



Sen. Kwame Raoul

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LRB100 17956 SLF 38662 a

1 AMENDMENT TO SENATE BILL 2342

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2342 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Sexual Assault Survivors Emergency  
5 Treatment Act is amended by changing Section 6.5 as follows:

6 (410 ILCS 70/6.5)

7 Sec. 6.5. Written consent to the release of sexual assault  
8 evidence for testing.

9 (a) Upon the completion of hospital emergency services and  
10 forensic services, the health care professional providing the  
11 forensic services shall provide the patient the opportunity to  
12 sign a written consent to allow law enforcement to submit the  
13 sexual assault evidence for testing. The written consent shall  
14 be on a form included in the sexual assault evidence collection  
15 kit and shall include whether the survivor consents to the  
16 release of information about the sexual assault to law

1 enforcement.

2 (1) A survivor 13 years of age or older may sign the  
3 written consent to release the evidence for testing.

4 (2) If the survivor is a minor who is under 13 years of  
5 age, the written consent to release the sexual assault  
6 evidence for testing may be signed by the parent, guardian,  
7 investigating law enforcement officer, or Department of  
8 Children and Family Services.

9 (3) If the survivor is an adult who has a guardian of  
10 the person, a health care surrogate, or an agent acting  
11 under a health care power of attorney, the consent of the  
12 guardian, surrogate, or agent is not required to release  
13 evidence and information concerning the sexual assault or  
14 sexual abuse. If the adult is unable to provide consent for  
15 the release of evidence and information and a guardian,  
16 surrogate, or agent under a health care power of attorney  
17 is unavailable or unwilling to release the information,  
18 then an investigating law enforcement officer may  
19 authorize the release.

20 (4) Any health care professional, including any  
21 physician, advanced practice registered nurse, physician  
22 assistant, or nurse, sexual assault nurse examiner, and any  
23 health care institution, including any hospital, who  
24 provides evidence or information to a law enforcement  
25 officer under a written consent as specified in this  
26 Section is immune from any civil or professional liability

1 that might arise from those actions, with the exception of  
2 willful or wanton misconduct. The immunity provision  
3 applies only if all of the requirements of this Section are  
4 met.

5 (b) The hospital shall keep a copy of a signed or unsigned  
6 written consent form in the patient's medical record.

7 (c) If a written consent to allow law enforcement to test  
8 the sexual assault evidence is not signed at the completion of  
9 hospital emergency services and forensic services, the  
10 hospital shall include the following information in its  
11 discharge instructions:

12 (1) the sexual assault evidence will be stored for 10 ~~5~~  
13 years from the completion of an Illinois State Police  
14 Sexual Assault Evidence Collection Kit, or 10 ~~5~~ years from  
15 the age of 18 years, whichever is longer;

16 (2) a person authorized to consent to the testing of  
17 the sexual assault evidence may sign a written consent to  
18 allow law enforcement to test the sexual assault evidence  
19 at any time during that 10-year ~~5-year~~ period for an adult  
20 victim, or until a minor victim turns 28 ~~23~~ years of age by

21 (A) contacting the law enforcement agency having  
22 jurisdiction, or if unknown, the law enforcement agency  
23 contacted by the hospital under Section 3.2 of the Criminal  
24 Identification Act; or (B) by working with an advocate at a  
25 rape crisis center;

26 (3) the name, address, and phone number of the law

1 enforcement agency having jurisdiction, or if unknown the  
2 name, address, and phone number of the law enforcement  
3 agency contacted by the hospital under Section 3.2 of the  
4 Criminal Identification Act; and

5 (4) the name and phone number of a local rape crisis  
6 center.

7 (Source: P.A. 99-801, eff. 1-1-17; 100-513, eff. 1-1-18.)

8 Section 10. The Sexual Assault Incident Procedure Act is  
9 amended by changing Section 30 as follows:

10 (725 ILCS 203/30)

11 Sec. 30. Release and storage of sexual assault evidence.

12 (a) A law enforcement agency having jurisdiction that is  
13 notified by a hospital or another law enforcement agency that a  
14 victim of a sexual assault or sexual abuse has received a  
15 medical forensic examination and has completed an Illinois  
16 State Police Sexual Assault Evidence Collection Kit shall take  
17 custody of the sexual assault evidence as soon as practicable,  
18 but in no event more than 5 days after the completion of the  
19 medical forensic examination.

20 (a-5) A State's Attorney who is notified under subsection  
21 (d) of Section 6.6 of the Sexual Assault Survivors Emergency  
22 Treatment Act that a hospital is in possession of sexual  
23 assault evidence shall, within 72 hours, contact the  
24 appropriate law enforcement agency to request that the law

1 enforcement agency take immediate physical custody of the  
2 sexual assault evidence.

3 (b) The written report prepared under Section 20 of this  
4 Act shall include the date and time the sexual assault evidence  
5 was picked up from the hospital and the date and time the  
6 sexual assault evidence was sent to the laboratory in  
7 accordance with the Sexual Assault Evidence Submission Act.

8 (c) If the victim of a sexual assault or sexual abuse or a  
9 person authorized under Section 6.5 of the Sexual Assault  
10 Survivors Emergency Treatment Act has consented to allow law  
11 enforcement to test the sexual assault evidence, the law  
12 enforcement agency having jurisdiction shall submit the sexual  
13 assault evidence for testing in accordance with the Sexual  
14 Assault Evidence Submission Act. No law enforcement agency  
15 having jurisdiction may refuse or fail to send sexual assault  
16 evidence for testing that the victim has released for testing.

17 (d) A victim shall have 10 ~~5~~ years from the completion of  
18 an Illinois State Police Sexual Assault Evidence Collection  
19 Kit, or 10 ~~5~~ years from the age of 18 years, whichever is  
20 longer, to sign a written consent to release the sexual assault  
21 evidence to law enforcement for testing. If the victim or a  
22 person authorized under Section 6.5 of the Sexual Assault  
23 Survivors Emergency Treatment Act does not sign the written  
24 consent at the completion of the medical forensic examination,  
25 the victim or person authorized by Section 6.5 of the Sexual  
26 Assault Survivors Emergency Treatment Act may sign the written

1 release at the law enforcement agency having jurisdiction, or  
2 in the presence of a sexual assault advocate who may deliver  
3 the written release to the law enforcement agency having  
4 jurisdiction. The victim may also provide verbal consent to the  
5 law enforcement agency having jurisdiction and shall verify the  
6 verbal consent via email or fax. Upon receipt of written or  
7 verbal consent, the law enforcement agency having jurisdiction  
8 shall submit the sexual assault evidence for testing in  
9 accordance with the Sexual Assault Evidence Submission Act. No  
10 law enforcement agency having jurisdiction may refuse or fail  
11 to send the sexual assault evidence for testing that the victim  
12 has released for testing.

13 (e) The law enforcement agency having jurisdiction who  
14 speaks to a victim who does not sign a written consent to  
15 release the sexual assault evidence prior to discharge from the  
16 hospital shall provide a written notice to the victim that  
17 contains the following information:

18 (1) where the sexual assault evidence will be stored  
19 for 10 ~~5~~ years;

20 (2) notice that the victim may sign a written release  
21 to test the sexual assault evidence at any time during the  
22 10-year ~~5-year~~ period by contacting the law enforcement  
23 agency having jurisdiction or working with a sexual assault  
24 advocate;

25 (3) the name, phone number, and email address of the  
26 law enforcement agency having jurisdiction; and

1           (4) the name and phone number of a local rape crisis  
2           center.

3           Each law enforcement agency shall develop a protocol for  
4           providing this information to victims as part of the written  
5           policies required in subsection (a) of Section 15 of this Act.

6           (f) A law enforcement agency must develop a protocol for  
7           responding to victims who want to sign a written consent to  
8           release the sexual assault evidence and to ensure that victims  
9           who want to be notified or have a designee notified prior to  
10          the end of the 10-year ~~5-year~~ period are provided notice.

11          (g) Nothing in this Section shall be construed as limiting  
12          the storage period to 10 ~~5~~ years. A law enforcement agency  
13          having jurisdiction may adopt a storage policy that provides  
14          for a period of time exceeding 10 ~~5~~ years. If a longer period  
15          of time is adopted, the law enforcement agency having  
16          jurisdiction shall notify the victim or designee in writing of  
17          the longer storage period.

18          (Source: P.A. 99-801, eff. 1-1-17.)".