

AN ACT concerning 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 5, 10, 20, and 25 as follows:

(50 ILCS 722/5)

Sec. 5. Missing person reports.

(a-1) Law enforcement policy. Law enforcement agencies shall adopt a policy regarding missing person investigations and missing person reporting and follow-up actions.

(a-5) ~~(a)~~ Report acceptance. Law ~~All law~~ enforcement agencies shall accept without delay any report of a missing person ~~and may attempt to obtain a DNA sample from the missing person or a DNA reference sample created from family members' DNA samples for submission under paragraph (1) of subsection (c) of Section 10. Acceptance of a missing person report filed in person may not be refused on any ground. A~~ No law enforcement agency may not establish or maintain a policy that requires the observance of a waiting period before accepting a missing person report, and it may not ~~may~~ refuse to accept a missing person report:

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

(2) on the basis that the circumstances do not

indicate foul play;

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

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

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

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

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

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

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

(9-5) on the basis of the missing person's mental state or medical condition. ~~or~~

~~(10) for any other reason.~~

(a-10) Multiple reports for same missing person. If the law enforcement agency learns through investigation that a missing person report has been filed by another law enforcement agency for the same missing person and is under active investigation by that agency and if a missing person entry is active in the Law Enforcement Agencies Data System

(LEADS), then the law enforcement agency may not draft an additional missing person report but shall draft an informational report detailing the interview of the reporting individual. The informational report shall be forwarded to the original law enforcement agency handling the missing person case without delay. A second or subsequent agency is not prohibited from entering a duplicate missing person report in LEADS; however, only one LEADS missing person report is required. Any existing LEADS missing person report may be modified by the originating agency to include additional or updated information.

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

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

- (1) the name of the missing person, including alternative names used;
- (2) the missing person's date of birth;
- (3) the missing person's identifying marks, such as

birthmarks, moles, tattoos, and scars;

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

(5) the missing person's gender;

(6) the missing person's race;

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

(8) the missing person's eye color;

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

(10) the missing person's physical anomalies;

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

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

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

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

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

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

(17) information on the missing person's electronic communications devices, such as cellular telephone numbers

and e-mail addresses;

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

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

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

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

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

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

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

(A) name;

(B) a physical description;

(C) date of birth;

(D) identifying marks;

(E) the description of possible means of transportation, including make, model, color, license number, and Vehicle Identification Number of a

vehicle;

(F) known associates;

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

(26) the date of last contact.

(c-5) Collection of evidence. Nothing prohibits the collection of photographs, documents, biological samples, dental charts, radiographs, or fingerprints at the start of a missing person investigation.

(c-10) LEADS entry requirement. Using the information gathered in subsection (c) for the missing person report, the law enforcement agency shall immediately enter a missing person report in LEADS.

(d) Notification and follow up action.

(1) Notification. The law enforcement agency shall notify the person making the report, a family member, a person responsible for the missing person's welfare, or other person in a position to assist the law enforcement agency in its efforts to locate the missing person of the following:

(A) general information about the handling of the missing person case or about intended efforts in the case to the extent that the law enforcement agency determines that disclosure would not adversely affect its ability to locate or protect the missing person or to apprehend or prosecute any person criminally

involved in the disappearance;

(A-5) information regarding the collection of documents and biological samples that could assist in the identification of a missing person, including dental charts and radiographs, medical records, fingerprints, and biological samples from the person's personal items or from the missing person's immediate biological family members;

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

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

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

National Missing and Unidentified Persons System (NamUs) organization shall be given.

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

(2) Follow up action. If the ~~person identified in the~~ missing person ~~report~~ remains missing for 60 ~~after 30~~ days after the date of the report, but not more than 60 days, then the law enforcement agency shall immediately ~~may~~ generate a report of the missing person within the National Missing and Unidentified Persons System (NamUs), and the law enforcement agency shall ~~may~~ attempt to obtain all of the following ~~the~~ additional information and materials that have not been received, ~~specified below:~~

(A) Additional photographs of the missing person that may aid the investigation or identification of an unidentified person, including photographs of the missing person's scars, marks, and tattoos. All photographs of the missing person that the law enforcement agency collected shall be added to the National Missing and Unidentified Persons System (NamUs) record. The law enforcement agency is not required to obtain written authorization before it

releases publicly a photograph that would aid in the investigation or location of the missing person. ~~DNA samples from family members or from the missing person along with any needed documentation, or both, including any consent forms, required for the use of State or federal DNA databases, including, but not limited to, the Local DNA Index System (LDIS), State DNA Index System (SDIS), National DNA Index System (NDIS), and National Missing and Unidentified Persons System (NamUs) partner laboratories;~~

(B) Fingerprint records of the missing person from a competent authority or from a criminal history database, if available. If a missing person remains missing for 30 days after the date of the police report, then the missing person's fingerprint record shall be added to the missing person entry in the Law Enforcement Agencies Data System (LEADS). If a missing person remains missing for 60 days after the date of the police report, then the missing person's fingerprint record shall be entered in the National Missing and Unidentified Persons System (NamUs). The fingerprint records may be used for direct comparison to the fingerprint records of unidentified persons only. ~~an authorization to release dental or skeletal x-rays of the missing person;~~

(C) (Blank). ~~any additional photographs of the~~

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

(D) Dental charts and radiographs of the missing person, if available. If a missing person remains missing for 60 days after the date of the police report and missing for 60 days after the date of the police report in the National Missing and Unidentified Persons System (NamUs), then the missing person's dental record shall be added to the missing person entry in the Law Enforcement Agencies Data System (LEADS). The dental records may be used only for direct comparison to the dental records of unidentified persons. ~~dental information and x rays;~~
and

(E) Biological samples from closely related family members of the missing person or biological samples from personal items of the missing person, along with any consent forms, required for the entry of a DNA profile in the Combined DNA Index System, including, but not limited to, the Local DNA Index System (LDIS), State DNA Index System (SDIS), and National DNA Index System (NDIS) ~~fingerprints.~~

(3) Biological samples ~~Samples~~ collected for DNA

analysis, if any, shall ~~may~~ be submitted to a Combined DNA Index System (CODIS) ~~National Missing and Unidentified Persons System (NamUs)~~ ~~partner laboratory~~ or other accredited laboratory ~~resource~~ where DNA profiles are entered into local, State, and national DNA Index Systems within 90 ~~60~~ days from the date of the police report. ~~The~~ Illinois State Police laboratories shall establish procedures for determining how to prioritize analysis of the samples relating to missing person cases. All biological ~~DNA~~ samples and subsequent DNA profiles, if any, obtained in missing person cases from family members of the missing person or personal items of the missing person may not be retained after the location or identification of the remains of the missing person unless there is a search warrant signed by a court of competent jurisdiction.

(4) This subsection shall not be interpreted to preclude a law enforcement agency from attempting to obtain the materials identified in this subsection before the expiration of the specified periods. ~~30-day period.~~ ~~The responsible law enforcement agency may make a National Missing and Unidentified Persons System (NamUs) report on the missing person within 60 days after the report of the disappearance of the missing person.~~

(5) Law enforcement agencies are encouraged to establish written protocols for the handling of missing

person cases to accomplish the purposes of this Act. Law enforcement agencies may not close a missing person case until the missing person has returned or been located, either alive or deceased. Law enforcement agencies shall keep cases under active investigation until the missing person is located or returned. Reasons for closing a missing person case may not include exhaustion of leads or termination of the anticipated life span of the missing person.

(Source: P.A. 101-266, eff. 1-1-21; 102-538, eff. 8-20-21.)

(50 ILCS 722/10)

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

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

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

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

(B) the person is missing under suspicious circumstances;

(C) the person is missing under unknown circumstances;

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

(E) the person is missing more than 60 days ~~30 days~~;

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

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

(i) the person is in need of medical attention, including but not limited to persons with dementia-like symptoms, or prescription medication;

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

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

(iv) the person is mentally impaired, including, but not limited to, a person having a developmental disability, as defined in Section 1-106 of the Mental Health and Developmental Disabilities Code, or a person having an intellectual disability, as defined in Section 1-116 of the Mental Health and Developmental

Disabilities Code;

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

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

(vii) the person has gone missing ~~eloped~~ from a facility licensed under the Nursing Home Care Act ~~nursing home~~;

(G-5) the person is a veteran or active duty member of the United States Armed Forces, the National Guard, or any reserve component of the United States Armed Forces who is believed to have a physical or mental health condition that is related to his or her service; or

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

(b) Law enforcement risk assessment.

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

(2) If a law enforcement agency has previously determined that a missing person is not a high-risk missing person, but obtains new information, it shall immediately determine whether the information indicates that the missing person is a high-risk missing person.

(3) Law enforcement agencies are encouraged to establish written protocols for the handling of missing person cases to accomplish the purposes of this Act.

(c) Law enforcement reporting.

(1) Upon receipt of a missing person report, the ~~The~~ responding local law enforcement agency shall ~~immediately~~ enter all collected information relating to the missing person case in the Law Enforcement Agencies Data System (LEADS) and the National Crime Information Center (NCIC). The database entries shall remain on file indefinitely or until action is taken by the originating agency to clear or cancel the record. In addition, if the missing person remains missing for 60 days after the date of report, the law enforcement agency shall immediately generate a report of the missing person within the National Missing and Unidentified Persons System (NamUs) as required under paragraph (2) of subsection (d) of Section 5 ~~databases and the National Missing and Unidentified Persons System (NamUs) within 45 days after the receipt of the report, or in the case of a high risk missing person, within 30 days after the receipt of the report. If the DNA sample submission is to a National Missing and Unidentified Persons System (NamUs) partner laboratory, the DNA profile may be uploaded by the partner laboratory to the National DNA Index System (NDIS). A packet submission of all relevant reports and DNA samples may be sent to the~~

~~National Missing and Unidentified Persons System (NamUs) within 30 days for any high-risk missing person cases. The information shall be provided in accordance with applicable guidelines relating to the databases. The~~ information shall be entered as follows:

(A) For ~~if~~ Illinois State Police laboratories or other accredited laboratories, all ~~are utilized in lieu of National Missing and Unidentified Persons System (NamUs) partner~~ laboratories, all appropriate DNA profiles, as determined by the Illinois State Police, shall be uploaded into the appropriate index ~~missing person databases~~ of the State DNA Index System (SDIS) and National DNA Index System (NDIS) after completion of the DNA analysis and other procedures required for database entry. The responding local law enforcement agency shall attempt to collect and ~~may~~ submit any DNA samples voluntarily obtained from family members to an accredited Combined DNA Index System (CODIS) ~~a National Missing and Unidentified Persons System (NamUs) partner~~ laboratory for DNA analysis within 90 ~~30~~ days from the date of the police report. A notation of DNA submission may be made within the National Missing and Unidentified Persons System (NamUs) record.

(B) If the missing person remains missing for 60 days from the date of report and if reporting

requirements for entry into ~~Information relevant to~~
the Federal Bureau of Investigation's Violent Criminal
Apprehension Program are met, the law enforcement
agency shall enter the missing person case into the
Federal Bureau of Investigation's Violent Criminal
Apprehension Program database ~~be entered as soon as~~
~~possible.~~

(C) The Illinois State Police or other assigned
law enforcement agency shall ensure that persons
entering data relating to medical or dental records in
State or federal databases are specifically trained to
understand and correctly enter the information sought
by these databases. The Illinois State Police shall
either use a person with specific expertise in medical
or dental records for this purpose or consult with a
chief medical examiner, forensic anthropologist, or
odontologist to ensure the accuracy and completeness
of information entered into the State and federal
databases.

(2) The Illinois State Police shall immediately notify
all law enforcement agencies within this State and the
surrounding region of the information that will aid in the
prompt location and safe return of the high-risk missing
person.

(3) The local law enforcement agencies that receive
the notification from the Illinois State Police shall

notify officers to be on the lookout for the missing person or a suspected abductor.

(4) Pursuant to any applicable State criteria, local law enforcement agencies shall also provide for the prompt use of an Amber Alert in cases involving abducted children; or use of the Endangered Missing Person Advisory in appropriate high-risk missing person ~~high-risk~~ cases.

(Source: P.A. 101-81, eff. 7-12-19; 101-266, eff. 1-1-21; 102-538, eff. 8-20-21.)

(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 include, but are not limited to, obtaining the following when possible:

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

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

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

(4) fingerprints from the remains;

(5) tissue samples suitable for DNA analysis;

(6) (blank); and

(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.

(d) Cremation of unidentified human remains is prohibited.

(e) (Blank).

(f) The assisting law enforcement agency, medical examiner, or coroner shall seek support from appropriate State and federal agencies, including National Missing and Unidentified Persons System resources to facilitate prompt identification of human remains. This support may include, but

is not limited to, fingerprint comparison; forensic odontology; nuclear or mitochondrial DNA analysis, or both; and forensic anthropology.

(f-5) In this subsection, "local, State, and federal automated fingerprint identification system databases" includes:

(1) local criminal history repositories;

(2) the Illinois State Police Automated Biometric Identification System (ABIS), both criminal and civil, and any successor databases; and

(3) the Next Generation Integrated Automated Fingerprint Identification System (NGI) and other federal fingerprint databases, including immigration and military databases and the Repository for Individuals of Special Concern (RISC), and any successor databases.

It is the responsibility of the submitting agency to ensure the following steps are completed in the following order:

(1) Fingerprints from unidentified human remains, including partial prints, if any, shall be submitted for analysis within 7 days of recovery of the remains by the assisting law enforcement agency, medical examiner, or coroner to all local, State, and federal automated fingerprint identification system databases.

(2) The submitting agency shall ensure fingerprints are appropriately searched for identification purposes.

If there are no matches in any of the local, State, and federal automated fingerprint identification system databases, the unidentified fingerprint records shall be uploaded to the National Missing and Unidentified Persons System (NamUs) within 60 days after recovery of the remains. If no matches are made in the local, State, and federal automated fingerprint identification system databases, the submitting agency may contact the International Criminal Police Organization (INTERPOL) to search through the automated fingerprint identification system databases of member countries if remains are believed to have an international nexus. If the fingerprint analysis does not aid in the identification of the remains, then the assisting law enforcement agency, coroner, or medical examiner shall cause a dental examination to be performed by a forensic odontologist within 45 days of recovery of the remains for the purpose of dental charting, direct comparison to missing person dental records, and uploading to the National Crime Information Center (NCIC) and National Missing and Unidentified Persons System (NamUs). If the fingerprint and dental analysis does not aid in the identification of the remains, then blood, tissue, or bone samples from the unidentified remains shall be submitted for DNA analysis within 90 days of the recovery of the remains to a Combined DNA Index System (CODIS) accredited laboratory where DNA profiles are entered into the National DNA Index System upon completion of testing. In the case of markedly decomposed

or skeletal remains, a forensic anthropological analysis of the remains, authorized by the coroner or medical examiner, shall also be performed within 60 days from the recovery and preparation of the remains for the analysis.

~~Fingerprints from the unidentified remains, including partial prints, shall be submitted to the Illinois 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).

(g-2) ~~The medical examiner or coroner shall report the unidentified human remains and the location where the remains were found to the Illinois State Police within 24 hours of discovery and then to the Federal Bureau of Investigation within 72 hours of discovery if the remains are not identified as mandated by Section 15 of this Act. The assisting law enforcement agency, medical examiner, or coroner shall~~ cause ~~contact the Illinois State Police to request the~~ entry

~~creation~~ of a National Crime Information Center Unidentified Person record within 5 days of the discovery of the remains. In the case of markedly decomposed or skeletal remains, the creation of a National Crime Information Center (NCIC) Unidentified Person File shall be made upon receipt of the anthropological analysis report. The ~~assisting law enforcement agency,~~ medical examiner~~,~~ or coroner shall provide the assisting law enforcement agency with the Illinois State Police all information required for the National Crime Information Center (NCIC) entry. Upon receipt of this information notification, the assisting law enforcement agency ~~Illinois State Police~~ shall create the Unidentified Person record without unnecessary delay. In the case of markedly decomposed or skeletal remains, the creation of a National Crime Information Center (NCIC) Unidentified Person File shall be made upon receipt of the anthropological analysis report. If an anthropological analysis report determines the remains to be historic or prehistoric, then no NCIC entry is required.

(g-5) The ~~assisting law enforcement agency,~~ medical examiner~~,~~ or coroner shall obtain a National Crime Information Center number from the assisting law enforcement agency ~~Illinois 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 assisting law enforcement agency ~~Illinois State Police~~ of necessary record modifications or cancellation if identification is made.

(h) (Blank).

(h-5) No later than 60 days following the discovery of the remains, the ~~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 radiographs and 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 the Illinois State Police from pursuing other efforts to identify human remains including efforts to publicize information, descriptions, or photographs related to the investigation. An assisting law enforcement agency, a medical examiner, a coroner, or the Illinois State Police may not close an unidentified person case until the individual has

been identified. Law enforcement agencies, medical examiners, and coroners shall keep such cases under active investigation until the person is identified. Reasons for closing an unidentified person case may not include exhaustion of leads or termination of the anticipated life span of the missing person's next of kin.

(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. 101-81, eff. 7-12-19; 102-538, eff. 8-20-21; 102-869, eff. 1-1-23.)

(50 ILCS 722/25)

Sec. 25. Unidentified deceased persons. The coroner, ~~or~~ medical examiner, or assisting law enforcement agency shall obtain a biological ~~DNA~~ sample from any individual whose remains are not identifiable. The biological ~~DNA~~ sample shall be forwarded to an accredited Combined DNA Index System (CODIS) laboratory where DNA profiles are entered into a ~~National Missing and Unidentified Persons System partner laboratory or other resource for analysis and inclusion in the~~ appropriate State and National DNA Index System within 90 days from the discovery of the remains.

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 case ~~DNA-log~~ number to the unknown individual or body part. The medical examiner or coroner shall place a stainless-steel tag that is stamped or inscribed with the assigned case ~~DNA-log~~ number on the individual or body part and on the outside of the burial container. ~~The DNA-log number shall be stamped on the unidentified individual's toe tag, if possible.~~

(Source: P.A. 100-901, eff. 1-1-19.)