



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB4203

Introduced 11/16/05, by Rep. Dan Brady - William B. Black

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 acceptance of a missing person report may not be refused on any ground. Provides that a law enforcement agency shall notify the individual making the missing person report, a family member, or other person in a position to assist the law enforcement agency in its efforts to locate the missing person general information about the handling of the missing person case and that the person making the report or other necessary person shall promptly contact the law enforcement agency if the missing person remains missing to provide additional information and materials that will aid in locating the missing person. Establishes procedures to be followed by law enforcement agencies if a person remains missing after 30 days. Establishes law enforcement procedures for handling death scene investigations. Establishes procedures to be used by the medical examiner or coroner in identifying human remains. Amends the Department of State Police Law of the Civil Administrative Code of Illinois. Provides that the Department of State Police shall perform the duties prescribed in the Missing Persons Identification Act. Effective immediately.

LRB094 15317 RLC 50508 b

FISCAL NOTE ACT
MAY APPLY

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 may not be refused on any ground. No
10 law enforcement agency may refuse to accept a missing person
11 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;

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

26 (8) on the basis that the reporting individual cannot
27 provide all of the information requested by the law
28 enforcement agency;

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

31 (10) for any other reason.

32 (b) Manner of reporting. All law enforcement agencies shall

1 accept missing person reports in person. Law enforcement
2 agencies are encouraged to accept reports by phone or by
3 electronic or other media to the extent that such reporting is
4 consistent with law enforcement policies or practices.

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

11 (1) the name of the missing person, including
12 alternative names used;

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

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

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

17 (5) the missing person's gender;

18 (6) the missing person's race;

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

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

22 (9) the missing person's prosthetics, surgical
23 implants, or cosmetic implants;

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

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

26 (12) the missing person's drivers license number, if
27 known;

28 (13) the missing person's social security number, if
29 known;

30 (14) a photograph of the missing person; recent
31 photographs are preferable and the agency is encouraged to
32 attempt to ascertain the approximate date the photograph
33 was taken;

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

36 (16) a description of items that might be with the

1 missing person, such as jewelry, accessories, and shoes or
2 boots;

3 (17) information on the missing person's electronic
4 communications devices, such as cell phone numbers and
5 e-mail addresses;

6 (18) the reasons why the reporting individual believes
7 that the person is missing;

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

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

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

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

16 (23) a description of the possible means of
17 transportation of the missing person, including make,
18 model, color, license number, and Vehicle Identification
19 Number of a vehicle;

20 (24) any identifying information about a known or
21 possible abductor or person last seen with the missing
22 person, or both, including:

23 (A) name;

24 (B) a physical description;

25 (C) date of birth;

26 (D) identifying marks;

27 (E) the description of possible means of
28 transportation, including make, model, color, license
29 number, and Vehicle Identification Number of a
30 vehicle;

31 (F) known associates;

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

34 (26) the date of last contact.

35 (d) Notification and follow up action.

36 (1) Notification. The law enforcement agency shall

1 notify the person making the report, a family member, or
2 other person in a position to assist the law enforcement
3 agency in its efforts to locate the missing person of the
4 following:

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

12 (B) that the person making the report or other
13 necessary person should promptly contact the law
14 enforcement agency if the missing person remains
15 missing to provide additional information and
16 materials that will aid in locating the missing person.
17 The law enforcement agency should also notify the
18 person(s) of the specific information or materials
19 needed such credit/debit cards the missing person has
20 access to (and other banking information) and records
21 of cell phone use; 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 is encouraged to make
27 available informational materials, through publications or
28 electronic or other media, that advise the public about how
29 the information or materials identified in this subsection
30 are used to help locate or identify missing persons.

31 (2) Follow up action. If the person identified in the
32 missing person report remain missing after 30 days, and the
33 additional information and materials specified below have
34 not been received, the law enforcement agency shall attempt
35 to obtain:

36 (A) DNA samples from family members or from the

1 missing person along with any needed documentation, or
2 both, including any consent forms, required for the use
3 of State or federal DNA databases, including, but not
4 limited to, the Local DNA Database (LDIS), State DNA
5 Database (SDIS), and National DNA Database (NDIS);

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

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

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

15 (E) fingerprints.

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

21 (4) Information relevant to the Federal Bureau of
22 Investigation's Violent Criminal Apprehension Program
23 shall be entered as soon as possible.

24 (5) 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
27 expiration of the 30-day period.

28 Section 10. Law enforcement analysis and reporting of
29 missing person information.

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

31 (1) Definition. "High-risk missing person" means a
32 person whose whereabouts are not currently known and whose
33 circumstances indicate that the person may be at risk of
34 injury or death. The circumstances that indicate that a
35 person is a high-risk missing person include, but are not

1 limited to, any of the following:

2 (A) the person is missing as a result of a stranger
3 abduction;

4 (B) the person is missing under suspicious
5 circumstances;

6 (C) the person is missing under unknown
7 circumstances;

8 (D) the person is missing under known dangerous
9 circumstances;

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

11 (F) the person has already been designated as a
12 high-risk missing person by another law enforcement
13 agency;

14 (G) there is evidence that the person is at risk
15 because:

16 (i) the person is in need of medical attention
17 or prescription medication;

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

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

22 (iv) the person is mentally impaired;

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

24 (vi) the person has been the subject of past
25 threats or acts of violence; or

26 (H) of any other factor that may, in the judgment
27 of the law enforcement official, indicate that the
28 missing person may be at risk.

29 (2) Law enforcement risk assessment.

30 (A) Upon initial receipt of a missing person
31 report, the law enforcement agency shall immediately
32 determine whether there is a basis to determine that
33 the missing person is a high-risk missing person.

34 (B) If a law enforcement agency has previously
35 determined that a missing person is not a high-risk
36 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) Risk assessments identified in this subsection
5 shall be performed no later than 72 hours after the
6 initial missing person report or the new information is
7 provided to the law enforcement agency.

8 (D) Law enforcement agencies are encouraged to
9 establish written protocols for the handling of
10 missing person cases to accomplish the purposes of this
11 Act.

12 (3) Law enforcement agency reports.

13 (A) When the law enforcement agency determines
14 that the missing person is a high-risk missing person,
15 it shall: (i) notify the Department of State Police;
16 (ii) immediately provide to the Department of State
17 Police the information most likely to aid in the
18 location and safe return of the high-risk missing
19 person; and (iii) provide as soon as practicable all
20 other information obtained relating to the missing
21 person case.

22 (B) The Department of State Police shall
23 immediately notify all law enforcement agencies within
24 this State and the surrounding region of the
25 information that will aid in the prompt location and
26 safe return of the high-risk missing person.

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

31 (D) The responding local law enforcement agency
32 shall immediately enter all collected information
33 relating to the missing person case in available State
34 and federal databases. The information shall be
35 provided to in accordance with applicable guidelines
36 relating to the databases. The information shall be

1 entered as follows:

2 (i) A missing person report in high-risk
3 missing person cases, and relevant information
4 provided in the report, shall be entered in the
5 National Crime Information Center database no
6 later than 2 hours after the determination that the
7 missing person is a high-risk missing person; all
8 other missing person reports and relevant
9 information provided in the report shall be
10 entered within one day after the missing person
11 report is received. Supplemental information in
12 high-risk missing person cases shall be entered as
13 soon as practicable.

14 (ii) All DNA profiles shall be uploaded into
15 the missing person databases of the State DNA Index
16 System (SDIS) and National DNA Index System (NDIS)
17 after completion of the DNA analysis and other
18 procedures required for database entry.

19 (iii) Information relevant to the Federal
20 Bureau of Investigation's Violent Criminal
21 Apprehension Program shall be entered as soon as
22 possible.

23 (E) The Department of State Police shall ensure
24 that persons entering data relating to medical or
25 dental records in State or federal databases are
26 specifically trained to understand and correctly enter
27 the information sought by these databases. The
28 Department of State Police shall either use a person
29 with specific expertise in medical or dental records
30 for this purpose or consult with a chief medical
31 examiner, forensic anthropologist, or odontologist to
32 ensure the accuracy and completeness of information
33 entered into the State and federal databases.

34 (F) Pursuant to any applicable State criteria,
35 local law enforcement agencies shall also provide for
36 the prompt use of an Amber Alert or public

1 dissemination of photographs in appropriate high risk
2 cases.

3 Section 15. Reporting of unidentified persons and human
4 remains.

5 (a) Handling of death scene investigations.

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

9 (2) The Department of State Police shall identify any
10 publications or training opportunities that may be
11 available to local law enforcement agencies or law
12 enforcement officers concerning the handling of death
13 scene investigations.

14 (b) Law enforcement reports.

15 (1) After performing any death scene investigation
16 deemed appropriate under the circumstances, the official
17 with custody of the human remains shall ensure that the
18 human remains are delivered to the coroner or medical
19 examiner of the county in which the deceased was found.

20 (2) Any person with custody of human remains that are
21 not identified within 24 hours of discovery shall promptly
22 notify the Department of State Police of the location of
23 those remains.

24 (3) If the person with custody of remains cannot
25 determine whether or not the remains found are human, the
26 person shall notify the Department of State Police of the
27 existence of possible human remains.

28 Section 20. Unidentified persons or human remains
29 identification responsibilities.

30 (a) If the official with custody of human remains is not a
31 medical examiner, the official shall promptly transfer the
32 unidentified remains to the medical examiner or coroner of the
33 county in which the remains were found.

34 (b) Notwithstanding any other action deemed appropriate

1 for the handling of the human remains, the medical examiner or
2 coroner shall make reasonable attempts to promptly identify
3 human remains. These actions may include but are not limited to
4 obtaining:

5 (1) photographs of the human remains (prior to an
6 autopsy);

7 (2) dental or skeletal X-rays;

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

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

10 (5) samples of tissue suitable for DNA typing, if
11 possible;

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

14 (7) any other information that may support
15 identification efforts.

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

20 (1) samples suitable for DNA identification,
21 archiving;

22 (2) photographs of the unidentified person or human
23 remains; and

24 (3) all other appropriate steps for identification
25 have been exhausted.

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

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

31 (f) The medical examiner or coroner or the Department of
32 State Police shall seek support from appropriate State and
33 federal agencies for human remains identification efforts.
34 This support may include, but is not be limited to, available
35 mitochondrial or nuclear DNA testing, federal grants for DNA
36 testing, or federal grants for crime laboratory or medical

1 examiner or coroner's office improvement.

2 (g) The Department of State Police shall promptly enter
3 information in federal and State databases that may aid in the
4 identification of missing persons. Information shall be
5 entered into federal databases as follows:

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

8 (2) DNA profiles and information shall be entered into
9 the National DNA Index System (NDIS) within 5 business days
10 after the completion of the DNA analysis and procedures
11 necessary for the entry of the DNA profile; and

12 (3) information sought by the Violent Criminal
13 Apprehension Program database shall be entered as soon as
14 practicable.

15 (h) If the Department of State Police does not input the
16 data directly into the federal databases, the Department of
17 State Police shall consult with the medical examiner or
18 coroner's office to ensure appropriate training of the data
19 entry personnel and the establishment of a quality assurance
20 protocol for ensuring the ongoing quality of data entered in
21 the federal and State databases.

22 (i) Nothing in this Act shall be interpreted to preclude
23 any medical examiner or coroner's office, the Department of
24 State Police, or a local law enforcement agency from pursuing
25 other efforts to identify unidentified human remains including
26 efforts to publicize information, descriptions, or photographs
27 that may aid in the identification of the unidentified remains,
28 allow family members to identify missing person, and seek to
29 protect the dignity of the missing person.

30 Section 95. The Department of State Police Law of the Civil
31 Administrative Code of Illinois is amended by changing Section
32 2605-375 as follows:

33 (20 ILCS 2605/2605-375) (was 20 ILCS 2605/55a in part)

34 Sec. 2605-375. Missing persons; Law Enforcement Agencies

1 Data System (LEADS).

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

16 (b) In exercising its duties under this Section, the
17 Department shall do the following:

18 (1) Provide a uniform reporting format for the entry of
19 pertinent information regarding the report of a missing
20 person into LEADS. The report must include all of the
21 following:

22 (A) Relevant information obtained from the
23 notification concerning the missing person, including
24 all of the following:

25 (i) a physical description of the missing
26 person;

27 (ii) the date, time, and place that the missing
28 person was last seen; and

29 (iii) the missing person's address.

30 (B) Information gathered by a preliminary
31 investigation, if one was made.

32 (C) A statement by the law enforcement officer in
33 charge stating the officer's assessment of the case
34 based on the evidence and information received.

35 The Department of State Police shall prepare the report
36 required by this paragraph (1) as soon as practical, but

1 not later than 5 hours after the Department receives
2 notification of a missing person.

3 (2) Develop and implement a policy whereby a statewide
4 or regional alert would be used in situations relating to
5 the disappearances of individuals, based on criteria and in
6 a format established by the Department. Such a format shall
7 include, but not be limited to, the age of the missing
8 person and the suspected circumstance of the
9 disappearance.

10 (3) Notify all law enforcement agencies that reports of
11 missing persons shall be entered as soon as the minimum
12 level of data specified by the Department is available to
13 the reporting agency and that no waiting period for the
14 entry of the data exists.

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

22 (5) Compile and maintain an historic data repository
23 relating to lost, abducted, missing, or runaway minors and
24 other missing persons, including, but not limited to,
25 missing endangered seniors, in order to develop and improve
26 techniques utilized by law enforcement agencies when
27 responding to reports of missing persons.

28 (6) Create a quality control program regarding
29 confirmation of missing person data, timeliness of entries
30 of missing person reports into LEADS, and performance
31 audits of all entering agencies.

32 (7) Upon completion of the report required by paragraph
33 (1), the Department of State Police shall immediately
34 forward the contents of the report to all of the following:

35 (A) all law enforcement agencies that have
36 jurisdiction in the location where the missing person

1 lives and all law enforcement agencies that have
2 jurisdiction in the location where the missing person
3 was last seen;

4 (B) all law enforcement agencies to which the
5 person who made the notification concerning the
6 missing person requests the report be sent, if the
7 Department determines that the request is reasonable
8 in light of the information received;

9 (C) all law enforcement agencies that request a
10 copy of the report; and

11 (D) the National Crime Information Center's
12 Missing Person File, if appropriate.

13 (8) The Department of State Police shall begin an
14 investigation concerning the missing person not later than
15 24 hours after receiving notification of a missing person.

16 (c) The Illinois Law Enforcement Training Standards Board
17 shall conduct a training program for law enforcement personnel
18 of local governmental agencies in the statewide coordinated
19 missing endangered senior alert system established under this
20 Section.

21 (d) The Department of State Police shall perform the duties
22 prescribed in the Missing Persons Identification Act.

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

24 Section 99. Effective date. This Act takes effect upon
25 becoming law.