

SB3932



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB3932

Introduced 1/21/2022, by Sen. Elgie R. Sims, Jr.

SYNOPSIS AS INTRODUCED:

50 ILCS 722/15
50 ILCS 722/20

Amends the Missing Persons Identification Act. Provides that a coroner or medical examiner with custody of human remains that are not identified within 72 hours of discovery shall promptly notify the Federal Bureau of Investigation of the location of those remains and the failure to identify the remains.

LRB102 25803 AWJ 35138 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 Sections 15 and 20 as follows:

6 (50 ILCS 722/15)

7 Sec. 15. Reporting of unidentified persons and human
8 remains.

9 (a) Handling of death scene investigations.

10 (1) The Illinois State Police shall provide
11 information to local law enforcement agencies about best
12 practices for handling death scene investigations.

13 (2) The Illinois State Police shall identify any
14 publications or training opportunities that may be
15 available to local law enforcement agencies or law
16 enforcement officers and coroners and medical examiners
17 concerning the handling of death scene investigations.

18 (b) Law enforcement reports.

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

1 (2) Any coroner or medical examiner with custody of
2 human remains that are not identified within 24 hours of
3 discovery shall promptly notify the Illinois State Police
4 of the location of those remains. A coroner or medical
5 examiner with custody of human remains that are not
6 identified within 72 hours of discovery shall promptly
7 notify the Federal Bureau of Investigation of the location
8 of those remains and the failure to identify the remains.

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

14 (Source: P.A. 102-538, eff. 8-20-21.)

15 (50 ILCS 722/20)

16 Sec. 20. Unidentified persons or human remains
17 identification responsibilities.

18 (a) In this Section, "assisting law enforcement agency"
19 means a law enforcement agency with jurisdiction acting under
20 the request and direction of the medical examiner or coroner
21 to assist with human remains identification.

22 (a-5) If the official with custody of the human remains is
23 not a coroner or medical examiner, the official shall
24 immediately notify the coroner or medical examiner of the
25 county in which the remains were found. The coroner or medical

1 examiner shall go to the scene and take charge of the remains.

2 (b) Notwithstanding any other action deemed appropriate
3 for the handling of the human remains, the assisting law
4 enforcement agency, medical examiner, or coroner shall make
5 reasonable attempts to promptly identify human remains. This
6 does not include historic or prehistoric skeletal remains.
7 These actions shall include, but are not limited to, obtaining
8 the following when possible:

9 (1) photographs of the human remains (prior to an
10 autopsy);

11 (2) dental and skeletal X-rays;

12 (3) photographs of items found on or with the human
13 remains;

14 (4) fingerprints from the remains;

15 (5) tissue samples suitable for DNA analysis;

16 (6) (blank); and

17 (7) any other information that may support
18 identification efforts.

19 (c) No medical examiner or coroner or any other person
20 shall dispose of, or engage in actions that will materially
21 affect the unidentified human remains before the assisting law
22 enforcement agency, medical examiner, or coroner obtains items
23 essential for human identification efforts listed in
24 subsection (b) of this Section.

25 (d) Cremation of unidentified human remains is prohibited.

26 (e) (Blank).

1 (f) The assisting law enforcement agency, medical
2 examiner, or coroner shall seek support from appropriate State
3 and federal agencies, including National Missing and
4 Unidentified Persons System resources to facilitate prompt
5 identification of human remains. This support may include, but
6 is not limited to, fingerprint comparison; forensic
7 odontology; nuclear or mitochondrial DNA analysis, or both;
8 and forensic anthropology.

9 (f-5) Fingerprints from the unidentified remains,
10 including partial prints, shall be submitted to the Illinois
11 State Police or other resource for the purpose of attempting
12 to identify the deceased. The coroner or medical examiner
13 shall cause a dental examination to be performed by a forensic
14 odontologist for the purpose of dental charting, comparison to
15 missing person records, or both. Tissue samples collected for
16 DNA analysis shall be submitted within 30 days of the recovery
17 of the remains to a National Missing and Unidentified Persons
18 System partner laboratory or other resource where DNA profiles
19 are entered into the National DNA Index System upon completion
20 of testing. Forensic anthropological analysis of the remains
21 shall also be considered.

22 (g) (Blank).

23 (g-2) The medical examiner or coroner shall report the
24 unidentified human remains and the location where the remains
25 were found to the Illinois State Police within 24 hours of
26 discovery and then to the Federal Bureau of Investigation

1 within 72 hours of discovery if the remains are not identified
2 as mandated by Section 15 of this Act. The assisting law
3 enforcement agency, medical examiner, or coroner shall contact
4 the Illinois State Police to request the creation of a
5 National Crime Information Center Unidentified Person record
6 within 5 days of the discovery of the remains. The assisting
7 law enforcement agency, medical examiner, or coroner shall
8 provide the Illinois State Police all information required for
9 National Crime Information Center entry. Upon notification,
10 the Illinois State Police shall create the Unidentified Person
11 record without unnecessary delay.

12 (g-5) The assisting law enforcement agency, medical
13 examiner, or coroner shall obtain a National Crime Information
14 Center number from the Illinois State Police to verify entry
15 and maintain this number within the unidentified human remains
16 case file. A National Crime Information Center Unidentified
17 Person record shall remain on file indefinitely or until
18 action is taken by the originating agency to clear or cancel
19 the record. The assisting law enforcement agency, medical
20 examiner, or coroner shall notify the Illinois State Police of
21 necessary record modifications or cancellation if
22 identification is made.

23 (h) (Blank).

24 (h-5) The assisting law enforcement agency, medical
25 examiner, or coroner shall create an unidentified person
26 record in the National Missing and Unidentified Persons System

1 prior to the submission of samples or within 30 days of the
2 discovery of the remains, if no identification has been made.
3 The entry shall include all available case information
4 including fingerprint data and dental charts. Samples shall be
5 submitted to a National Missing and Unidentified Persons
6 System partner laboratory for DNA analysis within 30 Days. A
7 notation of DNA submission shall be made within the National
8 Missing and Unidentified Persons System Unidentified Person
9 record.

10 (i) Nothing in this Act shall be interpreted to preclude
11 any assisting law enforcement agency, medical examiner,
12 coroner, or the Illinois State Police from pursuing other
13 efforts to identify human remains including efforts to
14 publicize information, descriptions, or photographs related to
15 the investigation.

16 (j) For historic or prehistoric human skeletal remains
17 determined by an anthropologist to be older than 100 years,
18 jurisdiction shall be transferred to the Department of Natural
19 Resources for further investigation under the Archaeological
20 and Paleontological Resources Protection Act.

21 (Source: P.A. 101-81, eff. 7-12-19; 102-538, eff. 8-20-21.)