

HB4097



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB4097

by Rep. Dwight Kay

SYNOPSIS AS INTRODUCED:

50 ILCS 722/5

Amends the Missing Persons Identification Act. Provides that no law enforcement agency may refuse to accept a missing person report on the basis of the missing person's mental state or medical condition.

LRB099 04035 AWJ 24053 b

A BILL FOR

1 AN ACT concerning local government.

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

4 Section 5. The Missing Persons Identification Act is
5 amended by changing Section 5 as follows:

6 (50 ILCS 722/5)

7 Sec. 5. Missing person reports.

8 (a) Report acceptance. All law enforcement agencies shall
9 accept without delay any report of a missing person. Acceptance
10 of a missing person report filed in person may not be refused
11 on any ground. No law enforcement agency may refuse to accept a
12 missing person report:

13 (1) on the basis that the missing person is an adult;

14 (2) on the basis that the circumstances do not indicate
15 foul play;

16 (3) on the basis that the person has been missing for a
17 short period of time;

18 (4) on the basis that the person has been missing a
19 long period of time;

20 (5) on the basis that there is no indication that the
21 missing person was in the jurisdiction served by the law
22 enforcement agency at the time of the disappearance;

23 (6) on the basis that the circumstances suggest that

1 the disappearance may be voluntary;

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

4 (8) on the basis that the reporting individual cannot
5 provide all of the information requested by the law
6 enforcement agency;

7 (9) on the basis that the reporting individual lacks a
8 familial or other relationship with the missing person; ~~or~~

9 (9-5) on the basis of the missing person's mental state
10 or medical condition; or

11 (10) for any other reason.

12 (b) Manner of reporting. All law enforcement agencies shall
13 accept missing person reports in person. Law enforcement
14 agencies are encouraged to accept reports by phone or by
15 electronic or other media to the extent that such reporting is
16 consistent with law enforcement policies or practices.

17 (c) Contents of report. In accepting a report of a missing
18 person, the law enforcement agency shall attempt to gather
19 relevant information relating to the disappearance. The law
20 enforcement agency shall attempt to gather at the time of the
21 report information that shall include, but shall not be limited
22 to, the following:

23 (1) the name of the missing person, including
24 alternative names used;

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

26 (3) the missing person's identifying marks, such as

- 1 birthmarks, moles, tattoos, and scars;
- 2 (4) the missing person's height and weight;
- 3 (5) the missing person's gender;
- 4 (6) the missing person's race;
- 5 (7) the missing person's current hair color and true or
- 6 natural hair color;
- 7 (8) the missing person's eye color;
- 8 (9) the missing person's prosthetics, surgical
- 9 implants, or cosmetic implants;
- 10 (10) the missing person's physical anomalies;
- 11 (11) the missing person's blood type, if known;
- 12 (12) the missing person's driver's license number, if
- 13 known;
- 14 (13) the missing person's social security number, if
- 15 known;
- 16 (14) a photograph of the missing person; recent
- 17 photographs are preferable and the agency is encouraged to
- 18 attempt to ascertain the approximate date the photograph
- 19 was taken;
- 20 (15) a description of the clothing the missing person
- 21 was believed to be wearing;
- 22 (16) a description of items that might be with the
- 23 missing person, such as jewelry, accessories, and shoes or
- 24 boots;
- 25 (17) information on the missing person's electronic
- 26 communications devices, such as cellular telephone numbers

1 and e-mail addresses;

2 (18) the reasons why the reporting individual believes
3 that the person is missing;

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

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

8 (21) any circumstances that may indicate that the
9 disappearance was not voluntary;

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

12 (23) a description of the possible means of
13 transportation of the missing person, including make,
14 model, color, license number, and Vehicle Identification
15 Number of a vehicle;

16 (24) any identifying information about a known or
17 possible abductor or person last seen with the missing
18 person, or both, including:

19 (A) name;

20 (B) a physical description;

21 (C) date of birth;

22 (D) identifying marks;

23 (E) the description of possible means of
24 transportation, including make, model, color, license
25 number, and Vehicle Identification Number of a
26 vehicle;

1 (F) known associates;

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

4 (26) the date of last contact.

5 (d) Notification and follow up action.

6 (1) Notification. The law enforcement agency shall
7 notify the person making the report, a family member, or
8 other person in a position to assist the law enforcement
9 agency in its efforts to locate the missing person of the
10 following:

11 (A) general information about the handling of the
12 missing person case or about intended efforts in the
13 case to the extent that the law enforcement agency
14 determines that disclosure would not adversely affect
15 its ability to locate or protect the missing person or
16 to apprehend or prosecute any person criminally
17 involved in the disappearance;

18 (B) that the person should promptly contact the law
19 enforcement agency if the missing person remains
20 missing in order to provide additional information and
21 materials that will aid in locating the missing person
22 such as the missing person's credit cards, debit cards,
23 banking information, and cellular telephone records;
24 and

25 (C) that any DNA samples provided for the missing
26 person case are provided on a voluntary basis and will

1 be used solely to help locate or identify the missing
2 person and will not be used for any other purpose.

3 The law enforcement agency, upon acceptance of a
4 missing person report, shall inform the reporting citizen
5 of one of 2 resources, based upon the age of the missing
6 person. If the missing person is under 18 years of age,
7 contact information for the National Center for Missing and
8 Exploited Children shall be given. If the missing person is
9 age 18 or older, contact information for the National
10 Center for Missing Adults shall be given.

11 Agencies handling the remains of a missing person who
12 is deceased must notify the agency handling the missing
13 person's case. Documented efforts must be made to locate
14 family members of the deceased person to inform them of the
15 death and location of the remains of their family member.

16 The law enforcement agency is encouraged to make
17 available informational materials, through publications or
18 electronic or other media, that advise the public about how
19 the information or materials identified in this subsection
20 are used to help locate or identify missing persons.

21 (2) Follow up action. If the person identified in the
22 missing person report remains missing after 30 days, and
23 the additional information and materials specified below
24 have not been received, the law enforcement agency shall
25 attempt to obtain:

26 (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 Index System (LDIS), State
5 DNA Index System (SDIS), and National DNA Index System
6 (NDIS);

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

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

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

16 (E) fingerprints.

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

22 (4) This subsection shall not be interpreted to
23 preclude a law enforcement agency from attempting to obtain
24 the materials identified in this subsection before the
25 expiration of the 30-day period.

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