

AN ACT concerning missing persons.

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

Section 1. Short title. This Act may be cited as the Missing Persons Identification Act.

Section 5. Missing person reports.

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

- (1) on the basis that the missing person is an adult;
- (2) on the basis that the circumstances do not indicate foul play;
- (3) on the basis that the person has been missing for a short period of time;
- (4) on the basis that the person has been missing a long period of time;
- (5) on the basis that there is no indication that the missing person was in the jurisdiction served by the law enforcement agency at the time of the disappearance;
- (6) on the basis that the circumstances suggest that the disappearance may be voluntary;

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

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

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

(10) for any other reason.

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

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

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

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

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

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

(5) the missing person's gender;

- (6) the missing person's race;
- (7) the missing person's current hair color and true or natural hair color;
- (8) the missing person's eye color;
- (9) the missing person's prosthetics, surgical implants, or cosmetic implants;
- (10) the missing person's physical anomalies;
- (11) the missing person's blood type, if known;
- (12) the missing person's driver's license number, if known;
- (13) the missing person's social security number, if known;
- (14) a photograph of the missing person; recent photographs are preferable and the agency is encouraged to attempt to ascertain the approximate date the photograph was taken;
- (15) a description of the clothing the missing person was believed to be wearing;
- (16) a description of items that might be with the missing person, such as jewelry, accessories, and shoes or boots;
- (17) information on the missing person's electronic communications devices, such as cellular telephone numbers and e-mail addresses;
- (18) the reasons why the reporting individual believes that the person is missing;

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

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

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

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

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

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

(A) name;

(B) a physical description;

(C) date of birth;

(D) identifying marks;

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

(F) known associates;

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

(26) the date of last contact.

(d) Notification and follow up action.

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

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

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

(C) that any DNA samples provided for the missing person case are provided on a voluntary basis and will be used solely to help locate or identify the missing person and will not be used for any other purpose.

The law enforcement agency, upon acceptance of a

missing person report, shall inform the reporting citizen of one of 2 resources, based upon the age of the missing person. If the missing person is under 18 years of age, contact information for the National Center for Missing and Exploited Children shall be given. If the missing person is age 18 or older, contact information for the National Center for Missing Adults shall be given.

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

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

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

(A) DNA samples from family members or from the missing person along with any needed documentation, or both, including any consent forms, required for the use of State or federal DNA databases, including, but not

limited to, the Local DNA Index System (LDIS), State DNA Index System (SDIS), and National DNA Index System (NDIS);

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

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

(D) dental information and x-rays; and

(E) fingerprints.

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

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

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

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

(1) Definition. "High-risk missing person" means a person whose whereabouts are not currently known and whose circumstances indicate that the person may be at risk of injury or death. The circumstances that indicate that a person is a high-risk missing person include, but are not limited to, any of the following:

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

(B) the person is missing under suspicious circumstances;

(C) the person is missing under unknown circumstances;

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

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

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

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

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

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

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

(iv) the person is mentally impaired;

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

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

(vii) the person has eloped from a nursing home; or

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

(2) Law enforcement risk assessment.

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

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

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

(3) Law enforcement agency reports.

(A) The responding local law enforcement agency

shall immediately enter all collected information relating to the missing person case in the Law Enforcement Agencies Data System (LEADS) and the National Crime Information Center (NCIC) databases. The information shall be provided in accordance with applicable guidelines relating to the databases. The information shall be entered as follows:

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

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

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

consult with a chief medical examiner, forensic anthropologist, or odontologist to ensure the accuracy and completeness of information entered into the State and federal databases.

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

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

(D) Pursuant to any applicable State criteria, local law enforcement agencies shall also provide for the prompt use of an Amber Alert in cases involving abducted children; or public dissemination of photographs in appropriate high risk cases.

Section 15. Reporting of unidentified persons and human remains.

(a) Handling of death scene investigations.

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

(2) The Department of State Police shall identify any

publications or training opportunities that may be available to local law enforcement agencies or law enforcement officers and coroners and medical examiners concerning the handling of death scene investigations.

(b) Law enforcement reports.

(1) Before performing any death scene investigation deemed appropriate under the circumstances, the official with custody of the human remains shall ensure that the coroner or medical examiner of the county in which the deceased was found has been notified.

(2) Any coroner or medical examiner with custody of human remains that are not identified within 24 hours of discovery shall promptly notify the Department of State Police of the location of those remains.

(3) If the coroner or medical examiner with custody of remains cannot determine whether or not the remains found are human, the coroner or medical examiner shall notify the Department of State Police of the existence of possible human remains.

Section 20. Unidentified persons or human remains identification responsibilities.

(a) If the official with custody of human remains is not a coroner or medical examiner, the official shall immediately notify the coroner or medical examiner of the county in which the remains were found. The coroner or medical examiner shall

go to the scene and take charge of the remains.

(b) Notwithstanding any other action deemed appropriate for the handling of the human remains, the medical examiner or coroner shall make reasonable attempts to promptly identify human remains. These actions may include but are not limited to obtaining:

- (1) photographs of the human remains (prior to an autopsy);
- (2) dental or skeletal X-rays;
- (3) photographs of items found with the human remains;
- (4) fingerprints from the remains, if possible;
- (5) samples of tissue suitable for DNA typing, if possible;
- (6) samples of whole bone or hair suitable for DNA typing, or both;
- (7) any other information that may support identification efforts.

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

- (1) samples suitable for DNA identification, archiving;
- (2) photographs of the unidentified person or human remains; and
- (3) all other appropriate steps for identification

have been exhausted.

(d) Cremation of unidentified human remains is prohibited.

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

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

(g) The Department of State Police shall promptly enter information in federal and State databases that may aid in the identification of human remains. Information shall be entered into federal databases as follows:

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

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

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

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

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

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

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

Sec. 2605-375. Missing persons; Law Enforcement Agencies Data System (LEADS).

(a) To establish and maintain a statewide Law Enforcement Agencies Data System (LEADS) for the purpose of providing electronic access by authorized entities to criminal justice

data repositories and effecting an immediate law enforcement response to reports of missing persons, including lost, missing or runaway minors and missing endangered seniors. The Department shall implement an automatic data exchange system to compile, to maintain, and to make available to other law enforcement agencies for immediate dissemination data that can assist appropriate agencies in recovering missing persons and provide access by authorized entities to various data repositories available through LEADS for criminal justice and related purposes. To assist the Department in this effort, funds may be appropriated from the LEADS Maintenance Fund.

(b) In exercising its duties under this Section, the Department shall provide ~~do the following:~~ ~~(1) Provide~~ a uniform reporting format (LEADS) for the entry of pertinent information regarding the report of a missing person into LEADS. The report must include all of the following:

(1) ~~(A)~~ Relevant information obtained from the notification concerning the missing person, including all of the following:

(A) ~~(i)~~ a physical description of the missing person;

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

(C) ~~(iii)~~ the missing person's address.

(2) ~~(B)~~ Information gathered by a preliminary investigation, if one was made.

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

(b-5) The Department of State Police shall: ~~prepare the report required by this paragraph (1) as soon as practical, but not later than 5 hours after the Department receives notification of a missing person.~~

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

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

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

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

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

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

~~(A) all law enforcement agencies that have jurisdiction in the location where the missing person lives and all law enforcement agencies that have jurisdiction in the location where the missing person was last seen;~~

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

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

~~(D) the National Crime Information Center's~~

~~Missing Person File, if appropriate.~~

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

(c) The Illinois Law Enforcement Training Standards Board shall conduct a training program for law enforcement personnel of local governmental agencies in the Missing Persons Identification Act ~~statewide coordinated missing endangered senior alert system established under this Section.~~

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

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

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