



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB1739

Introduced 2/17/2021, by Rep. Maura Hirschauer - Deb Conroy

SYNOPSIS AS INTRODUCED:

210 ILCS 85/6.02 new
725 ILCS 202/50

Amends the Sexual Assault Evidence Submission Act. Provides that health care providers or local law enforcement must notify victims about the tracking system after an Illinois Sexual Assault Evidence Collection Kit has been analyzed. Amends the Hospital Licensing Act. Provides that a hospital licensed under this Act must comply with the requirements concerning the sexual assault evidence tracking system under the Sexual Assault Evidence Submission Act.

LRB102 11380 KMF 16713 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 Hospital Licensing Act is amended by adding
5 Section 6.02 as follows:

6 (210 ILCS 85/6.02 new)

7 Sec. 6.02. Sexual Assault Evidence Submission Act. A
8 hospital licensed under this Act must comply with the
9 requirements of subsection (c) of Section 50 of the Sexual
10 Assault Evidence Submission Act.

11 Section 10. The Sexual Assault Evidence Submission Act is
12 amended by changing Section 50 as follows:

13 (725 ILCS 202/50)

14 Sec. 50. Sexual assault evidence tracking system.

15 (a) On June 26, 2018, the Sexual Assault Evidence Tracking
16 and Reporting Commission issued its report as required under
17 Section 43. It is the intention of the General Assembly in
18 enacting the provisions of this amendatory Act of the 101st
19 General Assembly to implement the recommendations of the
20 Sexual Assault Evidence Tracking and Reporting Commission set
21 forth in that report in a manner that utilizes the current

1 resources of law enforcement agencies whenever possible and
2 that is adaptable to changing technologies and circumstances.

3 (a-1) Due to the complex nature of a statewide tracking
4 system for sexual assault evidence and to ensure all
5 stakeholders, including, but not limited to, victims and their
6 designees, health care facilities, law enforcement agencies,
7 forensic labs, and State's Attorneys offices are integrated,
8 the Commission recommended the purchase of an electronic
9 off-the-shelf tracking system. The system must be able to
10 communicate with all stakeholders and provide real-time
11 information to a victim or his or her designee on the status of
12 the evidence that was collected. The sexual assault evidence
13 tracking system must:

- 14 (1) be electronic and web-based;
- 15 (2) be administered by the Department of State Police;
- 16 (3) have help desk availability at all times;
- 17 (4) ensure the law enforcement agency contact
18 information is accessible to the victim or his or her
19 designee through the tracking system, so there is contact
20 information for questions;
- 21 (5) have the option for external connectivity to
22 evidence management systems, laboratory information
23 management systems, or other electronic data systems
24 already in existence by any of the stakeholders to
25 minimize additional burdens or tasks on stakeholders;
- 26 (6) allow for the victim to opt in for automatic

1 notifications when status updates are entered in the
2 system, if the system allows;

3 (7) include at each step in the process, a brief
4 explanation of the general purpose of that step and a
5 general indication of how long the step may take to
6 complete;

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

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

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

12 (ii) the date the sexual evidence kit was sent
13 to the health care facility.

14 (B) for health care facility fields:

15 (i) the date sexual assault evidence was
16 collected; and

17 (ii) the date notification was made to the law
18 enforcement agency that the sexual assault
19 evidence was collected.

20 (C) for law enforcement agency fields:

21 (i) the date the law enforcement agency took
22 possession of the sexual assault evidence from the
23 health care facility, another law enforcement
24 agency, or victim if he or she did not go through a
25 health care facility;

26 (ii) the law enforcement agency complaint

1 number;

2 (iii) if the law enforcement agency that takes
3 possession of the sexual assault evidence from a
4 health care facility is not the law enforcement
5 agency with jurisdiction in which the offense
6 occurred, the date when the law enforcement agency
7 notified the law enforcement agency having
8 jurisdiction that the agency has sexual assault
9 evidence required under subsection (c) of Section
10 20 of the Sexual Assault Incident Procedure Act;

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

13 (v) if the victim did not consent for analysis
14 of the sexual assault evidence, the date on which
15 the law enforcement agency is no longer required
16 to store the sexual assault evidence;

17 (vi) a mechanism for the law enforcement
18 agency to document why the sexual assault evidence
19 was not submitted to the laboratory for analysis,
20 if applicable;

21 (vii) the date the law enforcement agency
22 received the sexual assault evidence results back
23 from the laboratory;

24 (viii) the date statutory notifications were
25 made to the victim or documentation of why
26 notification was not made; and

1 (ix) the date the law enforcement agency
2 turned over the case information to the State's
3 Attorney office, if applicable.

4 (D) for forensic lab fields:

5 (i) the date the sexual assault evidence is
6 received from the law enforcement agency by the
7 forensic lab for analysis;

8 (ii) the laboratory case number, visible to
9 the law enforcement agency and State's Attorney
10 office; and

11 (iii) the date the laboratory completes the
12 analysis of the sexual assault evidence.

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

14 (i) the date the State's Attorney office
15 received the sexual assault evidence results from
16 the laboratory, if applicable; and

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

18 (a-2) The Commission also developed guidelines for secure
19 electronic access to a tracking system for a victim, or his or
20 her designee to access information on the status of the
21 evidence collected. The Commission recommended minimum
22 guidelines in order to safeguard confidentiality of the
23 information contained within this statewide tracking system.
24 These recommendations are that the sexual assault evidence
25 tracking system must:

26 (1) allow for secure access, controlled by an

1 administering body who can restrict user access and allow
2 different permissions based on the need of that particular
3 user and health care facility users may include
4 out-of-state border hospitals, if authorized by the
5 Department of State Police to obtain this State's kits
6 from vendor;

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

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

12 (4) enable a sexual assault evidence to be tracked and
13 identified through the unique sexual assault evidence kit
14 identification number or barcode that the vendor applies
15 to each sexual assault evidence kit per the Department of
16 State Police's contract;

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

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

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

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

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

2 (10) contain report functions including:

3 (A) health care facility compliance with
4 applicable laws;

5 (B) law enforcement agency compliance with
6 applicable laws;

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

9 (D) forensic lab compliance with applicable laws;

10 and

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

13 (A) a health care facility has collected sexual
14 assault evidence;

15 (B) unreleased sexual assault evidence that is
16 being stored by the law enforcement agency has met the
17 minimum storage requirement by law; and

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

20 (b) The Department shall develop rules to implement a
21 sexual assault evidence tracking system that conforms with
22 subsections (a-1) and (a-2) of this Section. The Department
23 shall design the criteria for the sexual assault evidence
24 tracking system so that, to the extent reasonably possible,
25 the system can use existing technologies and products,
26 including, but not limited to, currently available tracking

1 systems. The sexual assault evidence tracking system shall be
2 operational and shall begin tracking and reporting sexual
3 assault evidence no later than one year after the effective
4 date of this amendatory Act of the 101st General Assembly. The
5 Department may adopt additional rules as it deems necessary to
6 ensure that the sexual assault evidence tracking system
7 continues to be a useful tool for law enforcement.

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

20 (c-1) Health care providers or local law enforcement must
21 notify victims about the tracking system after an Illinois
22 Sexual Assault Evidence Collection Kit has been analyzed.

23 (d) The operations of the sexual assault evidence tracking
24 system shall be funded by moneys appropriated for that purpose
25 from the State Crime Laboratory Fund and funds provided to the
26 Department through asset forfeiture, together with such other

1 funds as the General Assembly may appropriate.

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

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

10 (Source: P.A. 101-377, eff. 8-16-19.)