



Sen. Antonio Muñoz

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LRB101 10075 RLC 60765 a

1 AMENDMENT TO HOUSE BILL 2708

2 AMENDMENT NO. _____. Amend House Bill 2708, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Missing Persons Identification Act is
6 amended by changing Sections 5 and 10 as follows:

7 (50 ILCS 722/5)

8 Sec. 5. Missing person reports.

9 (a) Report acceptance. All law enforcement agencies shall
10 accept without delay any report of a missing person and may
11 attempt to obtain a DNA sample from the missing person or a DNA
12 reference sample created from family members' DNA samples for
13 submission under paragraph (1) of subsection (c) of Section 10.
14 Acceptance of a missing person report filed in person may not
15 be refused on any ground. No law enforcement agency may refuse
16 to accept a missing person report:

- 1 (1) on the basis that the missing person is an adult;
 - 2 (2) on the basis that the circumstances do not indicate
 - 3 foul play;
 - 4 (3) on the basis that the person has been missing for a
 - 5 short period of time;
 - 6 (4) on the basis that the person has been missing a
 - 7 long period of time;
 - 8 (5) on the basis that there is no indication that the
 - 9 missing person was in the jurisdiction served by the law
 - 10 enforcement agency at the time of the disappearance;
 - 11 (6) on the basis that the circumstances suggest that
 - 12 the disappearance may be voluntary;
 - 13 (7) on the basis that the reporting individual does not
 - 14 have personal knowledge of the facts;
 - 15 (8) on the basis that the reporting individual cannot
 - 16 provide all of the information requested by the law
 - 17 enforcement agency;
 - 18 (9) on the basis that the reporting individual lacks a
 - 19 familial or other relationship with the missing person;
 - 20 (9-5) on the basis of the missing person's mental state
 - 21 or medical condition; or
 - 22 (10) for any other reason.
- 23 (b) Manner of reporting. All law enforcement agencies shall
- 24 accept missing person reports in person. Law enforcement
- 25 agencies are encouraged to accept reports by phone or by
- 26 electronic or other media to the extent that such reporting is

1 consistent with law enforcement policies or practices.

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

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

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

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

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

14 (5) the missing person's gender;

15 (6) the missing person's race;

16 (7) the missing person's current hair color and true or
17 natural hair color;

18 (8) the missing person's eye color;

19 (9) the missing person's prosthetics, surgical
20 implants, or cosmetic implants;

21 (10) the missing person's physical anomalies;

22 (11) the missing person's blood type, if known;

23 (12) the missing person's driver's license number, if
24 known;

25 (13) the missing person's social security number, if
26 known;

1 (14) a photograph of the missing person; recent
2 photographs are preferable and the agency is encouraged to
3 attempt to ascertain the approximate date the photograph
4 was taken;

5 (15) a description of the clothing the missing person
6 was believed to be wearing;

7 (16) a description of items that might be with the
8 missing person, such as jewelry, accessories, and shoes or
9 boots;

10 (17) information on the missing person's electronic
11 communications devices, such as cellular telephone numbers
12 and e-mail addresses;

13 (18) the reasons why the reporting individual believes
14 that the person is missing;

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

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

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

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

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

1 Number of a vehicle;

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

5 (A) name;

6 (B) a physical description;

7 (C) date of birth;

8 (D) identifying marks;

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

13 (F) known associates;

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

16 (26) the date of last contact; ~~and~~

17 (27) a DNA sample of the missing person; and

18 (28) a DNA reference sample created from family
19 members' DNA samples for submission under paragraph (1) of
20 subsection (c) of Section 10.

21 (d) Notification and follow up action.

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

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

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

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

19 The law enforcement agency, upon acceptance of a
20 missing person report, shall inform the reporting citizen
21 of one of 2 resources, based upon the age of the missing
22 person. If the missing person is under 18 years of age,
23 contact information for the National Center for Missing and
24 Exploited Children shall be given. If the missing person is
25 age 18 or older, contact information for the National
26 Missing and Unidentified Persons System (NamUs)

1 ~~organization Center for Missing Adults~~ shall be given.

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

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

12 (2) Follow up action. If the person identified in the
13 missing person report remains missing after 30 days, but
14 not more than 60 days, the law enforcement agency shall
15 generate a report of the missing person within the National
16 Missing and Unidentified Persons System (NamUs), and the
17 law enforcement agency shall attempt to obtain the
18 additional information and materials that have not been
19 received, specified below ~~and the additional information~~
20 ~~and materials specified below have not been received, the~~
21 ~~law enforcement agency shall attempt to obtain:~~

22 (A) DNA samples from family members or from the
23 missing person along with any needed documentation, or
24 both, including any consent forms, required for the use
25 of State or federal DNA databases, including, but not
26 limited to, the Local DNA Index System (LDIS), State

1 DNA Index System (SDIS), ~~and~~ National DNA Index System
2 (NDIS), and National Missing and Unidentified Persons
3 System (NamUs) partner laboratories;

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

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

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

13 (E) fingerprints.

14 (3) Samples collected for DNA analysis shall be
15 submitted to a National Missing and Unidentified Persons
16 System (NamUs) partner laboratory or other resource where
17 DNA profiles are entered into local, State, and national
18 DNA Index Systems within 30 days ~~All DNA samples obtained~~
19 ~~in missing person cases shall be immediately forwarded to~~
20 ~~the Department of State Police for analysis.~~ The Department
21 of State Police shall establish procedures for determining
22 how to prioritize analysis of the samples relating to
23 missing person cases. All DNA samples obtained in missing
24 person cases from family members of the missing person
25 shall not be retained after the location or identification
26 of the remains of the missing person unless there is a

1 search warrant signed by a court of competent jurisdiction.

2 (4) This subsection shall not be interpreted to
3 preclude a law enforcement agency from attempting to obtain
4 the materials identified in this subsection before the
5 expiration of the 30-day period. The responsible law
6 enforcement agency shall make a National Missing and
7 Unidentified Persons System (NamUs) report on the missing
8 person within 60 days after the report of the disappearance
9 of the missing person.

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

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

14 (50 ILCS 722/10)

15 Sec. 10. Law enforcement analysis and reporting of missing
16 person information.

17 (a) Prompt determination and definition of a high-risk
18 missing person.

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

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

1 abduction;

2 (B) the person is missing under suspicious
3 circumstances;

4 (C) the person is missing under unknown
5 circumstances;

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

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

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

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

14 (i) the person is in need of medical attention,
15 including but not limited to persons with
16 dementia-like symptoms, or prescription
17 medication;

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

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

22 (iv) the person is mentally impaired,
23 including, but not limited to, a person having a
24 developmental disability, as defined in Section
25 1-106 of the Mental Health and Developmental
26 Disabilities Code, or a person having an

1 intellectual disability, as defined in Section
2 1-116 of the Mental Health and Developmental
3 Disabilities Code;

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

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

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

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

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

18 (b) ~~(2)~~ Law enforcement risk assessment.

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

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

1 missing person is a high-risk missing person.

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

5 (c) Law enforcement reporting ~~(3) Law enforcement agency~~
6 ~~reports.~~

7 (1) ~~(A)~~ The responding local law enforcement agency
8 shall immediately enter all collected information relating
9 to the missing person case in the Law Enforcement Agencies
10 Data System (LEADS) and the National Crime Information
11 Center (NCIC) databases and the National Missing and
12 Unidentified Persons System (NamUs) within 45 days after
13 the receipt of the report, or in the case of a high risk
14 missing person, within 30 days after the receipt of the
15 report. If the DNA sample submission is to a National
16 Missing and Unidentified Persons System (NamUs) partner
17 laboratory, the DNA profile shall be uploaded by the
18 partner laboratory to the National DNA Index System (NDIS).
19 A packet submission of all relevant reports and DNA samples
20 shall be sent to the National Missing and Unidentified
21 Persons System (NamUs) within 30 days for any high-risk
22 missing person cases. The information shall be provided in
23 accordance with applicable guidelines relating to the
24 databases. The information shall be entered as follows:

25 (A) If Department of State Police laboratories are
26 utilized in lieu of National Missing and Unidentified

1 Persons System (NamUs) partner laboratories, all ~~(i)~~
2 ~~All~~ appropriate DNA profiles, as determined by the
3 Department of State Police, shall be uploaded into the
4 missing person databases of the State DNA Index System
5 (SDIS) and National DNA Index System (NDIS) after
6 completion of the DNA analysis and other procedures
7 required for database entry. The responding local law
8 enforcement agency shall submit any DNA samples
9 voluntarily obtained from family members to a National
10 Missing and Unidentified Persons System (NamUs)
11 partner laboratory for DNA analysis within 30 days. A
12 notation of DNA submission shall be made within the
13 National Missing and Unidentified Persons System
14 (NamUs) record.

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

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

1 examiner, forensic anthropologist, or odontologist to
2 ensure the accuracy and completeness of information
3 entered into the State and federal databases.

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

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

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

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

20 Section 99. Effective date. This Act takes effect January
21 1, 2020."