

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 Section 50 as follows:

6 (725 ILCS 202/50)

7 Sec. 50. Sexual assault evidence tracking system.

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

17 (a-1) Due to the complex nature of a statewide tracking
18 system for sexual assault evidence and to ensure all
19 stakeholders, including, but not limited to, victims and their
20 designees, health care facilities, law enforcement agencies,
21 forensic labs, and State's Attorneys offices are integrated,
22 the Commission recommended the purchase of an electronic
23 off-the-shelf tracking system. The system must be able to

1 communicate with all stakeholders and provide real-time
2 information to a victim or his or her designee on the status of
3 the evidence that was collected. The sexual assault evidence
4 tracking system must:

5 (1) be electronic and web-based;

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

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

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

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

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

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

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

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

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

3 (ii) the date the sexual evidence kit was sent
4 to the health care facility.

5 (B) for health care facility fields:

6 (i) the date sexual assault evidence was
7 collected; and

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

11 (C) for law enforcement agency fields:

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

17 (ii) the law enforcement agency complaint
18 number;

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

1 20 of the Sexual Assault Incident Procedure Act;

2 (iv) an indication if the victim consented for

3 analysis of the sexual assault evidence;

4 (v) if the victim did not consent for analysis

5 of the sexual assault evidence, the date on which

6 the law enforcement agency is no longer required

7 to store the sexual assault evidence;

8 (vi) a mechanism for the law enforcement

9 agency to document why the sexual assault evidence

10 was not submitted to the laboratory for analysis,

11 if applicable;

12 (vii) the date the law enforcement agency

13 received the sexual assault evidence results back

14 from the laboratory;

15 (viii) the date statutory notifications were

16 made to the victim or documentation of why

17 notification was not made; and

18 (ix) the date the law enforcement agency

19 turned over the case information to the State's

20 Attorney office, if applicable.

21 (D) for forensic lab fields:

22 (i) the date the sexual assault evidence is

23 received from the law enforcement agency by the

24 forensic lab for analysis;

25 (ii) the laboratory case number, visible to

26 the law enforcement agency and State's Attorney

1 office; and

2 (iii) the date the laboratory completes the
3 analysis of the sexual assault evidence.

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

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

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

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

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

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

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

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

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

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

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

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

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

19 (10) contain report functions including:

20 (A) health care facility compliance with
21 applicable laws;

22 (B) law enforcement agency compliance with
23 applicable laws;

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

26 (D) forensic lab compliance with applicable laws;

1 and

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

4 (A) a health care facility has collected sexual
5 assault evidence;

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

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

11 (b) The Department may ~~shall~~ develop rules to implement a
12 sexual assault evidence tracking system that conforms with
13 subsections (a-1) and (a-2) of this Section. The Department
14 shall design the criteria for the sexual assault evidence
15 tracking system so that, to the extent reasonably possible,
16 the system can use existing technologies and products,
17 including, but not limited to, currently available tracking
18 systems. The sexual assault evidence tracking system shall be
19 operational and shall begin tracking and reporting sexual
20 assault evidence no later than one year after the effective
21 date of this amendatory Act of the 101st General Assembly. The
22 Department may adopt additional rules as it deems necessary to
23 ensure that the sexual assault evidence tracking system
24 continues to be a useful tool for law 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
18 rules to implement the provisions of this Section under
19 subsection (ff) of Section 5-45 of the Illinois Administrative
20 Procedure 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 (Source: P.A. 101-377, eff. 8-16-19.)

25 Section 10. The Sexual Assault Incident Procedure Act is

1 amended by changing Sections 25 and 35 and by adding Section 11
2 as follows:

3 (725 ILCS 203/11 new)

4 Sec. 11. Victim Notification. The health care provider
5 must provide information to victims about the tracking system
6 at the time when information pertaining to the collection of
7 sexual assault evidence is provided. Using the contact
8 information provided, a local law enforcement agency must take
9 reasonable steps to notify victims about the tracking system
10 after sexual assault evidence has been collected.

11 (725 ILCS 203/25)

12 Sec. 25. Report; victim notice.

13 (a) At the time of first contact with the victim, law
14 enforcement shall:

15 (1) Advise the victim about the following by providing
16 a form, the contents of which shall be prepared by the
17 Office of the Attorney General and posted on its website,
18 written in a language appropriate for the victim or in
19 Braille, or communicating in appropriate sign language
20 that includes, but is not limited to:

21 (A) information about seeking medical attention
22 and preserving evidence, including specifically,
23 collection of evidence during a medical forensic
24 examination at a hospital and photographs of injury

1 and clothing;

2 (B) notice that the victim will not be charged for
3 hospital emergency and medical forensic services;

4 (C) information advising the victim that evidence
5 can be collected at the hospital up to 7 days after the
6 sexual assault or sexual abuse but that the longer the
7 victim waits the likelihood of obtaining evidence
8 decreases;

9 (C-5) notice that the sexual assault forensic
10 evidence collected will not be used to prosecute the
11 victim for any offense related to the use of alcohol,
12 cannabis, or a controlled substance;

13 (D) the location of nearby hospitals that provide
14 emergency medical and forensic services and, if known,
15 whether the hospitals employ any sexual assault nurse
16 examiners;

17 (E) a summary of the procedures and relief
18 available to victims of sexual assault or sexual abuse
19 under the Civil No Contact Order Act or the Illinois
20 Domestic Violence Act of 1986;

21 (F) the law enforcement officer's name and badge
22 number;

23 (G) at least one referral to an accessible service
24 agency and information advising the victim that rape
25 crisis centers can assist with obtaining civil no
26 contact orders and orders of protection; and

1 (H) if the sexual assault or sexual abuse occurred
2 in another jurisdiction, provide in writing the
3 address and phone number of a specific contact at the
4 law enforcement agency having jurisdiction.

5 (2) Offer to provide or arrange accessible
6 transportation for the victim to a hospital for emergency
7 and forensic services, including contacting emergency
8 medical services.

9 (2.5) Notify victims about the Illinois State Police
10 sexual assault evidence tracking system.

11 (3) Offer to provide or arrange accessible
12 transportation for the victim to the nearest available
13 circuit judge or associate judge so the victim may file a
14 petition for an emergency civil no contact order under the
15 Civil No Contact Order Act or an order of protection under
16 the Illinois Domestic Violence Act of 1986 after the close
17 of court business hours, if a judge is available.

18 (b) At the time of the initial contact with a person making
19 a third-party report under Section 22 of this Act, a law
20 enforcement officer shall provide the written information
21 prescribed under paragraph (1) of subsection (a) of this
22 Section to the person making the report and request the person
23 provide the written information to the victim of the sexual
24 assault or sexual abuse.

25 (c) If the first contact with the victim occurs at a
26 hospital, a law enforcement officer may request the hospital

1 provide interpretive services.

2 (Source: P.A. 99-801, eff. 1-1-17; 100-1087, eff. 1-1-19.)

3 (725 ILCS 203/35)

4 Sec. 35. Release of information.

5 (a) Upon the request of the victim who has consented to the
6 release of sexual assault evidence for testing, the law
7 enforcement agency having jurisdiction shall notify the victim
8 about the Illinois State Police sexual assault evidence
9 tracking system and provide the following information in
10 writing:

11 (1) the date the sexual assault evidence was sent to a
12 Department of State Police forensic laboratory or
13 designated laboratory;

14 (2) test results provided to the law enforcement
15 agency by a Department of State Police forensic laboratory
16 or designated laboratory, including, but not limited to:

17 (A) whether a DNA profile was obtained from the
18 testing of the sexual assault evidence from the
19 victim's case;

20 (B) whether the DNA profile developed from the
21 sexual assault evidence has been searched against the
22 DNA Index System or any state or federal DNA database;

23 (C) whether an association was made to an
24 individual whose DNA profile is consistent with the
25 sexual assault evidence DNA profile, provided that

1 disclosure would not impede or compromise an ongoing
2 investigation; and

3 (D) whether any drugs were detected in a urine or
4 blood sample analyzed for drug facilitated sexual
5 assault and information about any drugs detected.

6 (b) The information listed in paragraph (1) of subsection
7 (a) of this Section shall be provided to the victim within 7
8 days of the transfer of the evidence to the laboratory. The
9 information listed in paragraph (2) of subsection (a) of this
10 Section shall be provided to the victim within 7 days of the
11 receipt of the information by the law enforcement agency
12 having jurisdiction.

13 (c) At the time the sexual assault evidence is released
14 for testing, the victim shall be provided written information
15 by the law enforcement agency having jurisdiction or the
16 hospital providing emergency services and forensic services to
17 the victim informing him or her of the right to request
18 information under subsection (a) of this Section. A victim may
19 designate another person or agency to receive this
20 information.

21 (d) The victim or the victim's designee shall keep the law
22 enforcement agency having jurisdiction informed of the name,
23 address, telephone number, and email address of the person to
24 whom the information should be provided, and any changes of
25 the name, address, telephone number, and email address, if an
26 email address is available.

1 (Source: P.A. 99-801, eff. 1-1-17.)