

1 AN ACT concerning missing persons.

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

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;

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

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

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

8 (10) for any other reason.

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

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

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

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

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

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

26 (5) the missing person's gender;

1 (6) the missing person's race;

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

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

5 (9) the missing person's prosthetics, surgical
6 implants, or cosmetic implants;

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

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

9 (12) the missing person's driver's license number, if
10 known;

11 (13) the missing person's social security number, if
12 known;

13 (14) a photograph of the missing person; recent
14 photographs are preferable and the agency is encouraged to
15 attempt to ascertain the approximate date the photograph
16 was taken;

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

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

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

25 (18) the reasons why the reporting individual believes
26 that the person is missing;

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

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

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

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

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

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

16 (A) name;

17 (B) a physical description;

18 (C) date of birth;

19 (D) identifying marks;

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

24 (F) known associates;

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

1 (26) the date of last contact.

2 (d) Notification and follow up action.

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

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

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

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

26 The law enforcement agency, upon acceptance of a

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

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

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

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

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

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

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

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

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

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

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

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

9 (B) the person is missing under suspicious
10 circumstances;

11 (C) the person is missing under unknown
12 circumstances;

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

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

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

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

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

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

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

- 1 (iv) the person is mentally impaired;
2 (v) the person is under the age of 21;
3 (vi) the person has been the subject of past
4 threats or acts of violence;
5 (vii) the person has eloped from a nursing
6 home; or

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

10 (2) Law enforcement risk assessment.

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

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

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

25 (3) Law enforcement agency reports.

26 (A) The responding local law enforcement agency

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

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

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

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

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

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

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

19 Section 15. Reporting of unidentified persons and human
20 remains.

21 (a) Handling of death scene investigations.

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

25 (2) The Department of State Police shall identify any

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

5 (b) Law enforcement reports.

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

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

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

20 Section 20. Unidentified persons or human remains
21 identification responsibilities.

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

1 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 medical examiner or
4 coroner shall make reasonable attempts to promptly identify
5 human remains. These actions may include but are not limited to
6 obtaining:

7 (1) photographs of the human remains (prior to an
8 autopsy);

9 (2) dental or skeletal X-rays;

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

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

12 (5) samples of tissue suitable for DNA typing, if
13 possible;

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

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

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

22 (1) samples suitable for DNA identification,
23 archiving;

24 (2) photographs of the unidentified person or human
25 remains; and

26 (3) all other appropriate steps for identification

1 have been exhausted.

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

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

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

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

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

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

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

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

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

16 Section 95. The Department of State Police Law of the Civil
17 Administrative Code of Illinois is amended by changing Section
18 2605-375 as follows:

19 (20 ILCS 2605/2605-375) (was 20 ILCS 2605/55a in part)

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

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

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

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

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

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

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

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

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

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

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

8 (1) ~~(2)~~ Develop and implement a policy whereby a
9 statewide or regional alert would be used in situations
10 relating to the disappearances of individuals, based on
11 criteria and in a format established by the Department.
12 Such a format shall include, but not be limited to, the age
13 of the missing person and the suspected circumstance of the
14 disappearance.

15 (2) ~~(3)~~ Notify all law enforcement agencies that
16 reports of missing persons shall be entered as soon as the
17 minimum level of data specified by the Department is
18 available to the reporting agency and that no waiting
19 period for the entry of the data exists.

20 (3) ~~(4)~~ Compile and retain information regarding lost,
21 abducted, missing, or runaway minors in a separate data
22 file, in a manner that allows that information to be used
23 by law enforcement and other agencies deemed appropriate by
24 the Director, for investigative purposes. The information
25 shall include the disposition of all reported lost,
26 abducted, missing, or runaway minor cases.

1 (4) ~~(5)~~ Compile and maintain an historic data
2 repository relating to lost, abducted, missing, or runaway
3 minors and other missing persons, including, but not
4 limited to, missing endangered seniors, in order to develop
5 and improve techniques utilized by law enforcement
6 agencies when responding to reports of missing persons.

7 (5) ~~(6)~~ Create a quality control program regarding
8 confirmation of missing person data, timeliness of entries
9 of missing person reports into LEADS, and performance
10 audits of all entering agencies.

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

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

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

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

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

1 ~~Missing Person File, if appropriate.~~

2 ~~(8) The Department of State Police shall begin an~~
3 ~~investigation concerning the missing person not later than~~
4 ~~24 hours after receiving notification of a missing person.~~

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

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

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

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