



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

HB5023

Introduced 2/7/2012, by Rep. Mr. Scott E Penny

#### SYNOPSIS AS INTRODUCED:

See Index

Amends the State Finance Act. Eliminates a provision providing that unexpended grant funds for I-SEARCH Units shall be deposited into the Missing and Exploited Children Trust Fund. Amends the Abused and Neglected Child Reporting Act. Provides that the Department of Children and Family Services shall report the disappearance of any child under its custody or guardianship to the local law enforcement agency working in cooperation with the State Missing Persons Clearinghouse (rather than the I-SEARCH Unit located nearest the last known whereabouts of the child. Amends the Intergovernmental Missing Child Recovery Act of 1984. Eliminates the I-SEARCH Unit and corresponding programs and instead provides that the Department of State Police shall establish a State Missing Persons Clearinghouse as a resource to promote an immediate and effective community response to missing children. Requires the State Missing Persons Clearinghouse to establish and maintain contacts with other state missing persons clearinghouses and missing persons non-profit organizations. Requires the Director of the Department to report by June 30 (rather than December 31) of each year to the Governor and the General Assembly on the operations of the State Missing Persons Clearinghouse (rather than I-SEARCH program) for the previous calendar (rather than fiscal) year. Repeals a provision concerning an I-SEARCH program's eligibility to receive State grants to help defray the costs of operation. Repeals a provision requiring the Department to monitor operations of all I-SEARCH Units and determine the program's eligibility to receive State grants. Effective January 1, 2013.

LRB097 15087 KTG 60182 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning children.

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

4 Section 1. The State Finance Act is amended by changing  
5 Section 6a-5 as follows:

6 (30 ILCS 105/6a-5) (from Ch. 127, par. 142a5)

7 Sec. 6a-5. All moneys received by the Department of State  
8 Police in the form of donations, monetary gifts, ~~unexpended~~  
9 ~~grant funds of I-SEARCH Units under Section 5 of the~~  
10 ~~Intergovernmental Missing Child Recovery Act of 1984,~~ or other  
11 financial assistance from private sources or individuals for  
12 the purposes of promoting and conducting programs or activities  
13 for the prevention or recovery of missing or exploited children  
14 shall be deposited into the Missing and Exploited Children  
15 Trust Fund. The Department may use those funds for activities  
16 or purposes to assist the Department in meeting its  
17 responsibilities relating to the Intergovernmental Missing  
18 Child Recovery Act of 1984, including the enforcement of laws  
19 relating to child exploitation, the investigation and  
20 prosecution of offenders of child exploitation laws, or for any  
21 other activity or purpose that will aid in the prevention of  
22 the exploitation of children or in the recovery of missing and  
23 exploited children, as deemed necessary by the Department. All

1 monies expended by the Department shall be appropriated by the  
2 General Assembly.

3 (Source: P.A. 87-888.)

4 Section 3. The Abused and Neglected Child Reporting Act is  
5 amended by changing Section 4.3 as follows:

6 (325 ILCS 5/4.3)

7 Sec. 4.3. DCFS duty to report. The Department shall report  
8 the disappearance of any child under its custody or  
9 guardianship to the local law enforcement agency working in  
10 cooperation with the State Missing Persons Clearinghouse ~~±~~  
11 ~~SEARCH Unit located nearest the last known whereabouts of the~~  
12 ~~child.~~

13 (Source: P.A. 90-27, eff. 1-1-98.)

14 Section 5. The Intergovernmental Missing Child Recovery  
15 Act of 1984 is amended by changing Sections 2, 3, 3.5, 7, and 8  
16 as follows:

17 (325 ILCS 40/2) (from Ch. 23, par. 2252)

18 Sec. 2. As used in this Act:

19 (a) "Department" means the Department of State Police.

20 (b) "Director" means the Director of the Department of  
21 State Police.

22 (c) "Unit of local government" is defined as in Article

1 VII, Section 1 of the Illinois Constitution and includes both  
2 home rule units and units which are not home rule units. The  
3 term is also defined to include all public school districts  
4 subject to the provisions of the School Code.

5 (d) "Child" means a person under 21 years of age.

6 (e) A "LEADS terminal" is an interactive computerized  
7 communication and processing unit which permits a direct  
8 on-line communication with the Department of State Police's  
9 central data repository, the Law Enforcement Agencies Data  
10 System (LEADS).

11 (f) A "primary contact agency" means a law enforcement  
12 agency which maintains a LEADS terminal, or has immediate  
13 access to one on a 24-hour-per-day, 7-day-per-week basis by  
14 written agreement with another law enforcement agency, ~~and is~~  
15 ~~designated by the I SEARCH policy board to be the agency~~  
16 ~~responsible for coordinating the joint efforts between the~~  
17 ~~Department of State Police and the I SEARCH program~~  
18 ~~participants.~~

19 (g) (Blank) ~~"Illinois State Enforcement Agencies to~~  
20 ~~Recover Children Unit" or "I SEARCH Unit" means a combination~~  
21 ~~of units of local government within a contiguous geographical~~  
22 ~~area served by one or more LEADS terminals and established to~~  
23 ~~collectively address the missing and exploited children~~  
24 ~~problem in their respective geographical areas.~~

25 (h) "Missing child" means any person under 21 years of age  
26 whose whereabouts are unknown to his or her parents or legal

1 guardian.

2 (i) "Exploitation" means activities and actions which  
3 include, but are not limited to, child pornography, aggravated  
4 child pornography, child prostitution, child sexual abuse,  
5 drug and substance abuse by children, and child suicide.

6 (j) (Blank) ~~"Participating agency" means a law enforcement~~  
7 ~~agency that does not receive State funding, but signs an~~  
8 ~~agreement of intergovernmental cooperation with the Department~~  
9 ~~to perform the duties of an I SEARCH Unit.~~

10 (Source: P.A. 96-1551, eff. 7-1-11.)

11 (325 ILCS 40/3) (from Ch. 23, par. 2253)

12 Sec. 3. The Department shall establish a State Missing  
13 Persons Clearinghouse as a resource ~~Each I SEARCH unit shall be~~  
14 ~~established~~ to promote an immediate and effective community  
15 response to missing children and may engage in, but shall not  
16 be limited to, the following activities:

17 (a) To establish and conduct programs to educate parents,  
18 children and communities in ways to prevent the abduction of  
19 children.

20 (b) To conduct training programs and distribute materials  
21 providing guidelines for children when dealing with strangers,  
22 casual acquaintances, or non-custodial parents, in order to  
23 avoid abduction or kidnapping situations.

24 (c) To compile, maintain and make available data upon the  
25 request of law enforcement agencies and other entities deemed

1 appropriate by the Department to assist enforcement agencies in  
2 recovering missing children, including but not limited to data  
3 regarding the places of shelter commonly used by runaway  
4 children in a requested geographical area ~~the geographical area~~  
5 ~~encompassed by the I-SEARCH Unit.~~

6 (d) To draft and implement plans for the most efficient use  
7 of available resources to publicize information regarding ~~and~~  
8 ~~conduct searches for~~ missing children.

9 (e) To establish and maintain contacts with other state  
10 missing persons clearinghouses ~~I-SEARCH Units~~, law enforcement  
11 agencies, and missing persons non-profit organizations ~~the~~  
12 ~~Department~~ in order to increase the probability of locating and  
13 returning missing children, and to otherwise assist in the  
14 recovery and tracking of missing children.

15 (f) To coordinate the tracking and recovery of children  
16 under the custody or guardianship of the Department of Children  
17 and Family Services whose disappearance has been reported and  
18 to produce an annual report indicating the number of children  
19 under the custody or guardianship of that Department who have  
20 been reported missing and the number who have been recovered.

21 (g) To conduct other activities as may be necessary to  
22 achieve the goals established by this Act.

23 (Source: P.A. 90-27, eff. 1-1-98.)

24 (325 ILCS 40/3.5)

25 Sec. 3.5. Contact with Department of Children and Family

1 Services. For each child reported missing and entered into the  
2 LEADS network ~~as part of the I SEARCH program~~, the Department  
3 shall, in the form and manner it determines, contact the  
4 Department of Children and Family Services to provide it with  
5 the name, age, and sex of the child, and the geographic area  
6 from which the child was reported missing so that the  
7 Department of Children and Family Services can determine if  
8 that child had been abandoned within the previous 2 months.  
9 (Source: P.A. 89-213, eff. 1-1-96.)

10 (325 ILCS 40/7) (from Ch. 23, par. 2257)

11 Sec. 7. (a) All law enforcement agencies and policing  
12 bodies of this State shall, upon receipt of a report of a  
13 missing person, enter that report into LEADS as soon as the  
14 minimum level of data specified pursuant to subsection (e) of  
15 Section 6 is available and shall furnish the Department, in the  
16 form and detail the Department requires, (1) reports of cases  
17 of lost, missing or runaway children as they arise and the  
18 disposition of such cases, (2) information relating to sex  
19 crimes which occurred in their respective jurisdictions and  
20 which they investigated, and (3) the names and addresses of sex  
21 offenders required to register in their respective  
22 jurisdictions under the Sex Offender Registration Act. Such  
23 information shall be submitted on a regular basis, as deemed  
24 necessary by the Department, and shall be kept in a central  
25 automated data repository for the purpose of establishing

1 profiles of sex offenders and victims and to assist all law  
2 enforcement agencies in the identification and apprehension of  
3 sex offenders.

4 (b) In addition to entering the report of a missing child  
5 into LEADS as prescribed by subsection (a), all law enforcement  
6 agencies shall, upon receipt of a report of a missing child:

7 (1) Immediately make a radio dispatch to officers on  
8 duty at the time of receipt of the report. The dispatch  
9 shall contain the name and approximate age of the missing  
10 child and any other pertinent information available at that  
11 time. In the event that the law enforcement agency  
12 receiving the report of the missing child does not operate  
13 a radio dispatch system, a geographically appropriate  
14 radio dispatch system shall be used, such as the Illinois  
15 State Police Emergency Radio Network or a similar  
16 multi-agency law enforcement radio communication system  
17 serving the area of the reporting agency.

18 In addition, in the event that a missing child is not  
19 recovered during the work shift in which the radio dispatch  
20 was made, the law enforcement agency receiving the report  
21 of the missing child shall disseminate the information  
22 relating to the missing child to all sworn personnel  
23 employed by the agency who work or are assigned to other  
24 shifts or time periods.

25 (2) Immediately contact State Missing Persons  
26 Clearinghouse ~~SEARCH program~~ personnel designated by the



1 Department, by a means and in a manner and form prescribed  
2 by the Department, informing the personnel of the report of  
3 the missing child.

4 (Source: P.A. 89-8, eff. 1-1-96.)

5 (325 ILCS 40/8) (from Ch. 23, par. 2258)

6 Sec. 8. The Director shall report by June 30 ~~December 31~~ of  
7 each year to the Governor and the General Assembly on the  
8 operations of the State Missing Persons Clearinghouse  
9 ~~statewide I SEARCH program including a breakdown of the~~  
10 ~~appropriation~~ for the previous calendar year ~~fiscal year~~  
11 ~~indicating the amount of the State grant each I SEARCH unit~~  
12 ~~received.~~

13 (Source: P.A. 85-214.)

14 (325 ILCS 40/4 rep.)

15 (325 ILCS 40/5 rep.)

16 Section 10. The Intergovernmental Missing Child Recovery  
17 Act of 1984 is amended by repealing Sections 4 and 5.

18 Section 99. Effective date. This Act takes effect January  
19 1, 2013.

1 INDEX

2 Statutes amended in order of appearance

3 30 ILCS 105/6a-5 from Ch. 127, par. 142a5

4 325 ILCS 5/4.3

5 325 ILCS 40/2 from Ch. 23, par. 2252

6 325 ILCS 40/3 from Ch. 23, par. 2253

7 325 ILCS 40/3.5

8 325 ILCS 40/7 from Ch. 23, par. 2257

9 325 ILCS 40/8 from Ch. 23, par. 2258

10 325 ILCS 40/4 rep.

11 325 ILCS 40/5 rep.