

AN ACT concerning local government.

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

Section 5. The Missing Persons Identification Act is amended by changing Sections 20 and 25 as follows:

(50 ILCS 722/20)

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

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

(a-5) If the official with custody of the human remains is not a coroner or medical examiner, the official shall immediately notify the coroner or medical examiner of the county in which the remains were found. The coroner or medical examiner shall go to the scene and take charge of the remains.

(b) Notwithstanding any other action deemed appropriate for the handling of the human remains, the assisting law enforcement agency, medical examiner, or coroner shall make reasonable attempts to promptly identify human remains. This does not include historic or prehistoric skeletal remains. These actions shall ~~may~~ include, but are not limited to,

obtaining the following when possible:

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

(2) dental and ~~or~~ skeletal X-rays;

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

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

(5) ~~samples of~~ tissue samples suitable for DNA analysis typing, ~~if possible;~~

(6) (blank); and ~~samples of whole bone or hair suitable for DNA typing, or both;~~

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

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

~~(1) samples suitable for DNA identification, archiving;~~

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

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

(d) Cremation of unidentified human remains is prohibited.

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

(f) The assisting law enforcement agency, ~~medical examiner,~~ or coroner ~~or the Department of State Police~~ shall seek support from appropriate State and federal agencies, including National Missing and Unidentified Persons System resources to facilitate prompt identification of human remains ~~for human remains identification efforts.~~ This support may include, but is not limited to, fingerprint comparison; forensic odontology; nuclear or mitochondrial DNA analysis, or both; and forensic anthropology. ~~available mitochondrial or nuclear DNA testing, federal grants for DNA testing, or federal grants for crime laboratory or medical examiner or coroner's office improvement.~~

(f-5) Fingerprints from the unidentified remains, including partial prints, shall be submitted to the Department of State Police or other resource for the purpose of attempting to identify the deceased. The coroner or medical examiner shall cause a dental examination to be performed by a forensic odontologist for the purpose of dental charting, comparison to missing person records, or both. Tissue samples collected for DNA analysis shall be submitted within 30 days of the recovery of the remains to a National Missing and Unidentified Persons System partner laboratory or other resource where DNA profiles

are entered into the National DNA Index System upon completion of testing. Forensic anthropological analysis of the remains shall also be considered.

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

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

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

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

(g-2) The medical examiner or coroner shall report the unidentified human remains and the location where the remains were found to the Department of State Police within 24 hours of discovery as mandated by Section 15 of this Act. The assisting law enforcement agency, medical examiner, or coroner shall contact the Department of State Police to request the creation of an National Crime Information Center Unidentified Person record within 5 days of the discovery of the remains. The assisting law enforcement agency, medical examiner, or coroner shall provide the Department of State Police all information

required for National Crime Information Center entry. Upon notification, the Department of State Police shall create the Unidentified Person record without unnecessary delay.

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

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

(h-5) The assisting law enforcement agency, medical examiner, or coroner shall create an unidentified person record in the National Missing and Unidentified Persons System prior to the submission of samples or within 30 days of the discovery of the remains, if no identification has been made. The entry

shall include all available case information including fingerprint data and dental charts. Samples shall be submitted to a National Missing and Unidentified Persons System partner laboratory for DNA analysis within 30 Days. A notation of DNA submission shall be made within the National Missing and Unidentified Persons System Unidentified Person record.

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

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

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

(50 ILCS 722/25)

Sec. 25. Unidentified persons. The coroner or medical examiner shall obtain a DNA sample from any individual whose

remains are not identifiable. The DNA sample shall be forwarded to a National Missing and Unidentified Persons System partner laboratory or other resource for analysis and inclusion in the National DNA Index System ~~the Department of State Police for inclusion in the State and National DNA Databases.~~

Prior to the burial or interment of any unknown individual's remains or any unknown individual's body part, the medical examiner or coroner in possession of the remains or body part must assign a DNA log number to the unknown individual or body part. The medical examiner or coroner shall place a tag that is stamped or inscribed with the DNA log number on the individual or body part. The DNA log number shall be stamped on the unidentified individual's toe tag, if possible.

(Source: P.A. 97-679, eff. 2-6-12.)