



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB0666

Introduced 2/24/2021, by Sen. Patricia Van Pelt

SYNOPSIS AS INTRODUCED:

New Act
20 ILCS 2605/2605-615 new
725 ILCS 5/111-9 new

Creates the Forensic Laboratory Impact Note Act. Creates the Forensic Laboratory Impact Note. Provides that every bill, the purpose or effect of which is to increase or decrease the number of crime laboratories, increase or decrease the cost of operating crime laboratories, or alter any process involving or used by crime laboratories, either directly or indirectly, shall have prepared for it prior to second reading in the house of introduction a brief explanatory statement of the estimated total annual cost of such changes to the State and units of local government affected by those changes (if any). Amends the Department of State Police Law of the Civil Administrative Code of Illinois. Creates the Illinois Forensic Science Commission. Provides that the Commission shall provide guidance to ensure the efficient delivery of forensic services and the sound practice of forensic science. Provides for the membership, meetings, duties, and reporting of the Commission. Amends the Illinois Procurement Code. Provides for the appointment of a chief procurement officer for publicly-funded forensic laboratories. Amends the Code of Criminal Procedure of 1963. Provides that upon disposition, withdrawal, or dismissal of any charge, the State's Attorney shall promptly notify the forensic laboratory or laboratories in possession of evidence, reports, or other materials or information related to that charge. Provides that a forensic scientist who is employed by or is contracted with the Division of Forensic Services of the Illinois State Police may complete a deposition by video conference or other electronic means. Effective immediately.

LRB102 17193 JWD 22647 b

1 AN ACT concerning forensic science.

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

4 Section 1. Short title. This Act may be cited as the
5 Forensic Laboratory Impact Note Act. References in this
6 Article to "this Act" mean this Article.

7 Section 5. Scope. Every bill, the purpose or effect of
8 which will: increase or decrease the number of crime
9 laboratories; increase or decrease the cost of operating crime
10 laboratories; impact on efficiencies and case loads as well as
11 provide other facts, data, research, and science relevant to
12 the legislative matter; or result in alteration in any process
13 involving or used by crime laboratories; either directly or
14 indirectly, shall have prepared for it prior to second reading
15 in the house of introduction a brief explanatory statement of
16 the estimated total annual cost of such changes to the State
17 and units of local government affected by those changes (if
18 any). These statements shall be known as "Forensic Laboratory
19 Impact Notes".

20 Section 10. Procedure. The sponsor of each bill referred
21 to in Section 5 shall present a copy of the bill, with his or
22 her requirements for a Note, to the Commission. The Note shall

1 be prepared by the Illinois Forensic Science Commission and
2 furnished to the sponsor of the bill within 5 calendar days
3 thereafter; except that whenever, because of the complexity of
4 the measure, additional time is required for the preparation
5 of the Note the Commission may so inform the sponsor of the
6 bill and the sponsor may approve an extension of the time
7 within which the note should be furnished, not to extend,
8 however, beyond May 15 the odd numbered year following the
9 date of request.

10 Whenever the sponsor of any measure is of the opinion that
11 no Note is necessary, any member of either house may
12 thereafter request that a Note be obtained, and in such case
13 the matter shall be decided by majority vote of those present
14 and voting in the house of which he or she is a member.

15 Section 15. Purpose. The purpose of the Note shall be to
16 identify the fiscal and practical effects of proposed
17 legislation, including, but not limited to, analysis of
18 technology, additional, alterations, improvements, or
19 practices of forensic analyses for use in criminal
20 proceedings, impact on the following headcount, space,
21 equipment, instruments, accreditation, volume of cases for
22 analysis, scientific controls and quality assurance.

23 Section 20. Content. The Note shall be factual in nature,
24 as brief and concise as may be, and shall provide a reliable

1 estimate of the annual cost to crime laboratories for which
2 the change is required. If it is determined that such need can
3 not be ascertained, the Note shall contain a statement to that
4 effect, setting forth the reasons why a determination of need
5 cannot be given.

6 Whenever any measure by which a Note is requested affects
7 both the State and one or more units of local government, such
8 effect must be set forth in the Note.

9 No comment or opinion shall be included in the Note
10 regarding the merits of the measure for which the Note is
11 prepared; however, technical or mechanical defects may be
12 noted. The name of the Illinois Forensic Science Commission
13 shall appear at the end of the note and the original of the
14 Note shall be signed by a designee of the Commission.

15 Section 25. Committee appearances. The fact that a Note is
16 prepared for any bill shall not preclude or restrict the
17 appearance before any committee of the General Assembly of any
18 official or authorized employee of the Commission, or any
19 State board, commission, department, agency, or other entity,
20 who desires to be heard in support of or in opposition to the
21 measure.

22 Section 30. Amendments. Whenever any committee of either
23 house reports any bill with amendments of such a nature as
24 will: increase or decrease the number of crime laboratories;

1 increase or decrease the cost of operating crime laboratories;
2 impact on efficiencies and case loads as well as provide other
3 facts, data, research, and science relevant to the legislative
4 matter; or result in alteration in any process involving or
5 used by crime laboratories; either directly or indirectly, as
6 stated in the Note relating to the measure at the time of its
7 referral to the committee, there shall be included with the
8 report of the committee a statement of the effect of the change
9 proposed by the amendment reported as desired by a majority of
10 the committee.

11 Whenever any measure is amended on the floor of either
12 house in such manner as will: increase or decrease the number
13 of crime laboratories; increase or decrease the cost of
14 operating crime laboratories; impact on efficiencies and case
15 loads as well as provide other facts, data, research, and
16 science relevant to the legislative matter; or result in
17 alteration in any process involving or used by crime
18 laboratories; either directly or indirectly, as stated in the
19 Note relating to the measure prior to such amendment, a
20 majority of such house may propose that no action shall be
21 taken upon the amendment until the sponsor of the amendment
22 shows to the members a statement of the effect of his or her
23 proposed amendment.

24 Section 50. The Department of State Police Law of the
25 Civil Administrative Code of Illinois is amended by adding

1 Section 2605-615 as follows:

2 (20 ILCS 2605/2605-615 new)

3 Sec. 2605-615. Illinois Forensic Science Commission.

4 (a) Creation. There is created within the Illinois State
5 Police the Illinois Forensic Science Commission.

6 (b) Duties and purpose. The Commission shall:

7 (1) Provide guidance to ensure the efficient delivery
8 of forensic services and the sound practice of forensic
9 science.

10 (2) Provide a forum for discussions between forensic
11 science stakeholders to improve communication and
12 coordination and to monitor the important issues impacting
13 all stakeholders.

14 (3) Take a systems-based approach in reviewing all
15 aspects of the delivery of forensic services and the sound
16 practice of forensic science with the goal of reducing or
17 eliminating the factors and inefficiencies that contribute
18 to backlogs and errors, with a focus on education and
19 training, funding, hiring, procurement, and other aspects
20 identified by the Commission.

21 (4) Review significant non-conformities with the sound
22 practice of forensic science documented by each
23 publicly-funded forensic laboratory and offer
24 recommendations for the correction thereof.

25 (5) Subject to appropriation, provide educational,

1 research, and professional training opportunities for
2 practicing forensic scientists, police officers, judges,
3 State's Attorneys and Assistant State's Attorneys, Public
4 Defenders, and defense attorneys comporting with the sound
5 practice of forensic science.

6 (6) Collect and analyze information related to the
7 impact of current laws, rules, policies, and practices on
8 forensic crime laboratories and the practice of forensic
9 science; evaluate the impact of those laws, rules,
10 policies, and practices on forensic crime laboratories and
11 the practice of forensic science; identify new policies
12 and approaches, together with changes in science, and
13 technology; and make recommendations for changes to those
14 laws, rules, policies, and practices that will yield
15 better results in the criminal justice system consistent
16 with the sound practice of forensic science.

17 (7) Perform such other studies or tasks pertaining to
18 forensic crime laboratories as may be requested by the
19 General Assembly by resolution or the Governor, and
20 perform such other functions as may be required by law or
21 as are necessary to carry out the purposes and goals of the
22 Commission prescribed in this Section.

23 (8) Ensure that adequate resources and facilities are
24 available for carrying out the changes proposed in
25 legislation and that rational priorities are established
26 for the use of those resources. To do so, the Commission

1 shall prepare Forensic Laboratory Impact Notes identifying
2 the fiscal and practical effects of proposed legislation
3 according to the provisions of the Forensic Laboratory
4 Impact Note Act, including, but not limited to, staffing,
5 resources, and a professional opinion on the value of the
6 change or changes proposed and related science.

7 (c) Members. The Commission shall be composed of the
8 Director of the Illinois State Police, or his or her designee,
9 together with the following members appointed for a term of 4
10 years by the Governor with the advice and consent of the
11 Senate:

12 (1) One crime laboratory director or administrator
13 from each publicly-funded forensic laboratory system.

14 (2) One member with experience in the admission of
15 forensic evidence in trials from a statewide association
16 representing prosecutors.

17 (3) One member with experience in the admission of
18 forensic evidence in trials from a statewide association
19 representing criminal defense attorneys.

20 (4) Three forensic scientists with bench work
21 background from various forensic disciplines (e.g., DNA,
22 chemistry, pattern evidence, etc.).

23 (5) One retired circuit court judge or associate
24 circuit court judge with criminal trial experience,
25 including experience in the admission of forensic evidence
26 in trials.

1 (6) One academic specializing in the field of forensic
2 sciences.

3 (7) One or more community representatives (e.g.,
4 victim advocates, innocence project organizations, sexual
5 assault examiners, etc.).

6 The Governor shall designate one of the members of the
7 Commission to serve as the chair of the Commission. The
8 members of the Commission shall elect from their number such
9 other officers as they may determine. Members of the
10 Commission shall serve without compensation, but may be
11 reimbursed for reasonable expenses incurred in the performance
12 of their duties from funds appropriated for that purpose.

13 (d) Subcommittees. The Commission may form subcommittees
14 to study specific issues identified under paragraph (3) of
15 subsection (b), including, but not limited to, subcommittees
16 on education and training, procurement, funding and hiring. Ad
17 hoc subcommittees may also be convened to address other
18 issues. Such subcommittees shall meet as needed to complete
19 their work, and shall report their findings back to the
20 Commission. Subcommittees shall include members of the
21 Commission, and may also include non-members such as forensic
22 science stakeholders and subject matter experts.

23 (e) Meetings. The Commission shall meet quarterly, at the
24 call of the chairperson. Facilities for meeting, whether
25 remotely or in person, shall be provided for the Commission by
26 the Illinois State Police.

1 (f) Reporting by publicly-funded forensic laboratories.
2 All State and local publicly-funded forensic laboratory
3 systems, including, but not limited to, the DuPage County
4 Forensic Science Center, the Northeastern Illinois Regional
5 Crime Laboratory, and the Illinois State Police, shall
6 annually provide to the Commission a report summarizing its
7 significant non-conformities with the efficient delivery of
8 forensic services and the sound practice of forensic science.
9 The report will identify: each significant non-conformity or
10 deficient method; how the non-conformity or deficient method
11 was detected; the nature and extent of the non-conformity or
12 deficient method; all corrective actions implemented to
13 address the non-conformity or deficient method; and an
14 analysis of the effectiveness of the corrective actions taken.

15 (g) Definition. As used in this Section, "Commission"
16 means the Illinois Forensic Science Commission.

17 Section 60. The Code of Criminal Procedure of 1963 is
18 amended by adding Sections 111-9 and 116-6 as follows:

19 (725 ILCS 5/111-9 new)

20 Sec. 111-9. Notification to forensic laboratories. Unless
21 the Supreme Court shall by Rule provide otherwise, upon
22 disposition, withdrawal, or dismissal of any charge, the
23 State's Attorney shall promptly notify the forensic laboratory
24 or laboratories in possession of evidence, reports, or other

1 materials or information related to that charge. Notification
2 may be given by any reasonable means under the circumstances,
3 including, but not limited to, the Illinois State Police
4 Laboratory Information Management System, email, or telephone.

5 Section 99. Effective date. This Act takes effect upon
6 becoming law.