



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB0283

by Rep. David McSweeney

SYNOPSIS AS INTRODUCED:

405 ILCS 5/6-103.3

Amends the Mental Health and Developmental Disabilities Code. Provides that the Department of State Police shall annually compile and submit a report to the Governor and General Assembly no later than May 31 of each calendar year on the number of persons reported as posing a clear and present danger to themselves or others by persons required to report that information to the Department of State Police under the Code. Provides that the report shall be based on information submitted by each county, municipality, public elementary or secondary school, private elementary or secondary school, or public or private community college, college, or university of the State without disclosing individual identifying information of the persons who pose the clear and present danger to themselves or others. Provides that if the person who poses the clear and present danger is reported by home address and the person attends a school, college, or university, then the compilation shall only include that individual once in the report for the total annual compilation.

LRB101 04589 RLC 50039 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning health.

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

4 Section 5. The Mental Health and Developmental
5 Disabilities Code is amended by changing Section 6-103.3 as
6 follows:

7 (405 ILCS 5/6-103.3)

8 Sec. 6-103.3. Clear and present danger; notice. If a person
9 is determined to pose a clear and present danger to himself,
10 herself, or to others by a physician, clinical psychologist, or
11 qualified examiner, whether employed by the State, by any
12 public or private mental health facility or part thereof, or by
13 a law enforcement official or a school administrator, then the
14 physician, clinical psychologist, qualified examiner shall
15 notify the Department of Human Services and a law enforcement
16 official or school administrator shall notify the Department of
17 State Police, within 24 hours of making the determination that
18 the person poses a clear and present danger. The Department of
19 Human Services shall immediately update its records and
20 information relating to mental health and developmental
21 disabilities, and if appropriate, shall notify the Department
22 of State Police in a form and manner prescribed by the
23 Department of State Police. Information disclosed under this

1 Section shall remain privileged and confidential, and shall not
2 be redisclosed, except as required under subsection (e) of
3 Section 3.1 of the Firearm Owners Identification Card Act, nor
4 used for any other purpose. The method of providing this
5 information shall guarantee that the information is not
6 released beyond that which is necessary for the purpose of this
7 Section and shall be provided by rule by the Department of
8 Human Services. The identity of the person reporting under this
9 Section shall not be disclosed to the subject of the report.
10 The physician, clinical psychologist, qualified examiner, law
11 enforcement official, or school administrator making the
12 determination and his or her employer shall not be held
13 criminally, civilly, or professionally liable for making or not
14 making the notification required under this Section, except for
15 willful or wanton misconduct. The Department of State Police
16 shall annually compile and submit a report to the Governor and
17 General Assembly no later than May 31 of each calendar year on
18 the number of persons reported under this Section as posing a
19 clear and present danger to themselves or others by persons
20 required to report that information to the Department of State
21 Police under this Section. The report shall be based on
22 information submitted by each county, municipality, public
23 elementary or secondary school, private elementary or
24 secondary school, or public or private community college,
25 college, or university of this State without disclosing
26 individual identifying information of the persons who pose the

1 clear and present danger to themselves or others. If the person
2 who poses the clear and present danger is reported by home
3 address and the person attends a school, college, or
4 university, then the compilation shall only include that
5 individual once in the report for the total annual compilation.

6 This Section does not apply to a law enforcement official, if
7 making the notification under this Section will interfere with
8 an ongoing or pending criminal investigation.

9 For the purposes of this Section:

10 "Clear and present danger" has the meaning ascribed to
11 it in Section 1.1 of the Firearm Owners Identification Card
12 Act.

13 "Determined to pose a clear and present danger to
14 himself, herself, or to others by a physician, clinical
15 psychologist, or qualified examiner" means in the
16 professional opinion of the physician, clinical
17 psychologist, or qualified examiner, a person poses a clear
18 and present danger.

19 "School administrator" means the person required to
20 report under the School Administrator Reporting of Mental
21 Health Clear and Present Danger Determinations Law.

22 (Source: P.A. 98-63, eff. 7-9-13; 99-29, eff. 7-10-15.)