



Sen. David Koehler

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10300SB0333sam002

LRB103 26029 AWJ 60527 a

1 AMENDMENT TO SENATE BILL 333

2 AMENDMENT NO. _____. Amend Senate Bill 333 by replacing
3 everything after the enacting clause with the following:

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~~

1 ~~victim of a criminal offense; or~~

2 (3) any injury sustained as a victim of a criminal
3 offense. Except, when it reasonably appears that the
4 person requesting treatment is a sexual assault survivor,
5 a person conducting or operating a medical facility, or a
6 physician or nurse at the medical facility, must notify
7 the local law enforcement as follows:

8 (A) If a sexual assault survivor consents to
9 notification being made, local law enforcement must be
10 notified as soon as treatment permits. If the sexual
11 assault or sexual abuse occurred in another
12 jurisdiction, the law enforcement officer taking the
13 report must submit the report to the law enforcement
14 agency having jurisdiction as provided in subsection
15 (c) of Section 20 of the Sexual Assault Incident
16 Procedure Act.

17 (B) The healthcare provider must advise the
18 survivor about the options for timing of the law
19 enforcement notification, ask the survivor if the
20 survivor has been threatened, and offer to connect the
21 survivor with a rape crisis center for safety
22 planning, if appropriate. If a sexual assault survivor
23 does not consent to notification being made as soon as
24 treatment permits, notification to the law enforcement
25 agency having jurisdiction must be delayed until after
26 the sexual assault survivor leaves the outpatient

1 treatment location, but no later than 24 hours after
2 the sexual assault survivor leaves. If the law
3 enforcement agency having jurisdiction cannot be
4 reasonably determined, then notification shall be made
5 to the local law enforcement agency of the medical
6 facility.

7 (C) If a sexual assault survivor does not consent
8 to notification being made as soon as treatment
9 permits and only consents to the collection and
10 storage of evidence, the person conducting or
11 operating a medical facility, or a physician or nurse
12 at the medical facility, must make the notification in
13 accordance with Section 6.6 or 6.6-1 of the Sexual
14 Assault Survivors Emergency Treatment Act. Law
15 enforcement may not be given any personal identifying
16 information for the sexual assault survivor other than
17 using the unique sexual assault evidence kit
18 identification number assigned to the Illinois State
19 Police evidence collection kit or the sexual assault
20 survivor's medical record number. The medical
21 facility, physician, or nurse must record the unique
22 sexual assault evidence kit identification number in
23 the medical record, if one exists, and shall provide
24 the number to the sexual assault survivor or the
25 sexual assault survivor's designee at the time of
26 treatment and later at the request of the sexual

1 assault survivor or their designee.

2 (D) The sexual assault survivor's decision
3 regarding notification of law enforcement must be
4 documented in the medical record. The documentation
5 must also include confirmation that the question in
6 subparagraph (B) was asked of the survivor.

7 (E) The notification to law enforcement must be
8 limited to the following information:

9 (i) the date and time the sexual assault
10 survivor presented for treatment;

11 (ii) the nature of the criminal offense;

12 (iii) the municipality, township, or county
13 where the criminal offense occurred;

14 (iv) when necessary to prevent serious and
15 imminent physical harm to others, information that
16 identifies a perpetrator who poses a serious and
17 imminent threat to an identifiable group or
18 individual other than the victim;

19 (v) when applicable, the unique sexual assault
20 evidence kit identification number; and

21 (vi) additional information and details about
22 the criminal offense or the sexual assault
23 survivor that the sexual assault survivor gives
24 consent to be given, and this consent must be
25 documented in the medical record.

26 (F) Nothing in this subsection permits a delay in

1 notification to law enforcement when a patient admits
2 to committing a violent crime.

3 (G) Nothing in this subsection permits a delay in
4 notification to law enforcement when a sexual assault
5 survivor is admitted or treated for an injury due to
6 discharge of a firearm or life-threatening injuries.
7 Notification related to the sexual assault shall
8 otherwise meet the requirements of this subsection.

9 (H) Nothing in this subsection changes the
10 obligations of mandated reporters under the Abused and
11 Neglected Child Reporting Act, the Adult Protective
12 Services Act, and the Abused and Neglected Long Term
13 Care Facility Residents Reporting Act, and nothing in
14 this subsection requires a delay in notification of
15 law enforcement by the Department of Children and
16 Family Services, Adult Protective Services, or any
17 other agency receiving a mandated report.

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

21 (b) Notwithstanding subsection (a), nothing in this
22 Section shall be construed to require the reporting of lawful
23 health care activity, whether such activity may constitute a
24 violation of another state's law.

25 (c) As used in this Section:

26 "Law enforcement agency having jurisdiction" and "sexual

1 assault survivor" have the meanings given to those terms in
2 Section 1a of the Sexual Assault Survivors Emergency Treatment
3 Act.

4 "Lawful health care" means:

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

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

17 "Lawful health care activity" means seeking, providing,
18 receiving, assisting in seeking, providing, or receiving,
19 providing material support for, or traveling to obtain lawful
20 health care.

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