



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB2708

by Rep. John Connor

SYNOPSIS AS INTRODUCED:

50 ILCS 722/5
50 ILCS 722/10

Amends the Missing Persons Identification Act. Provides that, in the event that a missing person remains missing for 30 days after being identified in a missing person report, law enforcement may coordinate with partner laboratories of the National Missing and Unidentified Persons System. Provides that all DNA samples obtained in missing person cases shall be immediately forwarded to a National Missing and Unidentified Persons System partner laboratory within 30 days. Provides that DNA samples obtained from family members of missing persons shall not be retained after the location or identification of the remains of the missing person unless there is a search warrant. Provides that the responding local law enforcement agency shall submit a packet of all relevant reports and DNA samples to the National Missing and Unidentified Persons System within 30 days of collecting the information for any high-risk missing person cases and shall also submit any DNA samples voluntarily obtained from family members to a National Missing and Unidentified Persons System partner laboratory for DNA analysis within 30 Days. Effective immediately.

LRB101 10075 SLF 55178 b

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 Sections 5 and 10 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;

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 provider, or both, if
8 known;

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

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

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

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

20 (A) name;

21 (B) a physical description;

22 (C) date of birth;

23 (D) identifying marks;

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

1 vehicle;

2 (F) known associates;

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

5 (26) the date of last contact.

6 (d) Notification and follow up action.

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

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

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

26 (C) that any DNA samples provided for the missing

1 person case are provided on a voluntary basis and will
2 be used solely to help locate or identify the missing
3 person and will not be used for any other purpose.

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

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

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

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

1 (A) DNA samples from family members or from the
2 missing person along with any needed documentation, or
3 both, including any consent forms, required for the use
4 of State or federal DNA databases, including, but not
5 limited to, the Local DNA Index System (LDIS), State
6 DNA Index System (SDIS), ~~and~~ National DNA Index System
7 (NDIS), and National Missing and Unidentified Persons
8 System partner laboratories;

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

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

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

18 (E) fingerprints.

19 (3) All DNA samples obtained in missing person cases
20 shall be immediately forwarded to the Department of State
21 Police for analysis and to a National Missing and
22 Unidentified Persons System partner laboratory within 30
23 days. The Department of State Police shall establish
24 procedures for determining how to prioritize analysis of
25 the samples relating to missing person cases. All DNA
26 samples obtained in missing person cases from family

1 members of the missing person shall not be retained after
2 the location or identification of the remains of the
3 missing person unless there is a search warrant signed by a
4 court of competent jurisdiction.

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

9 (Source: P.A. 99-244, eff. 1-1-16; 99-581, eff. 1-1-17.)

10 (50 ILCS 722/10)

11 Sec. 10. Law enforcement analysis and reporting of missing
12 person information.

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

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

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

22 (B) the person is missing under suspicious
23 circumstances;

24 (C) the person is missing under unknown
25 circumstances;

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

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

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

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

9 (i) the person is in need of medical attention,
10 including but not limited to persons with
11 dementia-like symptoms, or prescription
12 medication;

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

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

17 (iv) the person is mentally impaired,
18 including, but not limited to, a person having a
19 developmental disability, as defined in Section
20 1-106 of the Mental Health and Developmental
21 Disabilities Code, or a person having an
22 intellectual disability, as defined in Section
23 1-116 of the Mental Health and Developmental
24 Disabilities Code;

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

26 (vi) the person has been the subject of past

1 threats or acts of violence;

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

4 (G-5) the person is a veteran or active duty member
5 of the United States Armed Forces, the National Guard,
6 or any reserve component of the United States Armed
7 Forces who is believed to have a physical or mental
8 health condition that is related to his or her service;
9 or

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

13 (2) Law enforcement risk assessment.

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

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

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

1 Act.

2 (3) Law enforcement agency reports.

3 (A) The responding local law enforcement agency
4 shall immediately enter all collected information
5 relating to the missing person case in the Law
6 Enforcement Agencies Data System (LEADS) and the
7 National Crime Information Center (NCIC) databases. A
8 packet submission of all relevant reports and DNA
9 samples shall be sent to the National Missing and
10 Unidentified Persons System within 30 days for any
11 high-risk missing person cases. The information shall
12 be provided in accordance with applicable guidelines
13 relating to the databases. The information shall be
14 entered as follows:

15 (i) All appropriate DNA profiles, as
16 determined by the Department of State Police,
17 shall be uploaded into the missing person
18 databases of the State DNA Index System (SDIS) and
19 National DNA Index System (NDIS) after completion
20 of the DNA analysis and other procedures required
21 for database entry. The responding local law
22 enforcement agency shall submit any DNA samples
23 voluntarily obtained from family members to a
24 National Missing and Unidentified Persons System
25 partner laboratory for DNA analysis within 30
26 days. A notation of DNA submission shall be made

1 within the National Missing and Unidentified
2 Persons System Unidentified Person record.

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

7 (iii) The Department of State Police shall
8 ensure that persons entering data relating to
9 medical or dental records in State or federal
10 databases are specifically trained to understand
11 and correctly enter the information sought by
12 these databases. The Department of State Police
13 shall either use a person with specific expertise
14 in medical or dental records for this purpose or
15 consult with a chief medical examiner, forensic
16 anthropologist, or odontologist to ensure the
17 accuracy and completeness of information entered
18 into the State and federal databases.

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

24 (C) The local law enforcement agencies that
25 receive the notification from the Department of State
26 Police shall notify officers to be on the lookout for

1 the missing person or a suspected abductor.

2 (D) Pursuant to any applicable State criteria,
3 local law enforcement agencies shall also provide for
4 the prompt use of an Amber Alert in cases involving
5 abducted children; or use of the Endangered Missing
6 Person Advisory in appropriate high risk cases.

7 (Source: P.A. 100-631, eff. 1-1-19; 100-662, eff. 1-1-19;
8 100-835, eff. 1-1-19; revised 9-28-18.)

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