



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB2265

Introduced 11/8/2017, by Sen. Michael E. Hastings

SYNOPSIS AS INTRODUCED:

20 ILCS 2605/2605-375
20 ILCS 2605/2605-485
50 ILCS 722/10

was 20 ILCS 2605/55a in part

Amends the Department of State Police Law. Requires the Department of State Police to compile and maintain an historic data repository relating to, among other missing persons, lost or missing individuals with developmental or intellectual disabilities, in order to develop and improve techniques utilized by law enforcement agencies when responding to reports of missing persons. Provides that the Department of State Police, in coordination with the Illinois Department of Human Services, shall develop and implement a community outreach program to promote awareness of the Endangered Missing Person Advisory among applicable entities, including, but is not limited to developmental disability facilities. Amends the Missing Persons Identification Act. Provides that a "high-risk missing person" under the Act includes evidence that a person is at risk because he or she is a person having a developmental disability or a person having an intellectual disability. Makes conforming changes.

LRB100 15527 RJF 30574 b

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 Sections
6 2605-375 and 2605-485 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).

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, lost or missing individuals with
16 developmental or intellectual disabilities, and missing
17 endangered seniors. The Department shall implement an
18 automatic data exchange system to compile, to maintain, and to
19 make available to other law enforcement agencies for immediate
20 dissemination data that can assist appropriate agencies in
21 recovering missing persons and provide access by authorized
22 entities to various data repositories available through LEADS
23 for criminal justice and related purposes. To assist the

1 Department in this effort, funds may be appropriated from the
2 LEADS Maintenance Fund. Funds may be appropriated from the
3 LEADS Maintenance Fund to the Department to finance any of its
4 lawful purposes or functions in relation to defraying the
5 expenses associated with establishing, maintaining, and
6 supporting the issuance of electronic citations.

7 (b) In exercising its duties under this Section, the
8 Department shall provide a uniform reporting format (LEADS) for
9 the entry of pertinent information regarding the report of a
10 missing person into LEADS. The report must include all of the
11 following:

12 (1) Relevant information obtained from the
13 notification concerning the missing person, including all
14 of the following:

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

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

18 (C) the missing person's address.

19 (2) Information gathered by a preliminary
20 investigation, if one was made.

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

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

25 (1) Develop and implement a policy whereby a statewide
26 or regional alert would be used in situations relating to

1 the disappearances of individuals, based on criteria and in
2 a format established by the Department. Such a format shall
3 include, but not be limited to, the age of the missing
4 person and the suspected circumstance of the
5 disappearance.

6 (2) Notify all law enforcement agencies that reports of
7 missing persons shall be entered as soon as the minimum
8 level of data specified by the Department is available to
9 the reporting agency and that no waiting period for the
10 entry of the data exists.

11 (3) Compile and retain information regarding lost,
12 abducted, missing, or runaway minors in a separate data
13 file, in a manner that allows that information to be used
14 by law enforcement and other agencies deemed appropriate by
15 the Director, for investigative purposes. The information
16 shall include the disposition of all reported lost,
17 abducted, missing, or runaway minor cases.

18 (4) Compile and maintain an historic data repository
19 relating to lost, abducted, missing, or runaway minors and
20 other missing persons, including, but not limited to, lost
21 or missing individuals with developmental or intellectual
22 disabilities and missing endangered seniors, in order to
23 develop and improve techniques utilized by law enforcement
24 agencies when responding to reports of missing persons.

25 (5) Create a quality control program regarding
26 confirmation of missing person data, timeliness of entries

1 of missing person reports into LEADS, and performance
2 audits of all entering agencies.

3 (c) The Illinois Law Enforcement Training Standards Board
4 shall conduct a training program for law enforcement personnel
5 of local governmental agencies in the Missing Persons
6 Identification Act.

7 (d) The Department of State Police shall perform the duties
8 prescribed in the Missing Persons Identification Act, subject
9 to appropriation.

10 (Source: P.A. 97-402, eff. 8-16-11.)

11 (20 ILCS 2605/2605-485)

12 Sec. 2605-485. Endangered Missing Person Advisory.

13 (a) A coordinated program known as the Endangered Missing
14 Person Advisory is established within the Department of State
15 Police. The purpose of the Endangered Missing Person Advisory
16 is to provide a regional system for the rapid dissemination of
17 information regarding a missing person who is believed to be a
18 high-risk missing person as defined in Section 10 of the
19 Missing Persons Identification Act.

20 (b) The AMBER Plan Task Force, established under Section
21 2605-480 of the Department of State Police Law, shall serve as
22 the task force for the Endangered Missing Person Advisory. The
23 AMBER Plan Task Force shall monitor and review the
24 implementation and operation of the regional system developed
25 under subsection (a), including procedures, budgetary

1 requirements, and response protocols. The AMBER Plan Task Force
2 shall also develop additional network resources for use in the
3 system.

4 (c) The Department of State Police, in coordination with
5 the Illinois Department on Aging, shall develop and implement a
6 community outreach program to promote awareness among the
7 State's healthcare facilities, nursing homes, assisted living
8 facilities, and other senior centers. The guidelines and
9 procedures shall ensure that specific health information about
10 the missing person is not made public through the alert or
11 otherwise.

12 (c-5) The Department of State Police, in coordination with
13 the Illinois Department of Human Services, shall develop and
14 implement a community outreach program to promote awareness of
15 the Endangered Missing Person Advisory among applicable
16 entities, including, but is not limited to developmental
17 disability facilities as defined in Section 1-107 of the Mental
18 Health and Developmental Disabilities Code. The guidelines and
19 procedures shall ensure that specific health information about
20 the missing person is not made public through the alert or
21 otherwise.

22 (d) The Child Safety Coordinator, created under Section
23 2605-480 of the Department of State Police Law, shall act in
24 the dual capacity of Child Safety Coordinator and Endangered
25 Missing Person Coordinator. The Coordinator shall assist in the
26 establishment of State standards and monitor the availability

1 of federal funding that may become available to further the
2 objectives of the Endangered Missing Person Advisory. The
3 Department shall provide technical assistance for the
4 Coordinator from its existing resources.

5 (e) (1) The Department of State Police, in cooperation with
6 the Silver Search Task Force, shall develop as part of the
7 Endangered Missing Person Advisory a coordinated statewide
8 awareness program and toolkit to be used when a person 21 years
9 of age or older who is believed to have Alzheimer's disease,
10 other related dementia, or other dementia-like cognitive
11 impairment is reported missing, which shall be referred to as
12 Silver Search.

13 (2) The Department shall complete development and
14 deployment of the Silver Search Awareness Program and toolkit
15 on or before July 1, 2017.

16 (3) The Department of State Police shall establish a Silver
17 Search Task Force within 90 days after the effective date of
18 this amendatory Act of the 99th General Assembly to assist the
19 Department in development and deployment of the Silver Search
20 Awareness Program and toolkit. The Task Force shall establish
21 the criteria and create a toolkit, which may include usage of
22 Department of Transportation signs, under Section 2705-505.6
23 of the Department of Transportation Law of the Civil
24 Administrative Code of Illinois. The Task Force shall monitor
25 and review the implementation and operation of that program,
26 including procedures, budgetary requirements, standards, and

1 minimum requirements for the training of law enforcement
2 personnel on how to interact appropriately and effectively with
3 individuals that suffer from Alzheimer's disease, other
4 dementia, or other dementia-like cognitive impairment. The
5 Task Force shall also develop additional network and financial
6 resources for use in the system. The Task Force shall include,
7 but is not limited to, one representative from each of the
8 following:

9 (A) the Department of State Police;

10 (B) the Department on Aging;

11 (C) the Department of Public Health;

12 (D) the Illinois Law Enforcement Training Standards
13 Board;

14 (E) the Illinois Emergency Management Agency;

15 (F) the Secretary of State;

16 (G) the Department of Transportation;

17 (H) the Department of the Lottery;

18 (I) the Illinois Toll Highway Authority;

19 (J) a State association dedicated to Alzheimer's care,
20 support, and research;

21 (K) a State association dedicated to improving quality
22 of life for persons age 50 and over;

23 (L) a State group of area agencies involved in planning
24 and coordinating services and programs for older persons in
25 their respective areas;

26 (M) a State organization dedicated to enhancing

1 communication and cooperation between sheriffs;

2 (N) a State association of police chiefs and other
3 leaders of police and public safety organizations;

4 (O) a State association representing Illinois
5 publishers;

6 (P) a State association that advocates for the
7 broadcast industry;

8 (Q) a member of a large wireless telephone carrier; and

9 (R) a member of a small wireless telephone carrier.

10 The members of the Task Force designated in subparagraphs
11 (A) through (I) of this paragraph (3) shall be appointed by the
12 head of the respective agency. The members of the Task Force
13 designated in subparagraphs (J) through (R) of this paragraph
14 (3) shall be appointed by the Director of State Police. The
15 Director of State Police or his or her designee shall serve as
16 Chair of the Task Force.

17 The Task Force shall meet at least twice a year and shall
18 provide a report on the operations of the Silver Search Program
19 to the General Assembly and the Governor each year by June 30.

20 (4) Subject to appropriation, the Department of State
21 Police, in coordination with the Department on Aging and the
22 Silver Search Task Force, shall develop and implement a
23 community outreach program to promote awareness of the Silver
24 Search Program as part of the Endangered Missing Person
25 Advisory among law enforcement agencies, the State's
26 healthcare facilities, nursing homes, assisted living

1 facilities, other senior centers, and the general population on
2 or before January 1, 2017.

3 (5) The Child Safety Coordinator, created under Section
4 2605-480 of the Department of State Police Law of the Civil
5 Administrative Code of Illinois, shall act in the capacity of
6 Child Safety Coordinator, Endangered Missing Person
7 Coordinator, and Silver Search Program Coordinator. The
8 Coordinator, in conjunction with the members of the Task Force,
9 shall assist the Department and the Silver Search Task Force in
10 the establishment of State standards and monitor the
11 availability of federal and private funding that may become
12 available to further the objectives of the Endangered Missing
13 Person Advisory and Silver Search Awareness Program. The
14 Department shall provide technical assistance for the
15 Coordinator from its existing resources.

16 (6) The Department of State Police shall provide
17 administrative and other support to the Task Force.

18 (Source: P.A. 99-322, eff. 1-1-16.)

19 Section 10. 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
23 person information.

24 (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 including but not limited to persons with
23 dementia-like symptoms, or prescription
24 medication;

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

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

3 (iv) the person is mentally impaired,
4 including, but not limited to, a person having a
5 developmental disability, as defined in Section
6 1-106 of the Mental Health and Developmental
7 Disabilities Code, or a person having an
8 intellectual disability, as defined in Section
9 1-116 of the Mental Health and Developmental
10 Disabilities Code;

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 use of the Endangered Missing

1 Person Advisory in appropriate high risk cases.

2 (Source: P.A. 95-192, eff. 8-16-07; 96-149, eff. 1-1-10.)