



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

HB3646

by Rep. Juliana Stratton

#### SYNOPSIS AS INTRODUCED:

725 ILCS 202/5  
725 ILCS 202/15  
725 ILCS 202/17 new  
725 ILCS 202/20  
725 ILCS 202/25  
725 ILCS 202/42  
725 ILCS 202/45

Amends the Sexual Assault Evidence Submission Act. Provides the Department of State Police shall establish, operate, and maintain a sexual assault evidence kit tracking system that uses electronic technology to allow continuous access to approved users within the system. Provides that law enforcement agencies, health care providers, crime laboratories, and prosecuting attorneys in this State shall participate in the system on a schedule and manner required by the Department. Provides that statewide participation in the sexual assault tracking system shall be fully implemented by January 1, 2019. Provides that beginning January 1, 2019 and each year thereafter, the Department shall publish a quarterly report on its website, indicating a breakdown of the number of sexual assault case submissions from every law enforcement agency including: the number of kits in the system, and of those, the number on which analysis has been completed and the number on which analysis has not been completed; the number of kits entered into the system during the prior 6 months, and of those kits the number on which analysis has been completed; the average and median length of time for kits to be sent to analysis after being entered into the system and for analysis to be completed; and the number of kits that has been entered into the system for more than 1 year for which analysis has not yet been completed. Makes other changes.

LRB100 10312 SLF 20501 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 changing Sections 5, 15, 20, 25, 42, and 45 and by  
6 adding Section 17 as follows:

7 (725 ILCS 202/5)

8 Sec. 5. Definitions. In this Act:

9 "Department" means the Department of State Police or  
10 Illinois State Police.

11 "Law enforcement agencies" means local, county, State or  
12 federal law enforcement agencies involved in the investigation  
13 of sexual assault cases in Illinois.

14 "Sexual assault evidence," "sexual assault evidence kit,"  
15 or "kit," means evidence collected in connection with a sexual  
16 assault investigation, including, but not limited to, evidence  
17 collected using the State Police Evidence Collection Kits or  
18 healthcare provider.

19 "Sexual assault evidence kit tracking system" or "system"  
20 means the sexual assault evidence kit tracking system  
21 implemented by the Department of State Police under Section 17  
22 of this Act.

23 (Source: P.A. 96-1011, eff. 9-1-10.)

1 (725 ILCS 202/15)

2 Sec. 15. Analysis of evidence; notification.

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

9 (b) If a consistent DNA profile has been identified by  
10 comparing the submitted sexual assault evidence with a known  
11 standard from a suspect or with DNA profiles in the CODIS  
12 database, the Department shall notify the investigating law  
13 enforcement agency of the results in writing, and the  
14 Department shall provide an automatic courtesy copy of the  
15 written notification to the appropriate State's Attorney's  
16 Office for tracking and further action, as necessary. This  
17 notification shall become a part of the information required to  
18 be reported under the system established in Section 17 of this  
19 Act.

20 (Source: P.A. 99-617, eff. 7-22-16.)

21 (725 ILCS 202/17 new)

22 Sec. 17. Sexual assault evidence kit tracking system.

23 (a) The Department shall establish, operate, and maintain a  
24 sexual assault evidence kit tracking system that uses

1 electronic technology to allow continuous access to approved  
2 users within the system.

3 (b) The Department shall establish, operate, and maintain  
4 the system through the use of Department resources and  
5 personnel, and if necessary to accomplish the duties under this  
6 Section, contract with public or private entities including,  
7 but not limited to software and technology providers.

8 (c) The system shall track the location and status of kits  
9 throughout the criminal justice process including the  
10 collection of a completed kit, receipt of the kit by a law  
11 enforcement agency, and the receipt, analysis, and disposition  
12 of the forensic evidence at a crime laboratory as provided  
13 under this Act. This system is not intended to take the place  
14 of written reports required under Section 20 of this Act.

15 (d) The system shall allow the updating and tracking of  
16 kits as follows:

17 (1) A health care provider, law enforcement agency,  
18 prosecutor, and any other appropriate personnel shall have  
19 access to the system for the purpose of tracking the status  
20 and location of kits; and

21 (2) Allow victims of sexual assault to anonymously and  
22 securely track and receive updates regarding the status of  
23 their kit.

24 (e) Law enforcement agencies, health care providers, crime  
25 laboratories, and prosecuting attorneys in this State shall  
26 participate in the system on a schedule and manner required by

1 the Department. Statewide participation shall be fully  
2 implemented by January 1, 2019.

3 (725 ILCS 202/20)

4 Sec. 20. Inventory of evidence.

5 (a) By October 15, 2010, each Illinois law enforcement  
6 agency shall provide written notice to the Department of State  
7 Police, in a form and manner prescribed by the Department,  
8 stating the number of sexual assault cases in the custody of  
9 the law enforcement agency that have not been previously  
10 submitted to a laboratory for analysis. Within 180 days after  
11 the effective date of this Act, appropriate arrangements shall  
12 be made between the law enforcement agency and the Department  
13 of State Police, or a laboratory approved and designated by the  
14 Director of State Police, to ensure that all cases that were  
15 collected prior to the effective date of this Act and are, or  
16 were at the time of collection, the subject of a criminal  
17 investigation, are submitted to the Department of State Police,  
18 or a laboratory approved and designated by the Director of  
19 State Police.

20 (b) By February 15, 2011, the Department of State Police  
21 shall submit to the Governor, the Attorney General, and both  
22 houses of the General Assembly a plan for analyzing cases  
23 submitted pursuant to this Section. The plan shall include but  
24 not be limited to a timeline for completion of analysis and a  
25 summary of the inventory received, as well as requests for

1 funding and resources necessary to meet the established  
2 timeline. Should the Department determine it is necessary to  
3 outsource the forensic testing of the cases submitted in  
4 accordance with this Section, all such cases will be exempt  
5 from the provisions of subsection (n) of Section 5-4-3 of the  
6 Unified Code of Corrections.

7 (c) Beginning June 1, 2016 or on and after the effective  
8 date of this amendatory Act of the 99th General Assembly,  
9 whichever is later, each law enforcement agency must conduct an  
10 annual inventory of all sexual assault cases in the custody of  
11 the law enforcement agency and provide written notice of its  
12 annual findings to the State's Attorney's Office having  
13 jurisdiction to ensure sexual assault cases are being submitted  
14 as provided by law. The reporting provided by the system  
15 described in Section 17 of this Act may take the place of an  
16 annual inventory if the law enforcement agency is fully  
17 participating in the system.

18 (Source: P.A. 99-617, eff. 7-22-16.)

19 (725 ILCS 202/25)

20 Sec. 25. Failure of a law enforcement agency to submit the  
21 sexual assault evidence or participate in the system. The  
22 failure of a law enforcement agency to submit the sexual  
23 assault evidence collected on or after the effective date of  
24 this Act within 10 business days after receipt or participate  
25 in the system as required by the Department shall in no way

1 alter the authority of the law enforcement agency to submit the  
2 evidence or the authority of the Department of State Police  
3 forensic laboratory or designated laboratory to accept and  
4 analyze the evidence or specimen or to maintain or upload the  
5 results of genetic marker grouping analysis information into a  
6 local, State, or national database in accordance with  
7 established protocol.

8 (Source: P.A. 96-1011, eff. 9-1-10.)

9 (725 ILCS 202/42)

10 Sec. 42. Reporting. Beginning January 1, 2019 ~~2017~~ and each  
11 year thereafter, the Department shall publish a quarterly  
12 report on its website, indicating a breakdown of the number of  
13 sexual assault case submissions from every law enforcement  
14 agency including:-

15 (1) the number of kits in the system, and of those, the  
16 number on which analysis has been completed and the number  
17 on which analysis has not been completed;

18 (2) the number of kits entered into the system during  
19 the prior 6 months, and of those kits the number on which  
20 analysis has been completed;

21 (3) the average and median length of time for kits to  
22 be sent for analysis after being entered into the system  
23 and for analysis to be completed; and

24 (4) the number of kits that has been entered into the  
25 system for more than 1 year for which analysis has not yet

1           been completed.

2           (Source: P.A. 99-617, eff. 7-22-16.)

3           (725 ILCS 202/45)

4           Sec. 45. Rules. The Department of State Police shall  
5           promulgate rules that prescribe the procedures for the  
6           operation of this Act, including expunging a DNA record and  
7           governing participation in the system under Section 17 of this  
8           Act. The system rules shall include: confidentiality of  
9           information, timely posting to the system, a process for  
10          approving system users and access for approved users, and  
11          procedures for posting updated information about the system.  
12          The Department shall promulgate rules to expand the system to  
13          include information regarding other forensic exams and  
14          evidence not included in sexual assault evidence kits.

15          (Source: P.A. 96-1011, eff. 9-1-10.)