



Sen. Dan McConchie

**Filed: 3/14/2019**

10100SB1411sam001

LRB101 08792 SLF 56853 a

1 AMENDMENT TO SENATE BILL 1411

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1411 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Administrative Procedure Act is  
5 amended by changing Section 5-45 as follows:

6 (5 ILCS 100/5-45) (from Ch. 127, par. 1005-45)

7 Sec. 5-45. Emergency rulemaking.

8 (a) "Emergency" means the existence of any situation that  
9 any agency finds reasonably constitutes a threat to the public  
10 interest, safety, or welfare.

11 (b) If any agency finds that an emergency exists that  
12 requires adoption of a rule upon fewer days than is required by  
13 Section 5-40 and states in writing its reasons for that  
14 finding, the agency may adopt an emergency rule without prior  
15 notice or hearing upon filing a notice of emergency rulemaking  
16 with the Secretary of State under Section 5-70. The notice

1 shall include the text of the emergency rule and shall be  
2 published in the Illinois Register. Consent orders or other  
3 court orders adopting settlements negotiated by an agency may  
4 be adopted under this Section. Subject to applicable  
5 constitutional or statutory provisions, an emergency rule  
6 becomes effective immediately upon filing under Section 5-65 or  
7 at a stated date less than 10 days thereafter. The agency's  
8 finding and a statement of the specific reasons for the finding  
9 shall be filed with the rule. The agency shall take reasonable  
10 and appropriate measures to make emergency rules known to the  
11 persons who may be affected by them.

12 (c) An emergency rule may be effective for a period of not  
13 longer than 150 days, but the agency's authority to adopt an  
14 identical rule under Section 5-40 is not precluded. No  
15 emergency rule may be adopted more than once in any 24-month  
16 period, except that this limitation on the number of emergency  
17 rules that may be adopted in a 24-month period does not apply  
18 to (i) emergency rules that make additions to and deletions  
19 from the Drug Manual under Section 5-5.16 of the Illinois  
20 Public Aid Code or the generic drug formulary under Section  
21 3.14 of the Illinois Food, Drug and Cosmetic Act, (ii)  
22 emergency rules adopted by the Pollution Control Board before  
23 July 1, 1997 to implement portions of the Livestock Management  
24 Facilities Act, (iii) emergency rules adopted by the Illinois  
25 Department of Public Health under subsections (a) through (i)  
26 of Section 2 of the Department of Public Health Act when

1 necessary to protect the public's health, (iv) emergency rules  
2 adopted pursuant to subsection (n) of this Section, (v)  
3 emergency rules adopted pursuant to subsection (o) of this  
4 Section, or (vi) emergency rules adopted pursuant to subsection  
5 (c-5) of this Section. Two or more emergency rules having  
6 substantially the same purpose and effect shall be deemed to be  
7 a single rule for purposes of this Section.

8 (c-5) To facilitate the maintenance of the program of group  
9 health benefits provided to annuitants, survivors, and retired  
10 employees under the State Employees Group Insurance Act of  
11 1971, rules to alter the contributions to be paid by the State,  
12 annuitants, survivors, retired employees, or any combination  
13 of those entities, for that program of group health benefits,  
14 shall be adopted as emergency rules. The adoption of those  
15 rules shall be considered an emergency and necessary for the  
16 public interest, safety, and welfare.

17 (d) In order to provide for the expeditious and timely  
18 implementation of the State's fiscal year 1999 budget,  
19 emergency rules to implement any provision of Public Act 90-587  
20 or 90-588 or any other budget initiative for fiscal year 1999  
21 may be adopted in accordance with this Section by the agency  
22 charged with administering that provision or initiative,  
23 except that the 24-month limitation on the adoption of  
24 emergency rules and the provisions of Sections 5-115 and 5-125  
25 do not apply to rules adopted under this subsection (d). The  
26 adoption of emergency rules authorized by this subsection (d)

1 shall be deemed to be necessary for the public interest,  
2 safety, and welfare.

3 (e) In order to provide for the expeditious and timely  
4 implementation of the State's fiscal year 2000 budget,  
5 emergency rules to implement any provision of Public Act 91-24  
6 or any other budget initiative for fiscal year 2000 may be  
7 adopted in accordance with this Section by the agency charged  
8 with administering that provision or initiative, except that  
9 the 24-month limitation on the adoption of emergency rules and  
10 the provisions of Sections 5-115 and 5-125 do not apply to  
11 rules adopted under this subsection (e). The adoption of  
12 emergency rules authorized by this subsection (e) shall be  
13 deemed to be necessary for the public interest, safety, and  
14 welfare.

15 (f) In order to provide for the expeditious and timely  
16 implementation of the State's fiscal year 2001 budget,  
17 emergency rules to implement any provision of Public Act 91-712  
18 or any other budget initiative for fiscal year 2001 may be  
19 adopted in accordance with this Section by the agency charged  
20 with administering that provision or initiative, except that  
21 the 24-month limitation on the adoption of emergency rules and  
22 the provisions of Sections 5-115 and 5-125 do not apply to  
23 rules adopted under this subsection (f). The adoption of  
24 emergency rules authorized by this subsection (f) shall be  
25 deemed to be necessary for the public interest, safety, and  
26 welfare.

1           (g) In order to provide for the expeditious and timely  
2 implementation of the State's fiscal year 2002 budget,  
3 emergency rules to implement any provision of Public Act 92-10  
4 or any other budget initiative for fiscal year 2002 may be  
5 adopted in accordance with this Section by the agency charged  
6 with administering that provision or initiative, except that  
7 the 24-month limitation on the adoption of emergency rules and  
8 the provisions of Sections 5-115 and 5-125 do not apply to  
9 rules adopted under this subsection (g). The adoption of  
10 emergency rules authorized by this subsection (g) shall be  
11 deemed to be necessary for the public interest, safety, and  
12 welfare.

13           (h) In order to provide for the expeditious and timely  
14 implementation of the State's fiscal year 2003 budget,  
15 emergency rules to implement any provision of Public Act 92-597  
16 or any other budget initiative for fiscal year 2003 may be  
17 adopted in accordance with this Section by the agency charged  
18 with administering that provision or initiative, except that  
19 the 24-month limitation on the adoption of emergency rules and  
20 the provisions of Sections 5-115 and 5-125 do not apply to  
21 rules adopted under this subsection (h). The adoption of  
22 emergency rules authorized by this subsection (h) shall be  
23 deemed to be necessary for the public interest, safety, and  
24 welfare.

25           (i) In order to provide for the expeditious and timely  
26 implementation of the State's fiscal year 2004 budget,

1 emergency rules to implement any provision of Public Act 93-20  
2 or any other budget initiative for fiscal year 2004 may be  
3 adopted in accordance with this Section by the agency charged  
4 with administering that provision or initiative, except that  
5 the 24-month limitation on the adoption of emergency rules and  
6 the provisions of Sections 5-115 and 5-125 do not apply to  
7 rules adopted under this subsection (i). The adoption of  
8 emergency rules authorized by this subsection (i) shall be  
9 deemed to be necessary for the public interest, safety, and  
10 welfare.

11 (j) In order to provide for the expeditious and timely  
12 implementation of the provisions of the State's fiscal year  
13 2005 budget as provided under the Fiscal Year 2005 Budget  
14 Implementation (Human Services) Act, emergency rules to  
15 implement any provision of the Fiscal Year 2005 Budget  
16 Implementation (Human Services) Act may be adopted in  
17 accordance with this Section by the agency charged with  
18 administering that provision, except that the 24-month  
19 limitation on the adoption of emergency rules and the  
20 provisions of Sections 5-115 and 5-125 do not apply to rules  
21 adopted under this subsection (j). The Department of Public Aid  
22 may also adopt rules under this subsection (j) necessary to  
23 administer the Illinois Public Aid Code and the Children's  
24 Health Insurance Program Act. The adoption of emergency rules  
25 authorized by this subsection (j) shall be deemed to be  
26 necessary for the public interest, safety, and welfare.

1           (k) In order to provide for the expeditious and timely  
2 implementation of the provisions of the State's fiscal year  
3 2006 budget, emergency rules to implement any provision of  
4 Public Act 94-48 or any other budget initiative for fiscal year  
5 2006 may be adopted in accordance with this Section by the  
6 agency charged with administering that provision or  
7 initiative, except that the 24-month limitation on the adoption  
8 of emergency rules and the provisions of Sections 5-115 and  
9 5-125 do not apply to rules adopted under this subsection (k).  
10 The Department of Healthcare and Family Services may also adopt  
11 rules under this subsection (k) necessary to administer the  
12 Illinois Public Aid Code, the Senior Citizens and Persons with  
13 Disabilities Property Tax Relief Act, the Senior Citizens and  
14 Disabled Persons Prescription Drug Discount Program Act (now  
15 the Illinois Prescription Drug Discount Program Act), and the  
16 Children's Health Insurance Program Act. The adoption of  
17 emergency rules authorized by this subsection (k) shall be  
18 deemed to be necessary for the public interest, safety, and  
19 welfare.

20           (l) In order to provide for the expeditious and timely  
21 implementation of the provisions of the State's fiscal year  
22 2007 budget, the Department of Healthcare and Family Services  
23 may adopt emergency rules during fiscal year 2007, including  
24 rules effective July 1, 2007, in accordance with this  
25 subsection to the extent necessary to administer the  
26 Department's responsibilities with respect to amendments to

1 the State plans and Illinois waivers approved by the federal  
2 Centers for Medicare and Medicaid Services necessitated by the  
3 requirements of Title XIX and Title XXI of the federal Social  
4 Security Act. The adoption of emergency rules authorized by  
5 this subsection (l) shall be deemed to be necessary for the  
6 public interest, safety, and welfare.

7 (m) In order to provide for the expeditious and timely  
8 implementation of the provisions of the State's fiscal year  
9 2008 budget, the Department of Healthcare and Family Services  
10 may adopt emergency rules during fiscal year 2008, including  
11 rules effective July 1, 2008, in accordance with this  
12 subsection to the extent necessary to administer the  
13 Department's responsibilities with respect to amendments to  
14 the State plans and Illinois waivers approved by the federal  
15 Centers for Medicare and Medicaid Services necessitated by the  
16 requirements of Title XIX and Title XXI of the federal Social  
17 Security Act. The adoption of emergency rules authorized by  
18 this subsection (m) shall be deemed to be necessary for the  
19 public interest, safety, and welfare.

20 (n) In order to provide for the expeditious and timely  
21 implementation of the provisions of the State's fiscal year  
22 2010 budget, emergency rules to implement any provision of  
23 Public Act 96-45 or any other budget initiative authorized by  
24 the 96th General Assembly for fiscal year 2010 may be adopted  
25 in accordance with this Section by the agency charged with  
26 administering that provision or initiative. The adoption of



1 emergency rules authorized by this subsection (n) shall be  
2 deemed to be necessary for the public interest, safety, and  
3 welfare. The rulemaking authority granted in this subsection  
4 (n) shall apply only to rules promulgated during Fiscal Year  
5 2010.

6 (o) In order to provide for the expeditious and timely  
7 implementation of the provisions of the State's fiscal year  
8 2011 budget, emergency rules to implement any provision of  
9 Public Act 96-958 or any other budget initiative authorized by  
10 the 96th General Assembly for fiscal year 2011 may be adopted  
11 in accordance with this Section by the agency charged with  
12 administering that provision or initiative. The adoption of  
13 emergency rules authorized by this subsection (o) is deemed to  
14 be necessary for the public interest, safety, and welfare. The  
15 rulemaking authority granted in this subsection (o) applies  
16 only to rules promulgated on or after July 1, 2010 (the  
17 effective date of Public Act 96-958) through June 30, 2011.

18 (p) In order to provide for the expeditious and timely  
19 implementation of the provisions of Public Act 97-689,  
20 emergency rules to implement any provision of Public Act 97-689  
21 may be adopted in accordance with this subsection (p) by the  
22 agency charged with administering that provision or  
23 initiative. The 150-day limitation of the effective period of  
24 emergency rules does not apply to rules adopted under this  
25 subsection (p), and the effective period may continue through  
26 June 30, 2013. The 24-month limitation on the adoption of

1 emergency rules does not apply to rules adopted under this  
2 subsection (p). The adoption of emergency rules authorized by  
3 this subsection (p) is deemed to be necessary for the public  
4 interest, safety, and welfare.

5 (q) In order to provide for the expeditious and timely  
6 implementation of the provisions of Articles 7, 8, 9, 11, and  
7 12 of Public Act 98-104, emergency rules to implement any  
8 provision of Articles 7, 8, 9, 11, and 12 of Public Act 98-104  
9 may be adopted in accordance with this subsection (q) by the  
10 agency charged with administering that provision or  
11 initiative. The 24-month limitation on the adoption of  
12 emergency rules does not apply to rules adopted under this  
13 subsection (q). The adoption of emergency rules authorized by  
14 this subsection (q) is deemed to be necessary for the public  
15 interest, safety, and welfare.

16 (r) In order to provide for the expeditious and timely  
17 implementation of the provisions of Public Act 98-651,  
18 emergency rules to implement Public Act 98-651 may be adopted  
19 in accordance with this subsection (r) by the Department of  
20 Healthcare and Family Services. The 24-month limitation on the  
21 adoption of emergency rules does not apply to rules adopted  
22 under this subsection (r). The adoption of emergency rules  
23 authorized by this subsection (r) is deemed to be necessary for  
24 the public interest, safety, and welfare.

25 (s) In order to provide for the expeditious and timely  
26 implementation of the provisions of Sections 5-5b.1 and 5A-2 of

1 the Illinois Public Aid Code, emergency rules to implement any  
2 provision of Section 5-5b.1 or Section 5A-2 of the Illinois  
3 Public Aid Code may be adopted in accordance with this  
4 subsection (s) by the Department of Healthcare and Family  
5 Services. The rulemaking authority granted in this subsection  
6 (s) shall apply only to those rules adopted prior to July 1,  
7 2015. Notwithstanding any other provision of this Section, any  
8 emergency rule adopted under this subsection (s) shall only  
9 apply to payments made for State fiscal year 2015. The adoption  
10 of emergency rules authorized by this subsection (s) is deemed  
11 to be necessary for the public interest, safety, and welfare.

12 (t) In order to provide for the expeditious and timely  
13 implementation of the provisions of Article II of Public Act  
14 99-6, emergency rules to implement the changes made by Article  
15 II of Public Act 99-6 to the Emergency Telephone System Act may  
16 be adopted in accordance with this subsection (t) by the  
17 Department of State Police. The rulemaking authority granted in  
18 this subsection (t) shall apply only to those rules adopted  
19 prior to July 1, 2016. The 24-month limitation on the adoption  
20 of emergency rules does not apply to rules adopted under this  
21 subsection (t). The adoption of emergency rules authorized by  
22 this subsection (t) is deemed to be necessary for the public  
23 interest, safety, and welfare.

24 (u) In order to provide for the expeditious and timely  
25 implementation of the provisions of the Burn Victims Relief  
26 Act, emergency rules to implement any provision of the Act may

1 be adopted in accordance with this subsection (u) by the  
2 Department of Insurance. The rulemaking authority granted in  
3 this subsection (u) shall apply only to those rules adopted  
4 prior to December 31, 2015. The adoption of emergency rules  
5 authorized by this subsection (u) is deemed to be necessary for  
6 the public interest, safety, and welfare.

7 (v) In order to provide for the expeditious and timely  
8 implementation of the provisions of Public Act 99-516,  
9 emergency rules to implement Public Act 99-516 may be adopted  
10 in accordance with this subsection (v) by the Department of  
11 Healthcare and Family Services. The 24-month limitation on the  
12 adoption of emergency rules does not apply to rules adopted  
13 under this subsection (v). The adoption of emergency rules  
14 authorized by this subsection (v) is deemed to be necessary for  
15 the public interest, safety, and welfare.

16 (w) In order to provide for the expeditious and timely  
17 implementation of the provisions of Public Act 99-796,  
18 emergency rules to implement the changes made by Public Act  
19 99-796 may be adopted in accordance with this subsection (w) by  
20 the Adjutant General. The adoption of emergency rules  
21 authorized by this subsection (w) is deemed to be necessary for  
22 the public interest, safety, and welfare.

23 (x) In order to provide for the expeditious and timely  
24 implementation of the provisions of Public Act 99-906,  
25 emergency rules to implement subsection (i) of Section 16-115D,  
26 subsection (g) of Section 16-128A, and subsection (a) of

1 Section 16-128B of the Public Utilities Act may be adopted in  
2 accordance with this subsection (x) by the Illinois Commerce  
3 Commission. The rulemaking authority granted in this  
4 subsection (x) shall apply only to those rules adopted within  
5 180 days after June 1, 2017 (the effective date of Public Act  
6 99-906). The adoption of emergency rules authorized by this  
7 subsection (x) is deemed to be necessary for the public  
8 interest, safety, and welfare.

9 (y) In order to provide for the expeditious and timely  
10 implementation of the provisions of Public Act 100-23,  
11 emergency rules to implement the changes made by Public Act  
12 100-23 to Section 4.02 of the Illinois Act on the Aging,  
13 Sections 5.5.4 and 5-5.4i of the Illinois Public Aid Code,  
14 Section 55-30 of the Alcoholism and Other Drug Abuse and  
15 Dependency Act, and Sections 74 and 75 of the Mental Health and  
16 Developmental Disabilities Administrative Act may be adopted  
17 in accordance with this subsection (y) by the respective  
18 Department. The adoption of emergency rules authorized by this  
19 subsection (y) is deemed to be necessary for the public  
20 interest, safety, and welfare.

21 (z) In order to provide for the expeditious and timely  
22 implementation of the provisions of Public Act 100-554,  
23 emergency rules to implement the changes made by Public Act  
24 100-554 to Section 4.7 of the Lobbyist Registration Act may be  
25 adopted in accordance with this subsection (z) by the Secretary  
26 of State. The adoption of emergency rules authorized by this

1 subsection (z) is deemed to be necessary for the public  
2 interest, safety, and welfare.

3 (aa) In order to provide for the expeditious and timely  
4 initial implementation of the changes made to Articles 5, 5A,  
5 12, and 14 of the Illinois Public Aid Code under the provisions  
6 of Public Act 100-581, the Department of Healthcare and Family  
7 Services may adopt emergency rules in accordance with this  
8 subsection (aa). The 24-month limitation on the adoption of  
9 emergency rules does not apply to rules to initially implement  
10 the changes made to Articles 5, 5A, 12, and 14 of the Illinois  
11 Public Aid Code adopted under this subsection (aa). The  
12 adoption of emergency rules authorized by this subsection (aa)  
13 is deemed to be necessary for the public interest, safety, and  
14 welfare.

15 (bb) In order to provide for the expeditious and timely  
16 implementation of the provisions of Public Act 100-587,  
17 emergency rules to implement the changes made by Public Act  
18 100-587 to Section 4.02 of the Illinois Act on the Aging,  
19 Sections 5.5.4 and 5-5.4i of the Illinois Public Aid Code,  
20 subsection (b) of Section 55-30 of the Alcoholism and Other  
21 Drug Abuse and Dependency Act, Section 5-104 of the Specialized  
22 Mental Health Rehabilitation Act of 2013, and Section 75 and  
23 subsection (b) of Section 74 of the Mental Health and  
24 Developmental Disabilities Administrative Act may be adopted  
25 in accordance with this subsection (bb) by the respective  
26 Department. The adoption of emergency rules authorized by this

1 subsection (bb) is deemed to be necessary for the public  
2 interest, safety, and welfare.

3 (cc) In order to provide for the expeditious and timely  
4 implementation of the provisions of Public Act 100-587,  
5 emergency rules may be adopted in accordance with this  
6 subsection (cc) to implement the changes made by Public Act  
7 100-587 to: Sections 14-147.5 and 14-147.6 of the Illinois  
8 Pension Code by the Board created under Article 14 of the Code;  
9 Sections 15-185.5 and 15-185.6 of the Illinois Pension Code by  
10 the Board created under Article 15 of the Code; and Sections  
11 16-190.5 and 16-190.6 of the Illinois Pension Code by the Board  
12 created under Article 16 of the Code. The adoption of emergency  
13 rules authorized by this subsection (cc) is deemed to be  
14 necessary for the public interest, safety, and welfare.

15 (dd) In order to provide for the expeditious and timely  
16 implementation of the provisions of Public Act 100-864,  
17 emergency rules to implement the changes made by Public Act  
18 100-864 to Section 3.35 of the Newborn Metabolic Screening Act  
19 may be adopted in accordance with this subsection (dd) by the  
20 Secretary of State. The adoption of emergency rules authorized  
21 by this subsection (dd) is deemed to be necessary for the  
22 public interest, safety, and welfare.

23 (ee) In order to provide for the expeditious and timely  
24 implementation of the provisions of this amendatory Act of the  
25 100th General Assembly, emergency rules implementing the  
26 Illinois Underground Natural Gas Storage Safety Act may be

1 adopted in accordance with this subsection by the Department of  
2 Natural Resources. The adoption of emergency rules authorized  
3 by this subsection is deemed to be necessary for the public  
4 interest, safety, and welfare.

5 (ff) In order to provide for the expeditious and timely  
6 implementation of the provisions of this amendatory Act of the  
7 101st General Assembly, emergency rules may be adopted by the  
8 Department of Labor in accordance with this subsection (ff) to  
9 implement the changes made by this amendatory Act of the 101st  
10 General Assembly to the Minimum Wage Law. The adoption of  
11 emergency rules authorized by this subsection (ff) is deemed to  
12 be necessary for the public interest, safety, and welfare.

13 (gg) In order to provide for the expeditious and timely  
14 implementation of the provisions of Section 50 of the Sexual  
15 Assault Evidence Submission Act, emergency rules to implement  
16 Section 50 of the Sexual Assault Evidence Submission Act may be  
17 adopted in accordance with this subsection (gg) by the  
18 Department of State Police. The adoption of emergency rules  
19 authorized by this subsection (gg) is deemed to be necessary  
20 for the public interest, safety, and welfare.

21 (Source: P.A. 100-23, eff. 7-6-17; 100-554, eff. 11-16-17;  
22 100-581, eff. 3-12-18; 100-587, Article 95, Section 95-5, eff.  
23 6-4-18; 100-587, Article 110, Section 110-5, eff. 6-4-18;  
24 100-864, eff. 8-14-18; 100-1172, eff. 1-4-19; 101-1, eff.  
25 2-19-19.)



1 Section 10. The Freedom of Information Act is amended by  
2 changing Section 7.5 as follows:

3 (5 ILCS 140/7.5)

4 Sec. 7.5. Statutory exemptions. To the extent provided for  
5 by the statutes referenced below, the following shall be exempt  
6 from inspection and copying:

7 (a) All information determined to be confidential  
8 under Section 4002 of the Technology Advancement and  
9 Development Act.

10 (b) Library circulation and order records identifying  
11 library users with specific materials under the Library  
12 Records Confidentiality Act.

13 (c) Applications, related documents, and medical  
14 records received by the Experimental Organ Transplantation  
15 Procedures Board and any and all documents or other records  
16 prepared by the Experimental Organ Transplantation  
17 Procedures Board or its staff relating to applications it  
18 has received.

19 (d) Information and records held by the Department of  
20 Public Health and its authorized representatives relating  
21 to known or suspected cases of sexually transmissible  
22 disease or any information the disclosure of which is  
23 restricted under the Illinois Sexually Transmissible  
24 Disease Control Act.

25 (e) Information the disclosure of which is exempted

1 under Section 30 of the Radon Industry Licensing Act.

2 (f) Firm performance evaluations under Section 55 of  
3 the Architectural, Engineering, and Land Surveying  
4 Qualifications Based Selection Act.

5 (g) Information the disclosure of which is restricted  
6 and exempted under Section 50 of the Illinois Prepaid  
7 Tuition Act.

8 (h) Information the disclosure of which is exempted  
9 under the State Officials and Employees Ethics Act, and  
10 records of any lawfully created State or local inspector  
11 general's office that would be exempt if created or  
12 obtained by an Executive Inspector General's office under  
13 that Act.

14 (i) Information contained in a local emergency energy  
15 plan submitted to a municipality in accordance with a local  
16 emergency energy plan ordinance that is adopted under  
17 Section 11-21.5-5 of the Illinois Municipal Code.

18 (j) Information and data concerning the distribution  
19 of surcharge moneys collected and remitted by carriers  
20 under the Emergency Telephone System Act.

21 (k) Law enforcement officer identification information  
22 or driver identification information compiled by a law  
23 enforcement agency or the Department of Transportation  
24 under Section 11-212 of the Illinois Vehicle Code.

25 (l) Records and information provided to a residential  
26 health care facility resident sexual assault and death

1 review team or the Executive Council under the Abuse  
2 Prevention Review Team Act.

3 (m) Information provided to the predatory lending  
4 database created pursuant to Article 3 of the Residential  
5 Real Property Disclosure Act, except to the extent  
6 authorized under that Article.

7 (n) Defense budgets and petitions for certification of  
8 compensation and expenses for court appointed trial  
9 counsel as provided under Sections 10 and 15 of the Capital  
10 Crimes Litigation Act. This subsection (n) shall apply  
11 until the conclusion of the trial of the case, even if the  
12 prosecution chooses not to pursue the death penalty prior  
13 to trial or sentencing.

14 (o) Information that is prohibited from being  
15 disclosed under Section 4 of the Illinois Health and  
16 Hazardous Substances Registry Act.

17 (p) Security portions of system safety program plans,  
18 investigation reports, surveys, schedules, lists, data, or  
19 information compiled, collected, or prepared by or for the  
20 Regional Transportation Authority under Section 2.11 of  
21 the Regional Transportation Authority Act or the St. Clair  
22 County Transit District under the Bi-State Transit Safety  
23 Act.

24 (q) Information prohibited from being disclosed by the  
25 Personnel Record ~~Records~~ Review Act.

26 (r) Information prohibited from being disclosed by the

1 Illinois School Student Records Act.

2 (s) Information the disclosure of which is restricted  
3 under Section 5-108 of the Public Utilities Act.

4 (t) All identified or deidentified health information  
5 in the form of health data or medical records contained in,  
6 stored in, submitted to, transferred by, or released from  
7 the Illinois Health Information Exchange, and identified  
8 or deidentified health information in the form of health  
9 data and medical records of the Illinois Health Information  
10 Exchange in the possession of the Illinois Health  
11 Information Exchange Authority due to its administration  
12 of the Illinois Health Information Exchange. The terms  
13 "identified" and "deidentified" shall be given the same  
14 meaning as in the Health Insurance Portability and  
15 Accountability Act of 1996, Public Law 104-191, or any  
16 subsequent amendments thereto, and any regulations  
17 promulgated thereunder.

18 (u) Records and information provided to an independent  
19 team of experts under the Developmental Disability and  
20 Mental Health Safety Act (also known as Brian's Law).

21 (v) Names and information of people who have applied  
22 for or received Firearm Owner's Identification Cards under  
23 the Firearm Owners Identification Card Act or applied for  
24 or received a concealed carry license under the Firearm  
25 Concealed Carry Act, unless otherwise authorized by the  
26 Firearm Concealed Carry Act; and databases under the

1 Firearm Concealed Carry Act, records of the Concealed Carry  
2 Licensing Review Board under the Firearm Concealed Carry  
3 Act, and law enforcement agency objections under the  
4 Firearm Concealed Carry Act.

5 (w) Personally identifiable information which is  
6 exempted from disclosure under subsection (g) of Section  
7 19.1 of the Toll Highway Act.

8 (x) Information which is exempted from disclosure  
9 under Section 5-1014.3 of the Counties Code or Section  
10 8-11-21 of the Illinois Municipal Code.

11 (y) Confidential information under the Adult  
12 Protective Services Act and its predecessor enabling  
13 statute, the Elder Abuse and Neglect Act, including  
14 information about the identity and administrative finding  
15 against any caregiver of a verified and substantiated  
16 decision of abuse, neglect, or financial exploitation of an  
17 eligible adult maintained in the Registry established  
18 under Section 7.5 of the Adult Protective Services Act.

19 (z) Records and information provided to a fatality  
20 review team or the Illinois Fatality Review Team Advisory  
21 Council under Section 15 of the Adult Protective Services  
22 Act.

23 (aa) Information which is exempted from disclosure  
24 under Section 2.37 of the Wildlife Code.

25 (bb) Information which is or was prohibited from  
26 disclosure by the Juvenile Court Act of 1987.

1           (cc) Recordings made under the Law Enforcement  
2 Officer-Worn Body Camera Act, except to the extent  
3 authorized under that Act.

4           (dd) Information that is prohibited from being  
5 disclosed under Section 45 of the Condominium and Common  
6 Interest Community Ombudsperson Act.

7           (ee) Information that is exempted from disclosure  
8 under Section 30.1 of the Pharmacy Practice Act.

9           (ff) Information that is exempted from disclosure  
10 under the Revised Uniform Unclaimed Property Act.

11           (gg) Information that is prohibited from being  
12 disclosed under Section 7-603.5 of the Illinois Vehicle  
13 Code.

14           (hh) Records that are exempt from disclosure under  
15 Section 1A-16.7 of the Election Code.

16           (ii) Information which is exempted from disclosure  
17 under Section 2505-800 of the Department of Revenue Law of  
18 the Civil Administrative Code of Illinois.

19           (jj) Information and reports that are required to be  
20 submitted to the Department of Labor by registering day and  
21 temporary labor service agencies but are exempt from  
22 disclosure under subsection (a-1) of Section 45 of the Day  
23 and Temporary Labor Services Act.

24           (kk) Information prohibited from disclosure under the  
25 Seizure and Forfeiture Reporting Act.

26           (ll) Information the disclosure of which is restricted

1 and exempted under Section 5-30.8 of the Illinois Public  
2 Aid Code.

3 (mm) ~~(11)~~ Records that are exempt from disclosure under  
4 Section 4.2 of the Crime Victims Compensation Act.

5 (nn) ~~(11)~~ Information that is exempt from disclosure  
6 under Section 70 of the Higher Education Student Assistance  
7 Act.

8 (oo) Information that is exempt from disclosure under  
9 Section 50 of the Sexual Assault Evidence Submission Act.

10 (Source: P.A. 99-78, eff. 7-20-15; 99-298, eff. 8-6-15; 99-352,  
11 eff. 1-1-16; 99-642, eff. 7-28-16; 99-776, eff. 8-12-16;  
12 99-863, eff. 8-19-16; 100-20, eff. 7-1-17; 100-22, eff. 1-1-18;  
13 100-201, eff. 8-18-17; 100-373, eff. 1-1-18; 100-464, eff.  
14 8-28-17; 100-465, eff. 8-31-17; 100-512, eff. 7-1-18; 100-517,  
15 eff. 6-1-18; 100-646, eff. 7-27-18; 100-690, eff. 1-1-19;  
16 100-863, eff. 8-14-18; 100-887, eff. 8-14-18; revised  
17 10-12-18.)

18 Section 15. The Sexual Assault Survivors Emergency  
19 Treatment Act is amended by changing Section 5 as follows:

20 (410 ILCS 70/5) (from Ch. 111 1/2, par. 87-5)

21 Sec. 5. Minimum requirements for medical forensic services  
22 provided to sexual assault survivors by hospitals and approved  
23 pediatric health care facilities.

24 (a) Every hospital and approved pediatric health care

1 facility providing medical forensic services to sexual assault  
2 survivors under this Act shall, as minimum requirements for  
3 such services, provide, with the consent of the sexual assault  
4 survivor, and as ordered by the attending physician, an  
5 advanced practice registered nurse, or a physician assistant,  
6 the services set forth in subsection (a-5).

7 Beginning January 1, 2022, a qualified medical provider  
8 must provide the services set forth in subsection (a-5).

9 (a-5) A treatment hospital, a treatment hospital with  
10 approved pediatric transfer, or an approved pediatric health  
11 care facility shall provide the following services in  
12 accordance with subsection (a):

13 (1) Appropriate medical forensic services without  
14 delay, in a private, age-appropriate or  
15 developmentally-appropriate space, required to ensure the  
16 health, safety, and welfare of a sexual assault survivor  
17 and which may be used as evidence in a criminal proceeding  
18 against a person accused of the sexual assault, in a  
19 proceeding under the Juvenile Court Act of 1987, or in an  
20 investigation under the Abused and Neglected Child  
21 Reporting Act.

22 Records of medical forensic services, including  
23 results of examinations and tests, the Illinois State  
24 Police Medical Forensic Documentation Forms, the Illinois  
25 State Police Patient Discharge Materials, and the Illinois  
26 State Police Patient Consent: Collect and Test Evidence or



1 Collect and Hold Evidence Form, shall be maintained by the  
2 hospital or approved pediatric health care facility as part  
3 of the patient's electronic medical record.

4 Records of medical forensic services of sexual assault  
5 survivors under the age of 18 shall be retained by the  
6 hospital for a period of 60 years after the sexual assault  
7 survivor reaches the age of 18. Records of medical forensic  
8 services of sexual assault survivors 18 years of age or  
9 older shall be retained by the hospital for a period of 20  
10 years after the date the record was created.

11 Records of medical forensic services may only be  
12 disseminated in accordance with Section 6.5 of this Act and  
13 other State and federal law.

14 (1.5) An offer to complete the Illinois Sexual Assault  
15 Evidence Collection Kit for any sexual assault survivor who  
16 presents within a minimum of the last 7 days of the assault  
17 or who has disclosed past sexual assault by a specific  
18 individual and was in the care of that individual within a  
19 minimum of the last 7 days.

20 (A) Appropriate oral and written information  
21 concerning evidence-based guidelines for the  
22 appropriateness of evidence collection depending on  
23 the sexual development of the sexual assault survivor,  
24 the type of sexual assault, and the timing of the  
25 sexual assault shall be provided to the sexual assault  
26 survivor. Evidence collection is encouraged for

1           prepubescent sexual assault survivors who present to a  
2           hospital or approved pediatric health care facility  
3           with a complaint of sexual assault within a minimum of  
4           96 hours after the sexual assault.

5           Before January 1, 2022, the information required  
6           under this subparagraph shall be provided in person by  
7           the health care professional providing medical  
8           forensic services directly to the sexual assault  
9           survivor.

10          On and after January 1, 2022, the information  
11          required under this subparagraph shall be provided in  
12          person by the qualified medical provider providing  
13          medical forensic services directly to the sexual  
14          assault survivor.

15          The written information provided shall be the  
16          information created in accordance with Section 10 of  
17          this Act.

18          (B) Following the discussion regarding the  
19          evidence-based guidelines for evidence collection in  
20          accordance with subparagraph (A), evidence collection  
21          must be completed at the sexual assault survivor's  
22          request. A sexual assault nurse examiner conducting an  
23          examination using the Illinois State Police Sexual  
24          Assault Evidence Collection Kit may do so without the  
25          presence or participation of a physician.

26          (2) Appropriate oral and written information

1 concerning the possibility of infection, sexually  
2 transmitted infection, including an evaluation of the  
3 sexual assault survivor's risk of contracting human  
4 immunodeficiency virus (HIV) from sexual assault, and  
5 pregnancy resulting from sexual assault.

6 (3) Appropriate oral and written information  
7 concerning accepted medical procedures, laboratory tests,  
8 medication, and possible contraindications of such  
9 medication available for the prevention or treatment of  
10 infection or disease resulting from sexual assault.

11 (3.5) After ~~after~~ a medical evidentiary or physical  
12 examination, access to a shower at no cost, unless  
13 showering facilities are unavailable. +

14 (4) An amount of medication, including HIV  
15 prophylaxis, for treatment at the hospital or approved  
16 pediatric health care facility and after discharge as is  
17 deemed appropriate by the attending physician, an advanced  
18 practice registered nurse, or a physician assistant in  
19 accordance with the Centers for Disease Control and  
20 Prevention guidelines and consistent with the hospital's  
21 or approved pediatric health care facility's current  
22 approved protocol for sexual assault survivors.

23 (5) Photo documentation of the sexual assault  
24 survivor's injuries, anatomy involved in the assault, or  
25 other visible evidence on the sexual assault survivor's  
26 body to supplement the medical forensic history and written

1 documentation of physical findings and evidence beginning  
2 July 1, 2019. Photo documentation does not replace written  
3 documentation of the injury.

4 (6) Written and oral instructions indicating the need  
5 for follow-up examinations and laboratory tests after the  
6 sexual assault to determine the presence or absence of  
7 sexually transmitted infection.

8 (7) Referral by hospital or approved pediatric health  
9 care facility personnel for appropriate counseling.

10 (8) Medical advocacy services provided by a rape crisis  
11 counselor whose communications are protected under Section  
12 8-802.1 of the Code of Civil Procedure, if there is a  
13 memorandum of understanding between the hospital or  
14 approved pediatric health care facility and a rape crisis  
15 center. With the consent of the sexual assault survivor, a  
16 rape crisis counselor shall remain in the exam room during  
17 the medical forensic examination.

18 (9) Written information regarding services provided by  
19 a Children's Advocacy Center and rape crisis center, if  
20 applicable.

21 (10) A treatment hospital, a treatment hospital with  
22 approved pediatric transfer, an out-of-state hospital as  
23 defined in Section 5.4, or an approved pediatric health  
24 care facility shall comply with the rules relating to the  
25 collection and tracking of sexual assault evidence adopted  
26 by the Department of State Police under Section 50 of the

1           Sexual Assault Evidence Submission Act.

2           (a-7) By January 1, 2022, every hospital with a treatment  
3 plan approved by the Department shall employ or contract with a  
4 qualified medical provider to initiate medical forensic  
5 services to a sexual assault survivor within 90 minutes of the  
6 patient presenting to the treatment hospital or treatment  
7 hospital with approved pediatric transfer. The provision of  
8 medical forensic services by a qualified medical provider shall  
9 not delay the provision of life-saving medical care.

10          (b) Any person who is a sexual assault survivor who seeks  
11 medical forensic services or follow-up healthcare under this  
12 Act shall be provided such services without the consent of any  
13 parent, guardian, custodian, surrogate, or agent. If a sexual  
14 assault survivor is unable to consent to medical forensic  
15 services, the services may be provided under the Consent by  
16 Minors to Medical Procedures Act, the Health Care Surrogate  
17 Act, or other applicable State and federal laws.

18          (b-5) Every hospital or approved pediatric health care  
19 facility providing medical forensic services to sexual assault  
20 survivors shall issue a voucher to any sexual assault survivor  
21 who is eligible to receive one in accordance with Section 5.2  
22 of this Act. The hospital shall make a copy of the voucher and  
23 place it in the medical record of the sexual assault survivor.  
24 The hospital shall provide a copy of the voucher to the sexual  
25 assault survivor after discharge upon request.

26          (c) Nothing in this Section creates a physician-patient

1 relationship that extends beyond discharge from the hospital or  
2 approved pediatric health care facility.

3 (Source: P.A. 99-173, eff. 7-29-15; 99-454, eff. 1-1-16;  
4 99-642, eff. 7-28-16; 100-513, eff. 1-1-18; 100-775, eff.  
5 1-1-19; 100-1087, eff. 1-1-19; revised 10-24-18.)

6 Section 20. The Sexual Assault Evidence Submission Act is  
7 amended by adding Section 50 as follows:

8 (725 ILCS 202/50 new)

9 Sec. 50. Sexual assault evidence tracking system.

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

19 (a-1) Due to the complex nature of a statewide tracking  
20 system for sexual assault evidence and to ensure all  
21 stakeholders are integrated, the Commission recommended the  
22 purchase of an electronic off-the-shelf tracking system. The  
23 system must be able to communicate with all stakeholders and  
24 provide real-time information to a victim or his or her

1 designee on the status of the evidence that was collected. The  
2 sexual assault evidence tracking system must:

3 (1) be electronic and web-based;

4 (2) be administered by the Department of State Police;

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

6 (4) ensure the law enforcement agency contact  
7 information is accessible to the victim or his or her her  
8 designee through the tracking system, so there is contact  
9 information for questions;

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

15 (6) allow for the victim to opt in for automatic  
16 notifications when status updates are entered in the  
17 system, if the system allows;

18 (7) include at each step in the process, a brief  
19 explanation of the general purpose of that step and a  
20 general indication of how long the step may take to  
21 complete;

22 (8) contain minimum fields for tracking and reporting,  
23 as follows:

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

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

1           (ii) the date the sexual evidence kit was sent  
2           to the health care facility.

3           (B) for health care facility fields:

4           (i) the date sexual assault evidence was  
5           collected; and

6           (ii) the date notification was made to the law  
7           enforcement agency that the sexual assault  
8           evidence was collected.

9           (C) for law enforcement agency fields:

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

15           (ii) the law enforcement agency complaint  
16           number;

17           (iii) if the law enforcement agency that takes  
18           possession of the sexual assault evidence from a  
19           health care facility is not the law enforcement  
20           agency with jurisdiction in which the offense  
21           occurred, the date when the law enforcement agency  
22           notified the law enforcement agency having  
23           jurisdiction that the agency has sexual assault  
24           evidence required under subsection (c) of Section  
25           20 of the Sexual Assault Incident Procedure Act;

26           (iv) an indication if the victim consented for



1 analysis of the sexual assault evidence;

2 (v) if the victim did not consent for analysis  
3 of the sexual assault evidence, the date on which  
4 the law enforcement agency is no longer required to  
5 store the sexual assault evidence;

6 (vi) a mechanism for the law enforcement  
7 agency to document why the sexual assault evidence  
8 was not submitted to the laboratory for analysis,  
9 if applicable;

10 (vii) the date the law enforcement agency  
11 received the sexual assault evidence results back  
12 from the laboratory;

13 (viii) the date statutory notifications were  
14 made to the victim victim or documentation of why  
15 notification was not made; and

16 (ix) the date the law enforcement agency  
17 turned over the case information to the State's  
18 Attorney office, if applicable.

19 (D) for forensic lab fields:

20 (i) the date the sexual assault evidence is  
21 received from the law enforcement agency by the  
22 forensic lab for analysis;

23 (ii) the laboratory case number, visible to  
24 the law enforcement agency and State's Attorney  
25 office; and

26 (iii) the date the laboratory completes the

1 analysis of the sexual assault evidence.

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

3 (i) the date the State's Attorney office  
4 received the sexual assault evidence results from  
5 the laboratory, if applicable; and

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

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

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

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

25 (3) provide for a mechanism for a victim to enter the  
26 system and only access his or her own information;

1           (4) enable a sexual assault evidence to be tracked and  
2           identified through the unique sexual assault evidence kit  
3           identification number or barcode that the vendor applies to  
4           each sexual assault evidence kit per the Department of  
5           State Police's contract;

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

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

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

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

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

17           (10) contain report functions including:

18           (A) health care facility compliance with  
19           applicable laws;

20           (B) law enforcement agency compliance with  
21           applicable laws;

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

24           (D) forensic lab compliance with applicable laws;  
25           and

26           (11) provide automatic notifications to the law

1 enforcement agency when:

2 (A) a health care facility has collected sexual  
3 assault evidence;

4 (B) unreleased sexual assault evidence that is  
5 being stored by the law enforcement agency has met the  
6 minimum storage requirement by law; and

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

9 (b) The Department shall by rule establish a sexual assault  
10 evidence tracking system that conforms to the recommendations  
11 made and guidelines proposed by the Sexual Assault Evidence  
12 Tracking and Reporting Commission in its report dated June 26,  
13 2018. The Department shall design the criteria for the sexual  
14 assault evidence tracking system so that, to the extent  
15 reasonably possible, the system can use existing technologies  
16 and products, including, but not limited to, currently  
17 available tracking systems. The sexual assault evidence  
18 tracking system shall be operational and shall begin tracking  
19 and reporting sexual assault evidence no later than one year  
20 after the effective date of this amendatory Act of the 101st  
21 General Assembly. The Department may adopt additional rules as  
22 it deems necessary to ensure that the sexual assault evidence  
23 tracking system continues to be a useful tool for law  
24 enforcement.

25 (c) A treatment hospital, a treatment hospital with  
26 approved pediatric transfer, an out-of-state hospital approved

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

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

16 (e) To ensure that the sexual assault evidence tracking  
17 system is operational, the Department may adopt emergency rules  
18 to implement the provisions of this Section under subsection  
19 (ff) of Section 5-45 of the Illinois Administrative Procedure  
20 Act.

21 (f) Information, including, but not limited to, evidence  
22 and records in the sexual assault evidence tracking system is  
23 exempt from disclosure under the Freedom of Information Act.

24 Section 25. The Unified Code of Corrections is amended by  
25 changing Section 5-9-1.4 as follows:

1 (730 ILCS 5/5-9-1.4) (from Ch. 38, par. 1005-9-1.4)

2 (Text of Section before amendment by P.A. 100-987)

3 Sec. 5-9-1.4. (a) "Crime laboratory" means any  
4 not-for-profit laboratory registered with the Drug Enforcement  
5 Administration of the United States Department of Justice,  
6 substantially funded by a unit or combination of units of local  
7 government or the State of Illinois, which regularly employs at  
8 least one person engaged in the analysis of controlled  
9 substances, cannabis, methamphetamine, or steroids for  
10 criminal justice agencies in criminal matters and provides  
11 testimony with respect to such examinations.

12 (b) When a person has been adjudged guilty of an offense in  
13 violation of the Cannabis Control Act, the Illinois Controlled  
14 Substances Act, the Methamphetamine Control and Community  
15 Protection Act, or the Steroid Control Act, in addition to any  
16 other disposition, penalty or fine imposed, a criminal  
17 laboratory analysis fee of \$100 for each offense for which he  
18 was convicted shall be levied by the court. Any person placed  
19 on probation pursuant to Section 10 of the Cannabis Control  
20 Act, Section 410 of the Illinois Controlled Substances Act,  
21 Section 70 of the Methamphetamine Control and Community  
22 Protection Act, or Section 10 of the Steroid Control Act or  
23 placed on supervision for a violation of the Cannabis Control  
24 Act, the Illinois Controlled Substances Act or the Steroid  
25 Control Act shall be assessed a criminal laboratory analysis

1 fee of \$100 for each offense for which he was charged. Upon  
2 verified petition of the person, the court may suspend payment  
3 of all or part of the fee if it finds that the person does not  
4 have the ability to pay the fee.

5 (c) In addition to any other disposition made pursuant to  
6 the provisions of the Juvenile Court Act of 1987, any minor  
7 adjudicated delinquent for an offense which if committed by an  
8 adult would constitute a violation of the Cannabis Control Act,  
9 the Illinois Controlled Substances Act, the Methamphetamine  
10 Control and Community Protection Act, or the Steroid Control  
11 Act shall be assessed a criminal laboratory analysis fee of  
12 \$100 for each adjudication. Upon verified petition of the  
13 minor, the court may suspend payment of all or part of the fee  
14 if it finds that the minor does not have the ability to pay the  
15 fee. The parent, guardian or legal custodian of the minor may  
16 pay some or all of such fee on the minor's behalf.

17 (d) All criminal laboratory analysis fees provided for by  
18 this Section shall be collected by the clerk of the court and  
19 forwarded to the appropriate crime laboratory fund as provided  
20 in subsection (f).

21 (e) Crime laboratory funds shall be established as follows:

22 (1) Any unit of local government which maintains a  
23 crime laboratory may establish a crime laboratory fund  
24 within the office of the county or municipal treasurer.

25 (2) Any combination of units of local government which  
26 maintains a crime laboratory may establish a crime

1 laboratory fund within the office of the treasurer of the  
2 county where the crime laboratory is situated.

3 (3) The State Crime Laboratory Fund is hereby created  
4 as a special fund in the State Treasury.

5 (f) The analysis fee provided for in subsections (b) and  
6 (c) of this Section shall be forwarded to the office of the  
7 treasurer of the unit of local government that performed the  
8 analysis if that unit of local government has established a  
9 crime laboratory fund, or to the State Crime Laboratory Fund if  
10 the analysis was performed by a laboratory operated by the  
11 Illinois State Police. If the analysis was performed by a crime  
12 laboratory funded by a combination of units of local  
13 government, the analysis fee shall be forwarded to the  
14 treasurer of the county where the crime laboratory is situated  
15 if a crime laboratory fund has been established in that county.  
16 If the unit of local government or combination of units of  
17 local government has not established a crime laboratory fund,  
18 then the analysis fee shall be forwarded to the State Crime  
19 Laboratory Fund. The clerk of the circuit court may retain the  
20 amount of \$10 from each collected analysis fee to offset  
21 administrative costs incurred in carrying out the clerk's  
22 responsibilities under this Section.

23 (g) Fees deposited into a crime laboratory fund created  
24 pursuant to paragraphs (1) or (2) of subsection (e) of this  
25 Section shall be in addition to any allocations made pursuant  
26 to existing law and shall be designated for the exclusive use



1 of the crime laboratory. These uses may include, but are not  
2 limited to, the following:

3 (1) costs incurred in providing analysis for  
4 controlled substances in connection with criminal  
5 investigations conducted within this State;

6 (2) purchase and maintenance of equipment for use in  
7 performing analyses; and

8 (3) continuing education, training and professional  
9 development of forensic scientists regularly employed by  
10 these laboratories.

11 (h) Fees deposited in the State Crime Laboratory Fund  
12 created pursuant to paragraph (3) of subsection (d) of this  
13 Section shall be used by State crime laboratories as designated  
14 by the Director of State Police. These funds shall be in  
15 addition to any allocations made pursuant to existing law and  
16 shall be designated for the exclusive use of State crime  
17 laboratories or for the sexual assault evidence tracking system  
18 created under Section 50 of the Sexual Assault Evidence  
19 Submission Act. These uses may include those enumerated in  
20 subsection (g) of this Section.

21 (Source: P.A. 94-556, eff. 9-11-05.)

22 (Text of Section after amendment by P.A. 100-987)

23 Sec. 5-9-1.4. (a) "Crime laboratory" means any  
24 not-for-profit laboratory registered with the Drug Enforcement  
25 Administration of the United States Department of Justice,

1 substantially funded by a unit or combination of units of local  
2 government or the State of Illinois, which regularly employs at  
3 least one person engaged in the analysis of controlled  
4 substances, cannabis, methamphetamine, or steroids for  
5 criminal justice agencies in criminal matters and provides  
6 testimony with respect to such examinations.

7 (b) (Blank).

8 (c) In addition to any other disposition made pursuant to  
9 the provisions of the Juvenile Court Act of 1987, any minor  
10 adjudicated delinquent for an offense which if committed by an  
11 adult would constitute a violation of the Cannabis Control Act,  
12 the Illinois Controlled Substances Act, the Methamphetamine  
13 Control and Community Protection Act, or the Steroid Control  
14 Act shall be required to pay a criminal laboratory analysis  
15 assessment of \$100 for each adjudication. Upon verified  
16 petition of the minor, the court may suspend payment of all or  
17 part of the assessment if it finds that the minor does not have  
18 the ability to pay the assessment. The parent, guardian or  
19 legal custodian of the minor may pay some or all of such  
20 assessment on the minor's behalf.

21 (d) All criminal laboratory analysis fees provided for by  
22 this Section shall be collected by the clerk of the court and  
23 forwarded to the appropriate crime laboratory fund as provided  
24 in subsection (f).

25 (e) Crime laboratory funds shall be established as follows:

26 (1) Any unit of local government which maintains a

1 crime laboratory may establish a crime laboratory fund  
2 within the office of the county or municipal treasurer.

3 (2) Any combination of units of local government which  
4 maintains a crime laboratory may establish a crime  
5 laboratory fund within the office of the treasurer of the  
6 county where the crime laboratory is situated.

7 (3) The State Crime Laboratory Fund is hereby created  
8 as a special fund in the State Treasury.

9 (f) The analysis assessment provided for in subsection (c)  
10 of this Section shall be forwarded to the office of the  
11 treasurer of the unit of local government that performed the  
12 analysis if that unit of local government has established a  
13 crime laboratory fund, or to the State Crime Laboratory Fund if  
14 the analysis was performed by a laboratory operated by the  
15 Illinois State Police. If the analysis was performed by a crime  
16 laboratory funded by a combination of units of local  
17 government, the analysis assessment shall be forwarded to the  
18 treasurer of the county where the crime laboratory is situated  
19 if a crime laboratory fund has been established in that county.  
20 If the unit of local government or combination of units of  
21 local government has not established a crime laboratory fund,  
22 then the analysis assessment shall be forwarded to the State  
23 Crime Laboratory Fund.

24 (g) Moneys deposited into a crime laboratory fund created  
25 pursuant to paragraphs (1) or (2) of subsection (e) of this  
26 Section shall be in addition to any allocations made pursuant

1 to existing law and shall be designated for the exclusive use  
2 of the crime laboratory. These uses may include, but are not  
3 limited to, the following:

4 (1) costs incurred in providing analysis for  
5 controlled substances in connection with criminal  
6 investigations conducted within this State;

7 (2) purchase and maintenance of equipment for use in  
8 performing analyses; and

9 (3) continuing education, training and professional  
10 development of forensic scientists regularly employed by  
11 these laboratories.

12 (h) Moneys deposited in the State Crime Laboratory Fund  
13 created pursuant to paragraph (3) of subsection (d) of this  
14 Section shall be used by State crime laboratories as designated  
15 by the Director of State Police. These funds shall be in  
16 addition to any allocations made pursuant to existing law and  
17 shall be designated for the exclusive use of State crime  
18 laboratories or for the sexual assault evidence tracking system  
19 created under Section 50 of the Sexual Assault Evidence  
20 Submission Act. These uses may include those enumerated in  
21 subsection (g) of this Section.

22 (Source: P.A. 100-987, eff. 7-1-19.)

23 Section 90. The State Mandates Act is amended by adding  
24 Section 8.43 as follows:

1 (30 ILCS 805/8.43 new)

2 Sec. 8.43. Exempt mandate. Notwithstanding Sections 6 and 8  
3 of this Act, no reimbursement by the State is required for the  
4 implementation of any mandate created by this amendatory Act of  
5 the 101st General Assembly.

6 Section 95. No acceleration or delay. Where this Act makes  
7 changes in a statute that is represented in this Act by text  
8 that is not yet or no longer in effect (for example, a Section  
9 represented by multiple versions), the use of that text does  
10 not accelerate or delay the taking effect of (i) the changes  
11 made by this Act or (ii) provisions derived from any other  
12 Public Act.

13 Section 99. Effective date. This Act takes effect upon  
14 becoming law.".