



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB4396

Introduced 01/05/06, by Rep. Ronald A. Wait

SYNOPSIS AS INTRODUCED:

725 ILCS 5/108-1.5 new

Amends the Code of Criminal Procedure of 1963. Provides that a peace officer who, in the course of a lawful arrest or investigation of an alleged criminal offense, is exposed to the blood or other bodily fluids of an alleged offender or other suspect may require that the alleged offender or suspect submit a sample of his or her blood to the law enforcement agency for whom the peace officer is employed for testing and analysis of the blood to determine if the alleged offender or suspect has any sexually transmissible or communicable disease, including a test for infection with HIV or any other identified causative agent of AIDS. Provides that any such medical test shall be performed only by appropriately licensed medical practitioners and may include an analysis of any bodily fluids as well as an examination of the alleged offender or suspect's person. Provides that the costs of such testing and analysis shall be paid by the suspect or the alleged offender unless he or she is unable to pay for such testing and analysis in which case the testing and analysis shall be paid by the law enforcement agency for whom the peace officer who has been exposed to the blood or other bodily fluids is employed. Provides that the results of the testing shall be disclosed only to the peace officer who has been exposed to the alleged offender or suspect's blood or other bodily fluids.

LRB094 16026 RLC 51261 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning criminal law.

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

4 Section 5. The Code of Criminal Procedure of 1963 is
5 amended by adding Section 108-1.5 as follows:

6 (725 ILCS 5/108-1.5 new)

7 Sec. 108-1.5. Exposure of peace officer to blood or other
8 bodily fluids of alleged offender.

9 (a) A peace officer who, in the course of a lawful arrest
10 or investigation of an alleged criminal offense, is exposed to
11 the blood or other bodily fluids of an alleged offender or
12 other suspect may require that the alleged offender or suspect
13 submit a sample of his or her blood to the law enforcement
14 agency for whom the peace officer is employed for testing and
15 analysis of the blood to determine if the alleged offender or
16 suspect has any sexually transmissible or communicable
17 disease, including a test for infection with human
18 immunodeficiency virus (HIV) or any other identified causative
19 agent of acquired immunodeficiency syndrome (AIDS). Any such
20 medical test shall be performed only by appropriately licensed
21 medical practitioners and may include an analysis of any bodily
22 fluids as well as an examination of the alleged offender or
23 suspect's person.

24 (b) The results of the testing and analysis of the blood of
25 the alleged offender or suspect shall be kept confidential and
26 may be disclosed only to the peace officer who came in contact
27 with the alleged offender or suspect's blood or other bodily
28 fluids.

29 (c) The costs of such testing and analysis shall be paid by
30 the suspect or the alleged offender unless he or she is unable
31 to pay for such testing and analysis in which case the testing
32 and analysis shall be paid by the law enforcement agency for

1 whom the peace officer who has been exposed to the blood or
2 other bodily fluids is employed.