



Rep. Denyse Stoneback

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10200HB3788ham001

LRB102 14149 KMF 23897 a

1 AMENDMENT TO HOUSE BILL 3788

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3788 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Department of State Police Law of the  
5 Civil Administrative Code of Illinois is amended by changing  
6 Section 2605-605 as follows:

7 (20 ILCS 2605/2605-605)

8 Sec. 2605-605. Violent Crime Intelligence Task Force. The  
9 Director of State Police may establish a statewide  
10 multi-jurisdictional Violent Crime Intelligence Task Force led  
11 by the Department of State Police dedicated to combating gun  
12 violence, gun-trafficking, and other violent crime with the  
13 primary mission of preservation of life and reducing the  
14 occurrence and the fear of crime. The objectives of the Task  
15 Force shall include, but not be limited to, reducing and  
16 preventing illegal possession and use of firearms,

1 firearm-related homicides, and other violent crimes, and  
2 solving firearm-related crimes.

3 (1) The Task Force may develop and acquire information,  
4 training, tools, and resources necessary to implement a  
5 data-driven approach to policing, with an emphasis on  
6 intelligence development.

7 (2) The Task Force may utilize information sharing,  
8 partnerships, crime analysis, and evidence-based practices to  
9 assist in the reduction of firearm-related shootings,  
10 homicides, and gun-trafficking, including, but not limited to,  
11 ballistic data, eTrace data, DNA evidence, latent  
12 fingerprints, firearm training data, and National Integrated  
13 Ballistic Information Network (NIBIN) data. The Task Force may  
14 design a model crime gun intelligence strategy which may  
15 include, but is not limited to, comprehensive collection and  
16 documentation of all ballistic evidence, timely transfer of  
17 NIBIN and eTrace leads to an intelligence center, which may  
18 include the Division of Criminal Investigation of the Illinois  
19 State Police, timely dissemination of intelligence to  
20 investigators, investigative follow-up, and coordinated  
21 prosecution.

22 (3) The Task Force may recognize and utilize best  
23 practices of community policing and may develop potential  
24 partnerships with faith-based and community organizations to  
25 achieve its goals.

26 (4) The Task Force may identify and utilize best practices

1 in drug-diversion programs and other community-based services  
2 to redirect low-level offenders.

3 (5) The Task Force may assist in violence suppression  
4 strategies including, but not limited to, details in  
5 identified locations that have shown to be the most prone to  
6 gun violence and violent crime, focused deterrence against  
7 violent gangs and groups considered responsible for the  
8 violence in communities, and other intelligence driven methods  
9 deemed necessary to interrupt cycles of violence or prevent  
10 retaliation.

11 (6) In consultation with the Chief Procurement Officer,  
12 the Department of State Police may obtain contracts for  
13 software, commodities, resources, and equipment to assist the  
14 Task Force with achieving this Act. Any contracts necessary to  
15 support the delivery of necessary software, commodities,  
16 resources, and equipment are not subject to the Illinois  
17 Procurement Code, except for Sections 20-60, 20-65, 20-70, and  
18 20-160 and Article 50 of that Code, provided that the Chief  
19 Procurement Officer may, in writing with justification, waive  
20 any certification required under Article 50 of the Illinois  
21 Procurement Code.

22 (Source: P.A. 100-3, eff. 1-1-18.)

23 Section 10. The Criminal Code of 2012 is amended by  
24 changing Section 24-8 as follows:

1 (720 ILCS 5/24-8)

2 Sec. 24-8. Firearm evidence tracing.

3 (a) Upon recovering a firearm from the possession of  
4 anyone who is not permitted by federal or State law to possess  
5 a firearm, a ~~local~~ law enforcement agency shall use the best  
6 available information, including a firearms trace ~~when~~  
7 ~~necessary~~, to determine how and from whom the person gained  
8 possession of the firearm. Upon recovering a firearm that was  
9 used in the commission of any offense classified as a felony or  
10 upon recovering a firearm that appears to have been lost,  
11 mislaid, stolen, or otherwise unclaimed, a ~~local~~ law  
12 enforcement agency shall use the best available information,  
13 including a firearms trace ~~when necessary~~, to determine prior  
14 ownership of the firearm.

15 (b) Law ~~Local law~~ enforcement shall, when appropriate, use  
16 the National Tracing Center of the Federal Bureau of Alcohol,  
17 Tobacco and Firearms and the National Crime Information Center  
18 of the Federal Bureau of Investigation in complying with  
19 subsection (a) of this Section.

20 (c) Law ~~Local law~~ enforcement agencies shall use the  
21 Illinois Department of State Police Law Enforcement Agencies  
22 Data System (LEADS) Gun File to enter all stolen, seized, or  
23 recovered firearms as prescribed by LEADS regulations and  
24 policies.

25 (d) Whenever a law enforcement agency recovers any fired  
26 cartridge case at a crime scene or has reason to believe that

1 the recovered fired cartridge case is related to or associated  
2 with the commission of a crime or the unlawful discharge of a  
3 firearm, the law enforcement agency shall submit the evidence  
4 to the National Integrated Ballistics Information Network  
5 (NIBIN) or an Illinois State Police laboratory for NIBIN  
6 processing. Whenever a law enforcement agency seizes or  
7 recovers a semiautomatic firearm that is deemed suitable to be  
8 entered into the NIBIN that was: (1) unlawfully possessed, (2)  
9 used for any unlawful purpose, (3) recovered from the scene of  
10 a crime, (4) is reasonably believed to have been used or  
11 associated with the commission of a crime, or (5) is acquired  
12 by the law enforcement agency as an abandoned or discarded  
13 firearm, the law enforcement agency shall submit the evidence  
14 to the NIBIN or an Illinois State Police laboratory for NIBIN  
15 processing. When practicable, all NIBIN-suitable evidence and  
16 NIBIN-suitable test fires from recovered firearms shall be  
17 entered into the NIBIN within 2 business days of submission to  
18 Illinois State Police laboratories that have NIBIN access or  
19 another NIBIN site. Exceptions to this may occur if the  
20 evidence in question requires analysis by other forensic  
21 disciplines. The Illinois State Police laboratory, submitting  
22 agency, and relevant court representatives shall determine  
23 whether the request for additional analysis outweighs the 2  
24 business-day requirement. Illinois State Police laboratories  
25 that do not have NIBIN access shall submit NIBIN-suitable  
26 evidence and test fires to an Illinois State Police laboratory

1 with NIBIN access. Upon receipt at the laboratory with NIBIN  
2 access, when practicable, the evidence and test fires shall be  
3 entered into the NIBIN within 2 business days. Exceptions to  
4 this 2 business-day requirement may occur if the evidence in  
5 question requires analysis by other forensic disciplines. The  
6 Illinois State Police laboratory, submitting agency, and  
7 relevant court representatives shall determine whether the  
8 request for additional analysis outweighs the 2 business-day  
9 requirement. Nothing in this Section shall be interpreted to  
10 conflict with standards and policies for NIBIN sites as  
11 promulgated by the Bureau of Alcohol, Tobacco, Firearms and  
12 Explosives (ATF) or successor agencies.

13 (Source: P.A. 91-364, eff. 1-1-00; 92-300, eff. 1-1-02.)

14 Section 15. The Unified Code of Corrections is amended by  
15 changing Section 5-4-3a as follows:

16 (730 ILCS 5/5-4-3a)

17 Sec. 5-4-3a. DNA testing backlog accountability.

18 (a) On or before August 1 of each year, the Department of  
19 State Police shall report to the Governor and both houses of  
20 the General Assembly the following information:

21 (1) the extent of the backlog of cases awaiting  
22 testing or awaiting DNA analysis by that Department,  
23 including but not limited to those tests conducted under  
24 Section 5-4-3, as of June 30 of the previous fiscal year,

1 with the backlog being defined as all cases awaiting  
2 forensic testing whether in the physical custody of the  
3 State Police or in the physical custody of local law  
4 enforcement, provided that the State Police have written  
5 notice of any evidence in the physical custody of local  
6 law enforcement prior to June 1 of that year; and

7 (2) what measures have been and are being taken to  
8 reduce that backlog and the estimated costs or  
9 expenditures in doing so.

10 (b) The information reported under this Section shall be  
11 made available to the public, at the time it is reported, on  
12 the official web site of the Department of State Police.

13 (c) Beginning January 1, 2016, the Department of State  
14 Police shall quarterly report on the status of the processing  
15 of forensic biology and DNA evidence submitted to the  
16 Department of State Police Laboratory for analysis. The report  
17 shall be submitted to the Governor and the General Assembly,  
18 and shall be posted on the Department of State Police website.  
19 The report shall include the following for each State Police  
20 Laboratory location and any laboratory to which the Department  
21 of State Police has outsourced evidence for testing:

22 (1) For forensic biology submissions, report both  
23 total case and sexual assault or abuse case (as defined by  
24 the Sexual Assault Evidence Submission Act) figures for:

25 (A) The number of cases received in the preceding  
26 quarter.

1 (B) The number of cases completed in the preceding  
2 quarter.

3 (C) The number of cases waiting analysis.

4 (D) The number of cases sent for outsourcing.

5 (E) The number of cases waiting analysis that were  
6 received within the past 30 days.

7 (F) The number of cases waiting analysis that were  
8 received 31 to 90 days prior.

9 (G) The number of cases waiting analysis that were  
10 received 91 to 180 days prior.

11 (H) The number of cases waiting analysis that were  
12 received 181 to 365 days prior.

13 (I) The number of cases waiting analysis that were  
14 received more than 365 days prior.

15 (J) The number of cases forwarded for DNA  
16 analyses.

17 (2) For DNA submissions, report both total case and  
18 sexual assault or abuse case (as defined by the Sexual  
19 Assault Evidence Submission Act) figures for:

20 (A) The number of cases received in the preceding  
21 quarter.

22 (B) The number of cases completed in the preceding  
23 quarter.

24 (C) The number of cases waiting analysis.

25 (D) The number of cases sent for outsourcing.

26 (E) The number of cases waiting analysis that were



1 received within the past 30 days.

2 (F) The number of cases waiting analysis that were  
3 received 31 to 90 days prior.

4 (G) The number of cases waiting analysis that were  
5 received 91 to 180 days prior.

6 (H) The number of cases waiting analysis that were  
7 received 181 to 365 days prior.

8 (I) The number of cases waiting analysis that were  
9 received more than 365 days prior.

10 (3) For all other categories of testing (e.g., drug  
11 chemistry, firearms/toolmark, footwear/tire track, latent  
12 prints, toxicology, and trace chemistry analysis):

13 (A) The number of cases received in the preceding  
14 quarter.

15 (B) The number of cases completed in the preceding  
16 quarter.

17 (C) The number of cases waiting analysis.

18 (D) The number of cases entered in the National  
19 Integrated Ballistic Information Network (NIBIN).

20 (E) The number of investigative leads developed  
21 from National Integrated Ballistic Information Network  
22 (NIBIN) analysis.

23 (4) For the Combined DNA Index System (CODIS), report  
24 both total case and sexual assault or abuse case (as  
25 defined by the Sexual Assault Evidence Submission Act)  
26 figures for subparagraphs (D), (E), and (F) of this

1 paragraph (4):

2 (A) The number of new offender samples received in  
3 the preceding quarter.

4 (B) The number of offender samples uploaded to  
5 CODIS in the preceding quarter.

6 (C) The number of offender samples awaiting  
7 analysis.

8 (D) The number of unknown DNA case profiles  
9 uploaded to CODIS in the preceding quarter.

10 (E) The number of CODIS hits in the preceding  
11 quarter.

12 (F) The number of forensic evidence submissions  
13 submitted to confirm a previously reported CODIS hit.

14 (5) For each category of testing, report the number of  
15 trained forensic scientists and the number of forensic  
16 scientists in training.

17 As used in this subsection (c), "completed" means  
18 completion of both the analysis of the evidence and the  
19 provision of the results to the submitting law enforcement  
20 agency.

21 (d) The provisions of this subsection (d), other than this  
22 sentence, are inoperative on and after January 1, 2019 or 2  
23 years after the effective date of this amendatory Act of the  
24 99th General Assembly, whichever is later. In consultation  
25 with and subject to the approval of the Chief Procurement  
26 Officer, the Department of State Police may obtain contracts

1 for services, commodities, and equipment to assist in the  
2 timely completion of forensic biology, DNA, drug chemistry,  
3 firearms/toolmark, footwear/tire track, latent prints,  
4 toxicology, microscopy, trace chemistry, and Combined DNA  
5 Index System (CODIS) analysis. Contracts to support the  
6 delivery of timely forensic science services are not subject  
7 to the provisions of the Illinois Procurement Code, except for  
8 Sections 20-60, 20-65, 20-70, and 20-160 and Article 50 of  
9 that Code, provided that the Chief Procurement Officer may, in  
10 writing with justification, waive any certification required  
11 under Article 50 of the Illinois Procurement Code. For any  
12 contracts for services which are currently provided by members  
13 of a collective bargaining agreement, the applicable terms of  
14 the collective bargaining agreement concerning subcontracting  
15 shall be followed.

16 (Source: P.A. 99-352, eff. 1-1-16; 99-801, eff. 1-1-17.)".