

SB0333



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB0333

Introduced 2/2/2023, by Sen. David Koehler

SYNOPSIS AS INTRODUCED:

20 ILCS 2630/3.2

from Ch. 38, par. 206-3.2

Amends the Criminal Identification Act. Creates procedures for a medical facility, physician, or nurse to report a sexual assault when the sexual assault survivor requests treatment at the medical facility.

LRB103 26029 AWJ 52384 b

A BILL FOR

1 AN ACT concerning government.

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

4 Section 5. The Criminal Identification Act is amended by
5 changing Section 3.2 as follows:

6 (20 ILCS 2630/3.2) (from Ch. 38, par. 206-3.2)

7 Sec. 3.2. (a) It is the duty of any person conducting or
8 operating a medical facility, or any physician or nurse, as
9 soon as treatment permits, to notify the local law enforcement
10 agency of that jurisdiction upon the application for treatment
11 of a person who is not accompanied by a law enforcement
12 officer, when it reasonably appears that the person requesting
13 treatment has received:

14 (1) any injury resulting from the discharge of a
15 firearm; or

16 (2) any injury sustained in the commission of ~~or as a~~
17 ~~victim of~~ a criminal offense; ~~or.~~

18 (3) any injury sustained as a victim of a criminal
19 offense.

20 (a-5) When it reasonably appears that the person
21 requesting treatment is a sexual assault survivor, a person
22 conducting or operating a medical facility, or a physician or
23 nurse at the medical facility, must notify the local law

1 enforcement as follows:

2 (1) If a sexual assault survivor consents to
3 notification being made, local law enforcement must be
4 notified as soon as treatment permits. If the sexual
5 assault or sexual abuse occurred in another jurisdiction,
6 the law enforcement officer taking the report must submit
7 the report to the law enforcement agency having
8 jurisdiction as provided in subsection (c) of Section 20
9 of the Sexual Assault Incident Procedure Act.

10 (2) If a sexual assault survivor does not consent to
11 notification being made as soon as treatment permits,
12 notification to the law enforcement agency having
13 jurisdiction must be delayed until after the sexual
14 assault survivor leaves the outpatient treatment location,
15 but no later than 24 hours after the sexual assault
16 survivor leaves. If the law enforcement agency having
17 jurisdiction cannot be reasonably determined, then
18 notification shall be made to the local law enforcement
19 agency of the medical facility. This requirement to delay
20 notifying law enforcement does not change the obligations
21 of mandated reporters under the Abused and Neglected Child
22 Reporting Act, the Adult Protective Services Act, or the
23 Abused and Neglected Long Term Care Facility Residents
24 Reporting Act.

25 (3) If a sexual assault survivor does not consent to
26 notification being made as soon as treatment permits and

1 only consents to the collection and storage of evidence,
2 the person conducting or operating a medical facility, or
3 a physician or nurse at the medical facility, must make
4 the notification in accordance with Section 6.6 or 6.6-1
5 of the Sexual Assault Survivors Emergency Treatment Act.
6 Law enforcement may not be given any personal identifying
7 information for the sexual assault survivor other than
8 using the unique sexual assault evidence kit
9 identification number assigned to the Illinois State
10 Police evidence collection kit or the sexual assault
11 survivor's medical record number. The medical facility,
12 physician, or nurse must record the unique sexual assault
13 evidence kit identification number in the medical record,
14 if one exists, and shall provide the number to the sexual
15 assault survivor or the sexual assault survivor's designee
16 at the time of treatment and later at the request of the
17 sexual assault survivor or their designee.

18 (4) The sexual assault survivor's decision regarding
19 notification of law enforcement must be documented in the
20 medical record.

21 (5) The notification to law enforcement must be
22 limited to the following information:

23 (A) the date and time the sexual assault survivor
24 presented for treatment;

25 (B) the nature of the criminal offense;

26 (C) the municipality, township, or county where

1 the criminal offense occurred;

2 (D) when necessary to prevent serious and imminent
3 physical harm to others, information that identifies a
4 perpetrator who poses a serious and imminent threat to
5 an identifiable group or individual other than the
6 victim;

7 (E) when applicable, the unique sexual assault
8 evidence kit identification number; and

9 (F) additional information and details about the
10 criminal offense or the sexual assault survivor that
11 the sexual assault survivor gives consent to be given,
12 and this consent must be documented in the medical
13 record.

14 (6) Nothing in this subsection permits a delay in
15 notification to law enforcement when a patient admits to
16 committing a violent crime.

17 (7) Nothing in this subsection permits a delay in
18 notification to law enforcement when a sexual assault
19 survivor is admitted or treated for an injury due to
20 discharge of a firearm. Notification related to the sexual
21 assault shall otherwise meet the requirements of this
22 subsection.

23 Any hospital, physician or nurse shall be forever held
24 harmless from any civil liability for their reasonable
25 compliance with the provisions of this Section.

26 (b) Notwithstanding subsection (a), nothing in this

1 Section shall be construed to require the reporting of lawful
2 health care activity, whether such activity may constitute a
3 violation of another state's law.

4 (c) As used in this Section:

5 "Law enforcement agency having jurisdiction" and "sexual
6 assault survivor" have the meanings given to those terms in
7 Section 1a of the Sexual Assault Survivors Emergency Treatment
8 Act.

9 "Lawful health care" means:

10 (1) reproductive health care that is not unlawful
11 under the laws of this State, including on any theory of
12 vicarious, joint, several, or conspiracy liability; or

13 (2) the treatment of gender dysphoria or the
14 affirmation of an individual's gender identity or gender
15 expression, including but not limited to, all supplies,
16 care, and services of a medical, behavioral health, mental
17 health, surgical, psychiatric, therapeutic, diagnostic,
18 preventative, rehabilitative, or supportive nature that is
19 not unlawful under the laws of this State, including on
20 any theory of vicarious, joint, several, or conspiracy
21 liability.

22 "Lawful health care activity" means seeking, providing,
23 receiving, assisting in seeking, providing, or receiving,
24 providing material support for, or traveling to obtain lawful
25 health care.

26 (Source: P.A. 102-1117, eff. 1-13-23.)