduction or the disappearance of a missing endangered senior
11 or person with a disability to immediately provide critical
12 information to the public.

13 (Source: P.A. 93-310, eff. 7-23-03.)

14 Section 15. The Illinois Emergency Management Agency Act is
15 amended by changing Section 5 as follows:

16 (20 ILCS 3305/5) (from Ch. 127, par. 1055)

17 Sec. 5. Illinois Emergency Management Agency.

18 (a) There is created within the executive branch of the
19 State Government an Illinois Emergency Management Agency and a
20 Director of the Illinois Emergency Management Agency, herein
21 called the "Director" who shall be the head thereof. The
22 Director shall be appointed by the Governor, with the advice

1 and consent of the Senate, and shall serve for a term of 2
2 years beginning on the third Monday in January of the
3 odd-numbered year, and until a successor is appointed and has
4 qualified; except that the term of the first Director appointed
5 under this Act shall expire on the third Monday in January,
6 1989. The Director shall not hold any other remunerative public
7 office. The Director shall receive an annual salary as set by
8 the Governor from time to time or the amount set by the
9 Compensation Review Board, whichever is higher. If set by the
10 Governor, the Director's annual salary may not exceed 85% of
11 the Governor's annual salary.

12 (b) The Illinois Emergency Management Agency shall obtain,
13 under the provisions of the Personnel Code, technical,
14 clerical, stenographic and other administrative personnel, and
15 may make expenditures within the appropriation therefor as may
16 be necessary to carry out the purpose of this Act. The agency
17 created by this Act is intended to be a successor to the agency
18 created under the Illinois Emergency Services and Disaster
19 Agency Act of 1975 and the personnel, equipment, records, and
20 appropriations of that agency are transferred to the successor
21 agency as of the effective date of this Act.

22 (c) The Director, subject to the direction and control of
23 the Governor, shall be the executive head of the Illinois
24 Emergency Management Agency and the State Emergency Response
25 Commission and shall be responsible under the direction of the
26 Governor, for carrying out the program for emergency management

1 of this State. The Director shall also maintain liaison and
2 cooperate with the emergency management organizations of this
3 State and other states and of the federal government.

4 (d) The Illinois Emergency Management Agency shall take an
5 integral part in the development and revision of political
6 subdivision emergency operations plans prepared under
7 paragraph (f) of Section 10. To this end it shall employ or
8 otherwise secure the services of professional and technical
9 personnel capable of providing expert assistance to the
10 emergency services and disaster agencies. These personnel
11 shall consult with emergency services and disaster agencies on
12 a regular basis and shall make field examinations of the areas,
13 circumstances, and conditions that particular political
14 subdivision emergency operations plans are intended to apply.

15 (e) The Illinois Emergency Management Agency and political
16 subdivisions shall be encouraged to form an emergency
17 management advisory committee composed of private and public
18 personnel representing the emergency management phases of
19 mitigation, preparedness, response, and recovery. The Local
20 Emergency Planning Committee, as created under the Illinois
21 Emergency Planning and Community Right to Know Act, shall serve
22 as an advisory committee to the emergency services and disaster
23 agency or agencies serving within the boundaries of that Local
24 Emergency Planning Committee planning district for:

25 (1) the development of emergency operations plan
26 provisions for hazardous chemical emergencies; and

1 (2) the assessment of emergency response capabilities
2 related to hazardous chemical emergencies.

3 (f) The Illinois Emergency Management Agency shall:

4 (1) Coordinate the overall emergency management
5 program of the State.

6 (2) Cooperate with local governments, the federal
7 government and any public or private agency or entity in
8 achieving any purpose of this Act and in implementing
9 emergency management programs for mitigation,
10 preparedness, response, and recovery.

11 (2.5) Develop a comprehensive emergency preparedness
12 and response plan for any nuclear accident in accordance
13 with Section 65 of the Department of Nuclear Safety Law of
14 2004 (20 ILCS 3310) and in development of the Illinois
15 Nuclear Safety Preparedness program in accordance with
16 Section 8 of the Illinois Nuclear Safety Preparedness Act.

17 (2.6) Coordinate with the Department of Public Health
18 with respect to planning for and responding to public
19 health emergencies.

20 (3) Prepare, for issuance by the Governor, executive
21 orders, proclamations, and regulations as necessary or
22 appropriate in coping with disasters.

23 (4) Promulgate rules and requirements for political
24 subdivision emergency operations plans that are not
25 inconsistent with and are at least as stringent as
26 applicable federal laws and regulations.

1 (5) Review and approve, in accordance with Illinois
2 Emergency Management Agency rules, emergency operations
3 plans for those political subdivisions required to have an
4 emergency services and disaster agency pursuant to this
5 Act.

6 (5.5) Promulgate rules and requirements for the
7 political subdivision emergency management exercises,
8 including, but not limited to, exercises of the emergency
9 operations plans.

10 (5.10) Review, evaluate, and approve, in accordance
11 with Illinois Emergency Management Agency rules, political
12 subdivision emergency management exercises for those
13 political subdivisions required to have an emergency
14 services and disaster agency pursuant to this Act.

15 (6) Determine requirements of the State and its
16 political subdivisions for food, clothing, and other
17 necessities in event of a disaster.

18 (7) Establish a register of persons with types of
19 emergency management training and skills in mitigation,
20 preparedness, response, and recovery.

21 (8) Establish a register of government and private
22 response resources available for use in a disaster.

23 (9) Expand the Earthquake Awareness Program and its
24 efforts to distribute earthquake preparedness materials to
25 schools, political subdivisions, community groups, civic
26 organizations, and the media. Emphasis will be placed on

1 those areas of the State most at risk from an earthquake.
2 Maintain the list of all school districts, hospitals,
3 airports, power plants, including nuclear power plants,
4 lakes, dams, emergency response facilities of all types,
5 and all other major public or private structures which are
6 at the greatest risk of damage from earthquakes under
7 circumstances where the damage would cause subsequent harm
8 to the surrounding communities and residents.

9 (10) Disseminate all information, completely and
10 without delay, on water levels for rivers and streams and
11 any other data pertaining to potential flooding supplied by
12 the Division of Water Resources within the Department of
13 Natural Resources to all political subdivisions to the
14 maximum extent possible.

15 (11) Develop agreements, if feasible, with medical
16 supply and equipment firms to supply resources as are
17 necessary to respond to an earthquake or any other disaster
18 as defined in this Act. These resources will be made
19 available upon notifying the vendor of the disaster.
20 Payment for the resources will be in accordance with
21 Section 7 of this Act. The Illinois Department of Public
22 Health shall determine which resources will be required and
23 requested.

24 (11.5) In coordination with the Department of State
25 Police, develop and implement a community outreach program
26 to promote (i) awareness among the State's parents and

1 children of child abduction prevention and response and
2 (ii) public awareness of the Silver Alert system developed
3 under Section 2605-375 of the Department of State Police
4 Law of the Civil Administrative Code of Illinois.

5 (12) Out of funds appropriated for these purposes,
6 award capital and non-capital grants to Illinois hospitals
7 or health care facilities located outside of a city with a
8 population in excess of 1,000,000 to be used for purposes
9 that include, but are not limited to, preparing to respond
10 to mass casualties and disasters, maintaining and
11 improving patient safety and quality of care, and
12 protecting the confidentiality of patient information. No
13 single grant for a capital expenditure shall exceed
14 \$300,000. No single grant for a non-capital expenditure
15 shall exceed \$100,000. In awarding such grants, preference
16 shall be given to hospitals that serve a significant number
17 of Medicaid recipients, but do not qualify for
18 disproportionate share hospital adjustment payments under
19 the Illinois Public Aid Code. To receive such a grant, a
20 hospital or health care facility must provide funding of at
21 least 50% of the cost of the project for which the grant is
22 being requested. In awarding such grants the Illinois
23 Emergency Management Agency shall consider the
24 recommendations of the Illinois Hospital Association.

25 (13) Do all other things necessary, incidental or
26 appropriate for the implementation of this Act.

1 (Source: P.A. 93-249, eff. 7-22-03; 93-310, eff. 7-23-03;
2 94-334, eff. 1-1-06.)

3 Section 20. The Illinois Police Training Act is amended by
4 changing Section 10.10 as follows:

5 (50 ILCS 705/10.10)

6 Sec. 10.10. Training in child abduction (AMBER) alert
7 system and missing endangered senior or person with a
8 disability (Silver) alert system. The Board shall conduct a
9 training program for law enforcement personnel of local
10 governmental agencies in the statewide coordinated child
11 abduction (AMBER) alert system developed under Section
12 2605-480 of the Department of State Police Law of the Civil
13 Administrative Code of Illinois and the statewide coordinated
14 missing endangered senior or person with a disability (Silver)
15 alert system developed under Section 2605-375 of the Department
16 of State Police Law of the Civil Administrative Code of
17 Illinois.

18 (Source: P.A. 93-310, eff. 7-23-03; 94-145, eff. 1-1-06.)

19 Section 25. The Missing Persons Identification Act is
20 amended by changing Section 10 as follows:

21 (50 ILCS 722/10)

22 Sec. 10. Law enforcement analysis and reporting of missing

1 person information.

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

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

9 (A) the person is missing as a result of a stranger
10 abduction;

11 (B) the person is missing under suspicious
12 circumstances;

13 (C) the person is missing under unknown
14 circumstances;

15 (D) the person is missing under known dangerous
16 circumstances;

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

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

21 (F-5) the person is a missing endangered senior as
22 defined in Section 2605-5 of the Department of State
23 Police Law of the Civil Administrative Code of
24 Illinois;

25 (F-10) the person is a missing endangered person
26 with a disability as defined in the Disability Services

1 Act of 2003.

2 (G) there is evidence that the person is at risk
3 because:

4 (i) the person is in need of medical attention
5 or prescription 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 (v) the person is under the age of 21;

12 (vi) the person has been the subject of past
13 threats or acts of violence;

14 (vii) the person has eloped from a nursing
15 home; or

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

19 (2) Law enforcement risk assessment.

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

24 (B) If a law enforcement agency has previously
25 determined that a missing person is not a high-risk
26 missing person, but obtains new information, it shall

1 immediately determine whether the information
2 indicates that the missing person is a high-risk
3 missing person.

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

8 (3) Law enforcement agency reports.

9 (A) The responding local law enforcement agency
10 shall immediately enter all collected information
11 relating to the missing person case in the Law
12 Enforcement Agencies Data System (LEADS) and the
13 National Crime Information Center (NCIC) databases.
14 The information shall be provided in accordance with
15 applicable guidelines relating to the databases. The
16 information shall be entered as follows:

17 (i) All appropriate DNA profiles, as
18 determined by the Department of State Police,
19 shall be uploaded into the missing person
20 databases of the State DNA Index System (SDIS) and
21 National DNA Index System (NDIS) after completion
22 of the DNA analysis and other procedures required
23 for database entry.

24 (ii) Information relevant to the Federal
25 Bureau of Investigation's Violent Criminal
26 Apprehension Program shall be entered as soon as

1 possible.

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

14 (B) The Department of State Police shall
15 immediately notify all law enforcement agencies within
16 this State and the surrounding region of the
17 information that will aid in the prompt location and
18 safe return of the high-risk missing person.

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

23 (D) Pursuant to any applicable State criteria,
24 local law enforcement agencies shall also provide for
25 the prompt use of an Amber Alert in cases involving
26 abducted children or a Silver Alert in cases involving

1 missing endangered seniors and persons with
2 disabilities; or public dissemination of photographs
3 in appropriate high risk cases.

4 (Source: P.A. 95-192, eff. 8-16-07.)

5 Section 99. Effective date. This Act takes effect upon
6 becoming law.