



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

SB3058

Introduced 9/22/2008, by Sen. M. Maggie Crotty

#### SYNOPSIS AS INTRODUCED:

20 ILCS 2605/2605-375	was 20 ILCS 2605/55a in part
20 ILCS 2705/2705-505.5	
20 ILCS 3305/5	from Ch. 127, par. 1055
50 ILCS 705/10.10	
50 ILCS 722/10	

Amends the Department of State Police Law and the Department of Transportation Law of the Civil Administrative Code of Illinois, the Illinois Emergency Management Agency Act, the Illinois Police Training Act, and the Missing Persons Identification Act. With respect to the State Police's missing endangered senior alert system: (i) refers to the alerts as "Silver" Alerts; (ii) requires that the Department coordinate with the Department of Transportation and the Illinois Emergency Management Agency in the public dissemination of the alerts and the promotion of the system; and (iii) requires that local law enforcement agencies provide for prompt use of Silver Alerts and public dissemination of photographs of missing endangered seniors. Makes other changes. Effective immediately.

LRB095 21903 JAM 52170 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

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. The Silver alert system policy must  
4 require the Department, at a minimum, to:

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

11 (B) Coordinate with the Illinois Department of  
12 Transportation for the use of electronic message signs  
13 on roads and highways in the vicinity of the  
14 disappearance of a missing endangered senior to  
15 immediately provide critical information to the  
16 public.

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

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

26 (3) Compile and retain information regarding lost,

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

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

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

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

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

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

25 Section 10. The Department of Transportation Law of the

1 Civil Administrative Code of Illinois is amended by changing  
2 Section 2705-505.5 as follows:

3 (20 ILCS 2705/2705-505.5)

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

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

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

14 (20 ILCS 3305/5) (from Ch. 127, par. 1055)

15 Sec. 5. Illinois Emergency Management Agency.

16 (a) There is created within the executive branch of the  
17 State Government an Illinois Emergency Management Agency and a  
18 Director of the Illinois Emergency Management Agency, herein  
19 called the "Director" who shall be the head thereof. The  
20 Director shall be appointed by the Governor, with the advice  
21 and consent of the Senate, and shall serve for a term of 2  
22 years beginning on the third Monday in January of the  
23 odd-numbered year, and until a successor is appointed and has

1 qualified; except that the term of the first Director appointed  
2 under this Act shall expire on the third Monday in January,  
3 1989. The Director shall not hold any other remunerative public  
4 office. The Director shall receive an annual salary as set by  
5 the Governor from time to time or the amount set by the  
6 Compensation Review Board, whichever is higher. If set by the  
7 Governor, the Director's annual salary may not exceed 85% of  
8 the Governor's annual salary.

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

19 (c) The Director, subject to the direction and control of  
20 the Governor, shall be the executive head of the Illinois  
21 Emergency Management Agency and the State Emergency Response  
22 Commission and shall be responsible under the direction of the  
23 Governor, for carrying out the program for emergency management  
24 of this State. The Director shall also maintain liaison and  
25 cooperate with the emergency management organizations of this  
26 State and other states and of the federal government.

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

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

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

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

26 (f) The Illinois Emergency Management Agency shall:



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

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

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

14           (2.6) Coordinate with the Department of Public Health  
15 with respect to planning for and responding to public  
16 health emergencies.

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

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

24           (5) Review and approve, in accordance with Illinois  
25 Emergency Management Agency rules, emergency operations  
26 plans for those political subdivisions required to have an

1 emergency services and disaster agency pursuant to this  
2 Act.

3 (5.5) Promulgate rules and requirements for the  
4 political subdivision emergency management exercises,  
5 including, but not limited to, exercises of the emergency  
6 operations plans.

7 (5.10) Review, evaluate, and approve, in accordance  
8 with Illinois Emergency Management Agency rules, political  
9 subdivision emergency management exercises for those  
10 political subdivisions required to have an emergency  
11 services and disaster agency pursuant to this Act.

12 (6) Determine requirements of the State and its  
13 political subdivisions for food, clothing, and other  
14 necessities in event of a disaster.

15 (7) Establish a register of persons with types of  
16 emergency management training and skills in mitigation,  
17 preparedness, response, and recovery.

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

20 (9) Expand the Earthquake Awareness Program and its  
21 efforts to distribute earthquake preparedness materials to  
22 schools, political subdivisions, community groups, civic  
23 organizations, and the media. Emphasis will be placed on  
24 those areas of the State most at risk from an earthquake.  
25 Maintain the list of all school districts, hospitals,  
26 airports, power plants, including nuclear power plants,

1 lakes, dams, emergency response facilities of all types,  
2 and all other major public or private structures which are  
3 at the greatest risk of damage from earthquakes under  
4 circumstances where the damage would cause subsequent harm  
5 to the surrounding communities and residents.

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

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

21 (11.5) In coordination with the Department of State  
22 Police, develop and implement a community outreach program  
23 to promote (i) awareness among the State's parents and  
24 children of child abduction prevention and response and  
25 (ii) public awareness of the Silver Alert system developed  
26 under Section 2605-375 of the Department of State Police

1       Law of the Civil Administrative Code of Illinois.

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

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

24       (Source: P.A. 93-249, eff. 7-22-03; 93-310, eff. 7-23-03;  
25       94-334, eff. 1-1-06.)

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

3 (50 ILCS 705/10.10)

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

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

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

17 (50 ILCS 722/10)

18 Sec. 10. Law enforcement analysis and reporting of missing  
19 person information.

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

21 (1) Definition. "High-risk missing person" means a  
22 person whose whereabouts are not currently known and whose  
23 circumstances indicate that the person may be at risk of

1 injury or death. The circumstances that indicate that a  
2 person is a high-risk missing person include, but are not  
3 limited to, any of the following:

4 (A) the person is missing as a result of a stranger  
5 abduction;

6 (B) the person is missing under suspicious  
7 circumstances;

8 (C) the person is missing under unknown  
9 circumstances;

10 (D) the person is missing under known dangerous  
11 circumstances;

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

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

16 (F-5) the person is a missing endangered senior as  
17 defined in Section 2605-5 of the Department of State  
18 Police Law of the Civil Administrative Code of  
19 Illinois;

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

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

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

26 (iii) the person may have been abducted by a

1 non-custodial parent;  
2 (iv) the person is mentally impaired;  
3 (v) the person is under the age of 21;  
4 (vi) the person has been the subject of past  
5 threats or acts of violence;  
6 (vii) the person has eloped from a nursing  
7 home; or  
8 (H) any other factor that may, in the judgment of  
9 the law enforcement official, indicate that the  
10 missing person may be at risk.

11 (2) Law enforcement risk assessment.

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

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

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

26 (3) Law enforcement agency reports.

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

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

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

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



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

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

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

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

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

22 Section 99. Effective date. This Act takes effect upon  
23 becoming law.