



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB3415

Introduced 2/8/2024, by Sen. Javier L. Cervantes

SYNOPSIS AS INTRODUCED:

725 ILCS 202/15
725 ILCS 202/50

Amends the Sexual Assault Evidence Submission Act. Provides that if a consistent DNA profile has been identified by comparing the submitted sexual assault evidence with a known standard from a suspect or with DNA profiles in the CODIS database, the Illinois State Police shall notify the investigating law enforcement agency of the results in writing within 7 days after notification. Provides that within 5 days after receiving notification, the investigating law enforcement agency must: (1) send acknowledgment to the Illinois State Police or designated laboratory that the law enforcement agency has received the notification; (2) provide any additional information concerning the match to the Illinois State Police or the designated laboratory as requested by the Illinois State Police or designated laboratory; and (3) notify the survivor of (i) the match, if disclosing the match would not interfere with the investigation or prosecution of the offense or (ii) the estimated date on which the match is expected to be disclosed if disclosing the match would interfere with the investigation or prosecution of the offense. Provides that, if a law enforcement agency is unable to reach a survivor within 5 days after receiving notification of a DNA profile match from the Illinois State Police, the law enforcement agency shall continue to make reasonable efforts to notify the survivor. Requires, within 30 days after receiving notification of a DNA profile match from the Illinois State Police, the investigating law enforcement agency to send notification to the Illinois State Police indicating if the individual associated with the DNA profile is a suspect in the investigation and, if individual associated with the DNA profile is a suspect in the investigation, submit a DNA profile of that individual to the Illinois State Police for analysis. Provides that the sexual assault evidence tracking system must allow the investigating law enforcement agency to prohibit access to information regarding DNA matches and follow-up investigations to the victim if the law enforcement agency would determine that doing so would interfere with the investigation or prosecution of the crime.

LRB103 39316 RLC 69470 b

1 AN ACT concerning criminal law.

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

4 Section 5. The Sexual Assault Evidence Submission Act is
5 amended by changing Sections 15 and 50 as follows:

6 (725 ILCS 202/15)

7 Sec. 15. Analysis of evidence; notification.

8 (a) All sexual assault evidence submitted pursuant to
9 Section 10 of this Act on or after the effective date of this
10 Act shall be analyzed within 6 months after receipt of all
11 necessary evidence and standards by the Illinois State Police
12 Laboratory or other designated laboratory if sufficient
13 staffing and resources are available.

14 (b) If a consistent DNA profile has been identified by
15 comparing the submitted sexual assault evidence with a known
16 standard from a suspect or with DNA profiles in the CODIS
17 database, the Illinois State Police shall notify the
18 investigating law enforcement agency of the results in writing
19 within 7 days after notification, and the Illinois State
20 Police shall provide an automatic courtesy copy of the written
21 notification to the appropriate State's Attorney's Office for
22 tracking and further action, as necessary. Within 5 days after
23 receiving notification under this subsection, the

1 investigating law enforcement agency must:

2 (1) send acknowledgment to the Illinois State Police
3 or designated laboratory that the law enforcement agency
4 has received the notification;

5 (2) provide any additional information concerning the
6 match to the Illinois State Police or the designated
7 laboratory as requested by the Illinois State Police or
8 designated laboratory; and

9 (3) notify the survivor of (i) the match, if
10 disclosing the match would not interfere with the
11 investigation or prosecution of the offense or (ii) the
12 estimated date on which the match is expected to be
13 disclosed if disclosing the match would interfere with the
14 investigation or prosecution of the offense.

15 If a law enforcement agency is unable to reach a survivor
16 within 5 days after receiving notification from the Illinois
17 State Police under this subsection, the law enforcement agency
18 shall continue to make reasonable efforts to notify the
19 survivor.

20 (c) Within 30 after receiving notification under
21 subsection (b), the investigating law enforcement agency must
22 send notification to the Illinois State Police indicating if
23 the individual associated with the DNA profile is a suspect in
24 the investigation and, if individual associated with the DNA
25 profile is a suspect in the investigation, submit a DNA sample
26 of that individual to the Illinois State Police for analysis.

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

2 (725 ILCS 202/50)

3 Sec. 50. Sexual assault evidence tracking system.

4 (a) On June 26, 2018, the Sexual Assault Evidence Tracking
5 and Reporting Commission issued its report as required under
6 Section 43. It is the intention of the General Assembly in
7 enacting the provisions of this amendatory Act of the 101st
8 General Assembly to implement the recommendations of the
9 Sexual Assault Evidence Tracking and Reporting Commission set
10 forth in that report in a manner that utilizes the current
11 resources of law enforcement agencies whenever possible and
12 that is adaptable to changing technologies and circumstances.

13 (a-1) Due to the complex nature of a statewide tracking
14 system for sexual assault evidence and to ensure all
15 stakeholders, including, but not limited to, victims and their
16 designees, health care facilities, law enforcement agencies,
17 forensic labs, and State's Attorneys offices are integrated,
18 the Commission recommended the purchase of an electronic
19 off-the-shelf tracking system. The system must be able to
20 communicate with all stakeholders and provide real-time
21 information to a victim or his or her designee on the status of
22 the evidence that was collected. The sexual assault evidence
23 tracking system must:

24 (1) be electronic and web-based;

25 (2) be administered by the Illinois State Police;

1 (3) have help desk availability at all times;

2 (4) ensure the law enforcement agency contact
3 information is accessible to the victim or his or her
4 designee through the tracking system, so there is contact
5 information for questions;

6 (5) have the option for external connectivity to
7 evidence management systems, laboratory information
8 management systems, or other electronic data systems
9 already in existence by any of the stakeholders to
10 minimize additional burdens or tasks on stakeholders;

11 (6) allow for the victim to opt in for automatic
12 notifications when status updates are entered in the
13 system, if the system allows;

14 (7) include at each step in the process, a brief
15 explanation of the general purpose of that step and a
16 general indication of how long the step may take to
17 complete;

18 (8) contain minimum fields for tracking and reporting,
19 as follows:

20 (A) for sexual assault evidence kit vendor fields:

21 (i) each sexual evidence kit identification
22 number provided to each health care facility; and

23 (ii) the date the sexual evidence kit was sent
24 to the health care facility.

25 (B) for health care facility fields:

26 (i) the date sexual assault evidence was

1 collected; and

2 (ii) the date notification was made to the law
3 enforcement agency that the sexual assault
4 evidence was collected.

5 (C) for law enforcement agency fields:

6 (i) the date the law enforcement agency took
7 possession of the sexual assault evidence from the
8 health care facility, another law enforcement
9 agency, or victim if he or she did not go through a
10 health care facility;

11 (ii) the law enforcement agency complaint
12 number;

13 (iii) if the law enforcement agency that takes
14 possession of the sexual assault evidence from a
15 health care facility is not the law enforcement
16 agency with jurisdiction in which the offense
17 occurred, the date when the law enforcement agency
18 notified the law enforcement agency having
19 jurisdiction that the agency has sexual assault
20 evidence required under subsection (c) of Section
21 20 of the Sexual Assault Incident Procedure Act;

22 (iv) an indication if the victim consented for
23 analysis of the sexual assault evidence;

24 (v) if the victim did not consent for analysis
25 of the sexual assault evidence, the date on which
26 the law enforcement agency is no longer required

1 to store the sexual assault evidence;

2 (vi) a mechanism for the law enforcement
3 agency to document why the sexual assault evidence
4 was not submitted to the laboratory for analysis,
5 if applicable;

6 (vii) the date the law enforcement agency
7 received the sexual assault evidence results back
8 from the laboratory;

9 (viii) the date statutory notifications were
10 made to the victim or documentation of why
11 notification was not made; and

12 (ix) the date the law enforcement agency
13 turned over the case information to the State's
14 Attorney office, if applicable.

15 (D) for forensic lab fields:

16 (i) the date the sexual assault evidence is
17 received from the law enforcement agency by the
18 forensic lab for analysis;

19 (ii) the laboratory case number, visible to
20 the law enforcement agency and State's Attorney
21 office; and

22 (iii) the date the laboratory completes the
23 analysis of the sexual assault evidence.

24 (E) for State's Attorney office fields:

25 (i) the date the State's Attorney office
26 received the sexual assault evidence results from

1 the laboratory, if applicable; and

2 (ii) the disposition or status of the case.

3 (a-2) The Commission also developed guidelines for secure
4 electronic access to a tracking system for a victim, or his or
5 her designee to access information on the status of the
6 evidence collected. The Commission recommended minimum
7 guidelines in order to safeguard confidentiality of the
8 information contained within this statewide tracking system.
9 These recommendations are that the sexual assault evidence
10 tracking system must:

11 (1) allow for secure access, controlled by an
12 administering body who can restrict user access and allow
13 different permissions based on the need of that particular
14 user and health care facility users may include
15 out-of-state border hospitals, if authorized by the
16 Illinois State Police to obtain this State's kits from
17 vendor;

18 (2) provide for users, other than victims, the ability
19 to provide for any individual who is granted access to the
20 program their own unique user ID and password;

21 (3) provide for a mechanism for a victim to enter the
22 system and only access his or her own information, which
23 must include the information transferred under Section 15,
24 except if prohibited by the investigating law enforcement
25 agency under this subsection. The sexual assault evidence
26 tracking system must allow the investigating law

1 enforcement agency to prohibit access to information
2 regarding DNA matches and follow-up investigations to the
3 victim if the law enforcement agency would determine that
4 doing so would interfere with the investigation or
5 prosecution of the crime;

6 (4) enable a sexual assault evidence to be tracked and
7 identified through the unique sexual assault evidence kit
8 identification number or barcode that the vendor applies
9 to each sexual assault evidence kit per the Illinois State
10 Police's contract;

11 (5) have a mechanism to inventory unused kits provided
12 to a health care facility from the vendor;

13 (6) provide users the option to either scan the bar
14 code or manually enter the sexual assault evidence kit
15 number into the tracking program;

16 (7) provide a mechanism to create a separate unique
17 identification number for cases in which a sexual evidence
18 kit was not collected, but other evidence was collected;

19 (8) provide the ability to record date, time, and user
20 ID whenever any user accesses the system;

21 (9) provide for real-time entry and update of data;

22 (10) contain report functions including:

23 (A) health care facility compliance with
24 applicable laws;

25 (B) law enforcement agency compliance with
26 applicable laws;

1 (C) law enforcement agency annual inventory of
2 cases to each State's Attorney office; and

3 (D) forensic lab compliance with applicable laws;
4 and

5 (11) provide automatic notifications to the law
6 enforcement agency when:

7 (A) a health care facility has collected sexual
8 assault evidence;

9 (B) unreleased sexual assault evidence that is
10 being stored by the law enforcement agency has met the
11 minimum storage requirement by law; and

12 (C) timelines as required by law are not met for a
13 particular case, if not otherwise documented.

14 (b) The Illinois State Police may develop rules to
15 implement a sexual assault evidence tracking system that
16 conforms with subsections (a-1) and (a-2) of this Section. The
17 Illinois State Police shall design the criteria for the sexual
18 assault evidence tracking system so that, to the extent
19 reasonably possible, the system can use existing technologies
20 and products, including, but not limited to, currently
21 available tracking systems. The sexual assault evidence
22 tracking system shall be operational and shall begin tracking
23 and reporting sexual assault evidence no later than one year
24 after the effective date of this amendatory Act of the 101st
25 General Assembly. The Illinois State Police may adopt
26 additional rules as it deems necessary to ensure that the

1 sexual assault evidence tracking system continues to be a
2 useful tool for law enforcement.

3 (c) A treatment hospital, a treatment hospital with
4 approved pediatric transfer, an out-of-state hospital approved
5 by the Department of Public Health to receive transfers of
6 Illinois sexual assault survivors, or an approved pediatric
7 health care facility defined in Section 1a of the Sexual
8 Assault Survivors Emergency Treatment Act shall participate in
9 the sexual assault evidence tracking system created under this
10 Section and in accordance with rules adopted under subsection
11 (b), including, but not limited to, the collection of sexual
12 assault evidence and providing information regarding that
13 evidence, including, but not limited to, providing notice to
14 law enforcement that the evidence has been collected.

15 (d) The operations of the sexual assault evidence tracking
16 system shall be funded by moneys appropriated for that purpose
17 from the State Crime Laboratory Fund and funds provided to the
18 Illinois State Police through asset forfeiture, together with
19 such other funds as the General Assembly may appropriate.

20 (e) To ensure that the sexual assault evidence tracking
21 system is operational, the Illinois State Police may adopt
22 emergency rules to implement the provisions of this Section
23 under subsection (ff) of Section 5-45 of the Illinois
24 Administrative Procedure Act.

25 (f) Information, including, but not limited to, evidence
26 and records in the sexual assault evidence tracking system is

1 exempt from disclosure under the Freedom of Information Act.
2 (Source: P.A. 101-377, eff. 8-16-19; 102-22, eff. 6-25-21;
3 102-523, eff. 8-20-21; 102-538, eff. 8-20-21; 102-813, eff.
4 5-13-22.)