



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

HB3334

by Rep. Jaime M. Andrade, Jr.

#### SYNOPSIS AS INTRODUCED:

725 ILCS 202/21 new

Amends the Sexual Assault Evidence Submission Act. Provides that the Department of State Police shall create and operate a statewide sexual assault evidence kit tracking system. Provides that the statewide sexual assault evidence kit tracking system shall: (1) track the location and status of sexual assault evidence kits throughout the criminal justice process, including the initial collection in examinations performed at medical facilities, receipt at local law enforcement agencies, and receipt and analysis at forensic laboratories; (2) allow medical facilities performing sexual assault forensic examinations, law enforcement agencies, prosecutors, State and local crime laboratories, and other entities who have physical custody of sexual assault evidence kits to update and track the status and location of sexual assault evidence kits; (3) allow victims of sexual assault to anonymously track and receive updates regarding the status of their sexual assault evidence kit; and (4) use technology to allow continuous access for appropriate personnel. Provides that the Department may phase in initial participation in the statewide sexual assault evidence kit tracking system by region, volume, or other appropriate classification. Provides that all entities who have custody of sexual assault evidence kits shall fully participate in the system by no later than July 1, 2019. Makes other changes.

LRB100 06361 SLF 16400 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

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 adding Section 21 as follows:

6 (725 ILCS 202/21 new)

7 Sec. 21. Sexual assault evidence kit tracking system.

8 For the purposes of this Section:

9 "Sexual assault evidence kit" means an Illinois State  
10 Police Sexual Assault Evidence Collection Kit as defined in  
11 Section 1a of the Sexual Assault Survivors Emergency Treatment  
12 Act.

13 (a) The Department of State Police shall create and operate  
14 a statewide sexual assault evidence kit tracking system. The  
15 Department may contract with State and non-State entities,  
16 including, but not limited to, private software or technology  
17 providers for the creation, operation, and maintenance of the  
18 statewide sexual assault evidence kit tracking system.

19 (b) The statewide sexual assault evidence kit tracking  
20 system shall:

21 (1) track the location and status of sexual assault  
22 evidence kits throughout the criminal justice process,  
23 including the initial collection in examinations performed

1 at medical facilities, receipt at local law enforcement  
2 agencies, and receipt and analysis at forensic  
3 laboratories;

4 (2) allow medical facilities performing sexual assault  
5 forensic examinations, law enforcement agencies,  
6 prosecutors, State and local crime laboratories, and other  
7 entities who have physical custody of sexual assault  
8 evidence kits to update and track the status and location  
9 of sexual assault evidence kits;

10 (3) allow victims of sexual assault to anonymously  
11 track and receive updates regarding the status of their  
12 sexual assault evidence kit; and

13 (4) use technology to allow continuous access for  
14 appropriate personnel.

15 (c) The Department of State Police may phase in initial  
16 participation in the statewide sexual assault evidence kit  
17 tracking system by region, volume, or other appropriate  
18 classification. Sexual assault evidence kits shall be assigned  
19 to the jurisdiction associated with the law enforcement agency  
20 anticipated to receive the sexual assault evidence kit or  
21 otherwise in custody of it. All entities who have custody of  
22 sexual assault evidence kits shall fully participate in the  
23 statewide sexual assault evidence kit tracking system on or  
24 before July 1, 2019. The Department shall submit a report on  
25 the current status and plan for launching the system, which  
26 shall include the plan for phases of implementation, to the

1 Governor and appropriate committees of the General Assembly on  
2 or before January 1, 2019.

3 (d) Local law enforcement agencies shall participate in the  
4 statewide sexual assault evidence kit tracking system  
5 established in subsection (a) of this Section for the purpose  
6 of tracking the status of all sexual assault evidence kits in  
7 the custody of local law enforcement agencies and other  
8 entities contracting with local law enforcement agencies.  
9 Local law enforcement agencies shall begin full participation  
10 in this system according to the implementation schedule  
11 established by the Department.

12 (e) A sheriff and his or her deputies shall participate in  
13 the statewide sexual assault evidence kit tracking system  
14 established in subsection (a) of this Section for the purpose  
15 of tracking the status of all sexual assault evidence kits in  
16 the custody of the Department and other entities contracting  
17 with the Department. Sheriffs shall begin full participation  
18 with the system according to the implementation schedule  
19 established by the Department.

20 (f) State and local crime laboratories that perform DNA  
21 analysis shall participate in the statewide sexual assault  
22 evidence kit tracking system established in subsection (a) of  
23 this Section for the purpose of tracking the status of all  
24 sexual assault evidence kits in their custody and other  
25 entities contracting with crime labs. State and local crime  
26 laboratories shall begin full participation in the system

1 according to the implementation schedule established by the  
2 Department.

3 (g) Hospitals or other treatment centers with staff  
4 performing sexual assault forensic examinations shall  
5 participate in the statewide sexual assault evidence kit  
6 tracking system established in subsection (a) of this Section  
7 for the purpose of tracking the status of all sexual assault  
8 evidence kits collected by or in the custody of hospitals or  
9 treatment centers and other entities contracting with those  
10 hospitals or treatment centers. Hospitals and treatment  
11 centers shall begin full participation in the system according  
12 to the implementation schedule established by the Department.

13 (h) Prosecuting attorneys shall participate in the  
14 statewide sexual assault evidence kit tracking system  
15 established in subsection (a) of this Section for the purpose  
16 of tracking the status of all sexual assault evidence kits  
17 connected to a criminal investigations and prosecutions within  
18 the county. Prosecuting attorneys shall begin full  
19 participation in the system according to the implementation  
20 schedule established by the Department.