



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

HB2332

Introduced 2/18/2009, by Rep. Careen M Gordon

#### SYNOPSIS AS INTRODUCED:

50 ILCS 722/10  
50 ILCS 722/90 new  
50 ILCS 722/92 new  
30 ILCS 805/8.33 new

Amends the Missing Persons Identification Act. Revises the list of persons who are considered a "high-risk missing person". Requires law enforcement agencies to actively search for high-risk missing persons that may be in the area. Provides that law enforcement agencies must comply with the requirements of the Act. Limits the exercise of concurrent home rule powers. Provides that the Act is exempt from the reimbursement requirements of the State Mandates Act. Effective immediately.

LRB096 10066 RLJ 20231 b

FISCAL NOTE ACT  
MAY APPLY

HOME RULE NOTE  
ACT MAY APPLY

STATE MANDATES  
ACT MAY REQUIRE  
REIMBURSEMENT

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 Section 10 and by adding Sections 90 and 92  
6 as follows:

7 (50 ILCS 722/10)

8 Sec. 10. Law enforcement analysis and reporting of missing  
9 person information.

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

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

17 ~~(A) the person is missing as a result of a stranger~~  
18 ~~abduction;~~

19 ~~(B) the person is missing under suspicious~~  
20 ~~circumstances;~~

21 (A) ~~(C)~~ the person is missing under unknown  
22 circumstances;

23 ~~(D) the person is missing under known dangerous~~

1 ~~circumstances;~~

2 (B) ~~(E)~~ the person is missing more than 30 days;

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

6 (D) ~~(G)~~ there is evidence that the person is at  
7 risk because:

8 (i) the person is in need of medical attention  
9 or prescription medication;

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

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

14 (iv) the person is mentally impaired;

15 (v) the person has an active order of  
16 protection against another or has requested an  
17 order of protection within the previous 12 months  
18 ~~is under the age of 21;~~

19 (vi) the person has been the subject of past  
20 threats or acts of violence by another;

21 (vii) the person has been the victim of  
22 domestic violence, stalking, aggravated stalking,  
23 a sex offense under Article 11 or bodily harm under  
24 Article 12 of the Criminal Code of 1961, attempted  
25 murder, or any documented act or threat of violence  
26 ~~eloped from a nursing home; or~~

1           (E) ~~(H)~~ any other factor that may, in the judgment  
2 of the law enforcement official, indicate that the  
3 missing person may be at risk.

4           (2) Law enforcement risk assessment.

5           (A) Upon initial receipt of a missing person  
6 report, the law enforcement agency shall immediately  
7 determine whether there is a basis to determine that  
8 the missing person is a high-risk missing person.

9           (B) If a law enforcement agency has previously  
10 determined that a missing person is not a high-risk  
11 missing person, but obtains new information, it shall  
12 immediately determine whether the information  
13 indicates that the missing person is a high-risk  
14 missing person.

15           (C) Law enforcement agencies are encouraged to  
16 establish written protocols for the handling of  
17 missing person cases to accomplish the purposes of this  
18 Act.

19           (3) Law enforcement agency reports.

20           (A) The responding local law enforcement agency  
21 shall immediately enter all collected information  
22 relating to the missing person case in the Law  
23 Enforcement Agencies Data System (LEADS) and the  
24 National Crime Information Center (NCIC) databases.  
25 The information shall be provided in accordance with  
26 applicable guidelines relating to the databases. The

1 information shall be entered as follows:

2 (i) All appropriate DNA profiles, as  
3 determined by the Department of State Police,  
4 shall be uploaded into the missing person  
5 databases of the State DNA Index System (SDIS) and  
6 National DNA Index System (NDIS) after completion  
7 of the DNA analysis and other procedures required  
8 for database entry.

9 (ii) Information relevant to the Federal  
10 Bureau of Investigation's Violent Criminal  
11 Apprehension Program shall be entered as soon as  
12 possible.

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

25 (B) The Department of State Police shall  
26 immediately notify all law enforcement agencies within

1           this State and the surrounding region of the  
2           information that will aid in the prompt location and  
3           safe return of the high-risk missing person.

4           (C) The local law enforcement agencies that  
5           receive the notification from the Department of State  
6           Police, or otherwise are aware that a high-risk missing  
7           person may be in the area, shall notify officers to be  
8           on the lookout for and to actively search for the  
9           missing person or a suspected abductor.

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

15           (Source: P.A. 95-192, eff. 8-16-07.)

16           (50 ILCS 722/90 new)

17           Sec. 90. Exempt mandate. Notwithstanding Sections 6 and 8  
18           of the State Mandates Act, no reimbursement by the State is  
19           required for the implementation of any mandate created by this  
20           Act.

21           (50 ILCS 722/92 new)

22           Sec. 92. Home rule preemption. All law enforcement  
23           agencies, including those of home rule units, must comply with  
24           the requirements of this Act. Governmental entities employing

1 law enforcement personnel are authorized to take additional  
2 steps to ensure that the purposes of this Act are accomplished.  
3 This Section is a limitation under subsection (i) of Section 6  
4 of Article VII of the Illinois Constitution on the concurrent  
5 exercise by home rule units of powers and functions exercised  
6 by the State.

7 Section 90. The State Mandates Act is amended by adding  
8 Section 8.33 as follows:

9 (30 ILCS 805/8.33 new)

10 Sec. 8.33. Exempt mandate. Notwithstanding Sections 6 and 8  
11 of this Act, no reimbursement by the State is required for the  
12 implementation of any mandate created by the Missing Persons  
13 Identification Act.

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