



Rep. Dan Brady

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LRB094 15317 RLC 56533 a

1 AMENDMENT TO HOUSE BILL 4203

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 4203 by replacing  
3 everything after the enacting clause with the following:

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

6 Section 5. Missing person reports.

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

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

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

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

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

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

22 (6) on the basis that the circumstances suggest that  
23 the disappearance may be voluntary;

24 (7) on the basis that the reporting individual does not

1 have personal knowledge of the facts;

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

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

7 (10) for any other reason.

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

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

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

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

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

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

25 (5) the missing person's gender;

26 (6) the missing person's race;

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

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

30 (9) the missing person's prosthetics, surgical  
31 implants, or cosmetic implants;

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

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

34 (12) the missing person's drivers license number, if

1 known;

2 (13) the missing person's social security number, if  
3 known;

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

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

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

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

16 (18) the reasons why the reporting individual believes  
17 that the person is missing;

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

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

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

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

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

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

33 (A) name;

34 (B) a physical description;

1 (C) date of birth;

2 (D) identifying marks;

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

7 (F) known associates;

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

10 (26) the date of last contact.

11 (d) Notification and follow up action.

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

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

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

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

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

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

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

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

24           (A) DNA samples from family members or from the  
25 missing person along with any needed documentation, or  
26 both, including any consent forms, required for the use  
27 of State or federal DNA databases, including, but not  
28 limited to, the Local DNA Index System (LDIS), State  
29 DNA Index System (SDIS), and National DNA Index System  
30 (NDIS);

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

33           (C) any additional photographs of the missing  
34 person that may aid the investigation or an

1 identification; the law enforcement agency is not  
2 required to obtain written authorization before it  
3 releases publicly any photograph that would aid in the  
4 investigation or identification of the missing person;

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

6 (E) fingerprints.

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

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

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

18 (a) Prompt determination of high-risk 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  
26 abduction;

27 (B) the person is missing under suspicious  
28 circumstances;

29 (C) the person is missing under unknown  
30 circumstances;

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

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

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

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

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

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

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

12 (iv) the person is mentally impaired;

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

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

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

19 (2) Law enforcement risk assessment.

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

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

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

34 (3) Law enforcement agency reports.

1           (A) The responding local law enforcement agency  
2 shall immediately enter all collected information  
3 relating to the missing person case in the Law  
4 Enforcement Agencies Data System (LEADS) and the  
5 National Crime Information Center (NCIC) databases.  
6 The information shall be provided in accordance with  
7 applicable guidelines relating to the databases. The  
8 information shall be entered as follows:

9           (i) All DNA profiles shall be uploaded into the  
10 missing person databases of the State DNA Index  
11 System (SDIS) and National DNA Index System (NDIS)  
12 after completion of the DNA analysis and other  
13 procedures required for database entry.

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

18           (iii) The Department of State Police shall  
19 ensure that persons entering data relating to  
20 medical or dental records in State or federal  
21 databases are specifically trained to understand  
22 and correctly enter the information sought by  
23 these databases. The Department of State Police  
24 shall either use a person with specific expertise  
25 in medical or dental records for this purpose or  
26 consult with a chief medical examiner, forensic  
27 anthropologist, or odontologist to ensure the  
28 accuracy and completeness of information entered  
29 into the State and federal databases.

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



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

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

10 Section 15. Reporting of unidentified persons and human  
11 remains.

12 (a) Handling of death scene investigations.

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

16 (2) The Department of State Police shall identify any  
17 publications or training opportunities that may be  
18 available to local law enforcement agencies or law  
19 enforcement officers concerning the handling of death  
20 scene investigations.

21 (b) Law enforcement reports.

22 (1) After performing any death scene investigation  
23 deemed appropriate under the circumstances, the official  
24 with custody of the human remains shall ensure that the  
25 human remains are delivered to the coroner or medical  
26 examiner of the county in which the deceased was found.

27 (2) Any person with custody of human remains that are  
28 not identified within 24 hours of discovery shall promptly  
29 notify the Department of State Police of the location of  
30 those remains.

31 (3) If the person with custody of remains cannot  
32 determine whether or not the remains found are human, the  
33 person shall notify the Department of State Police of the

1 existence of possible human remains.

2 Section 20. Unidentified persons or human remains  
3 identification responsibilities.

4 (a) If the official with custody of human remains is not a  
5 medical examiner, the official shall promptly transfer the  
6 unidentified remains to the medical examiner or coroner of the  
7 county in which the remains were found.

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

13 (1) photographs of the human remains (prior to an  
14 autopsy);

15 (2) dental or skeletal X-rays;

16 (3) photographs of items found with the human remains;

17 (4) fingerprints from the remains, if possible;

18 (5) samples of tissue suitable for DNA typing, if  
19 possible;

20 (6) samples of whole bone or hair suitable for DNA  
21 typing, or both;

22 (7) any other information that may support  
23 identification efforts.

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

28 (1) samples suitable for DNA identification,  
29 archiving;

30 (2) photographs of the unidentified person or human  
31 remains; and

32 (3) all other appropriate steps for identification  
33 have been exhausted.

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

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

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

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

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

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

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

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

33 (i) Nothing in this Act shall be interpreted to preclude  
34 any medical examiner or coroner's office, the Department of

1 State Police, or a local law enforcement agency from pursuing  
2 other efforts to identify unidentified human remains including  
3 efforts to publicize information, descriptions, or photographs  
4 that may aid in the identification of the unidentified remains,  
5 allow family members to identify missing person, and seek to  
6 protect the dignity of the missing person.

7 Section 95. The Department of State Police Law of the Civil  
8 Administrative Code of Illinois is amended by changing Section  
9 2605-375 as follows:

10 (20 ILCS 2605/2605-375) (was 20 ILCS 2605/55a in part)

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

13 (a) To establish and maintain a statewide Law Enforcement  
14 Agencies Data System (LEADS) for the purpose of providing  
15 electronic access by authorized entities to criminal justice  
16 data repositories and effecting an immediate law enforcement  
17 response to reports of missing persons, including lost, missing  
18 or runaway minors and missing endangered seniors. The  
19 Department shall implement an automatic data exchange system to  
20 compile, to maintain, and to make available to other law  
21 enforcement agencies for immediate dissemination data that can  
22 assist appropriate agencies in recovering missing persons and  
23 provide access by authorized entities to various data  
24 repositories available through LEADS for criminal justice and  
25 related purposes. To assist the Department in this effort,  
26 funds may be appropriated from the LEADS Maintenance Fund.

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

32 (1) ~~(A)~~ Relevant information obtained from the

1 notification concerning the missing person, including all  
2 of the following:

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

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

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

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

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

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

17 (1) ~~(2)~~ Develop and implement a policy whereby a  
18 statewide or regional alert would be used in situations  
19 relating to the disappearances of individuals, based on  
20 criteria and in a format established by the Department.  
21 Such a format shall include, but not be limited to, the age  
22 of the missing person and the suspected circumstance of the  
23 disappearance.

24 (2) ~~(3)~~ Notify all law enforcement agencies that  
25 reports of missing persons shall be entered as soon as the  
26 minimum level of data specified by the Department is  
27 available to the reporting agency and that no waiting  
28 period for the entry of the data exists.

29 (3) ~~(4)~~ Compile and retain information regarding lost,  
30 abducted, missing, or runaway minors in a separate data  
31 file, in a manner that allows that information to be used  
32 by law enforcement and other agencies deemed appropriate by  
33 the Director, for investigative purposes. The information  
34 shall include the disposition of all reported lost,

1 abducted, missing, or runaway minor cases.

2 (4) ~~(5)~~ Compile and maintain an historic data  
3 repository relating to lost, abducted, missing, or runaway  
4 minors and other missing persons, including, but not  
5 limited to, missing endangered seniors, in order to develop  
6 and improve techniques utilized by law enforcement  
7 agencies when responding to reports of missing persons.

8 (5) ~~(6)~~ Create a quality control program regarding  
9 confirmation of missing person data, timeliness of entries  
10 of missing person reports into LEADS, and performance  
11 audits of all entering agencies.

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

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

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

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

27 ~~(D) the National Crime Information Center's~~  
28 ~~Missing Person File, if appropriate.~~

29 ~~(8) The Department of State Police shall begin an~~  
30 ~~investigation concerning the missing person not later than~~  
31 ~~24 hours after receiving notification of a missing person.~~

32 (c) The Illinois Law Enforcement Training Standards Board  
33 shall conduct a training program for law enforcement personnel  
34 of local governmental agencies in the Missing Persons

1 Identification Act ~~statewide coordinated missing endangered~~  
2 ~~senior alert system established under this Section.~~

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

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

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