



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB5129

Introduced 2/8/2024, by Rep. Dan Ugaste - Nicole La Ha - Amy L. Grant - Jennifer Sanalitra - Jackie Haas, et al.

SYNOPSIS AS INTRODUCED:

405 ILCS 5/6-103.3

Amends the Mental Health and Developmental Disabilities Code. Provides that, if a person is determined to pose a clear and present danger to himself, herself, or to others by a physician, clinical psychologist, or qualified examiner, whether employed by the State, by any public or private mental health facility or part thereof, or by a law enforcement official or a school administrator, then the physician, clinical psychologist, or qualified examiner shall notify the Department of Human Services and a law enforcement official or school administrator shall notify the Illinois State Police and the appropriate local law enforcement agency (rather than shall notify the Illinois State Police), within 24 hours of making the determination that the person poses a clear and present danger.

LRB103 35999 SPS 66086 b

1 AN ACT concerning health.

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

4 Section 5. The Mental Health and Developmental
5 Disabilities Code is amended by changing Section 6-103.3 as
6 follows:

7 (405 ILCS 5/6-103.3)

8 Sec. 6-103.3. Clear and present danger; notice. If a
9 person is determined to pose a clear and present danger to
10 himself, herself, or to others by a physician, clinical
11 psychologist, or qualified examiner, whether employed by the
12 State, by any public or private mental health facility or part
13 thereof, or by a law enforcement official or a school
14 administrator, then the physician, clinical psychologist, or
15 qualified examiner shall notify the Department of Human
16 Services and a law enforcement official or school
17 administrator shall notify the Illinois State Police and the
18 appropriate local law enforcement agency, within 24 hours of
19 making the determination that the person poses a clear and
20 present danger. The Department of Human Services shall
21 immediately update its records and information relating to
22 mental health and developmental disabilities, and if
23 appropriate, shall notify the Illinois State Police in a form

1 and manner prescribed by the Illinois State Police.
2 Information disclosed under this Section shall remain
3 privileged and confidential, and shall not be redisclosed,
4 except as required under subsection (e) of Section 3.1 of the
5 Firearm Owners Identification Card Act, nor used for any other
6 purpose. The method of providing this information shall
7 guarantee that the information is not released beyond that
8 which is necessary for the purpose of this Section and shall be
9 provided by rule by the Department of Human Services. The
10 identity of the person reporting under this Section shall not
11 be disclosed to the subject of the report. The physician,
12 clinical psychologist, qualified examiner, law enforcement
13 official, or school administrator making the determination and
14 his or her employer shall not be held criminally, civilly, or
15 professionally liable for making or not making the
16 notification required under this Section, except for willful
17 or wanton misconduct. This Section does not apply to a law
18 enforcement official, if making the notification under this
19 Section will interfere with an ongoing or pending criminal
20 investigation.

21 For the purposes of this Section:

22 "Clear and present danger" has the meaning ascribed to
23 it in Section 1.1 of the Firearm Owners Identification
24 Card Act.

25 "Determined to pose a clear and present danger to
26 himself, herself, or to others by a physician, clinical

1 psychologist, or qualified examiner" means in the
2 professional opinion of the physician, clinical
3 psychologist, or qualified examiner, a person poses a
4 clear and present danger.

5 "School administrator" means the person required to
6 report under the School Administrator Reporting of Mental
7 Health Clear and Present Danger Determinations Law.

8 (Source: P.A. 102-538, eff. 8-20-21.)