



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB5241

Introduced 1/24/2006, by Rep. Jim Durkin

SYNOPSIS AS INTRODUCED:

20 ILCS 2605/2605-40

was 20 ILCS 2605/55a-4

Amends the Department of State Police Law of the Civil Administrative Code of Illinois. Provides that State Police crime laboratories must establish and carry out procedures to ensure, upon request by prosecution or defense counsel, complete disclosure in legal proceedings. Provides that disclosure shall include, but is not limited to, all reports, notes, and conversation logs, quality assurance and quality control (QA/QC) documentation, protocol and procedure manuals, command directives and other statements of procedure and policy relating to forensic testing, validation studies, documentation relating to corrective actions and remedial actions, incidents, incident logs, errors, and incidents of contamination, proficiency tests, and results. Sets forth that this disclosure obligation also applies to any subcontractors used by the forensic laboratory to undertake forensic examinations. Provides that forensic laboratories within the Division on Forensic Services shall report to the Illinois Laboratory Advisory Committee: (i) allegations made known to the Illinois State Police against a forensic laboratory or its staff of misrepresentation of data, credentials, test results, testimony, or any deception or misrepresentation in obtaining forensic laboratory accreditation; (ii) results from any and all investigations regarding these allegations or incidents with supporting documentation; (iii) instances of errors in the performance of forensic laboratory examination procedures or incidents of contamination; and (iv) incidents where full and complete disclosure is not made to counsel or interviews are not provided to counsel. Requires State Police crime laboratories to respond to all inquiries from the Illinois Laboratory Advisory Committee. Sets forth that no private or public laboratory shall be granted a subcontract to conduct forensic testing of evidence unless that laboratory has acquired I.S.O accreditation.

LRB094 16749 RSP 52020 b

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning State government.

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

4 Section 5. The Department of State Police Law of the Civil
5 Administrative Code of Illinois is amended by changing Section
6 2605-40 as follows:

7 (20 ILCS 2605/2605-40) (was 20 ILCS 2605/55a-4)

8 Sec. 2605-40. Division of Forensic Services. (a) The
9 Division of Forensic Services shall exercise the following
10 functions:

11 (1) Exercise the rights, powers, and duties vested by
12 law in the Department by the Criminal Identification Act.

13 (2) Exercise the rights, powers, and duties vested by
14 law in the Department by Section 2605-300 of this Law.

15 (3) Provide assistance to local law enforcement
16 agencies through training, management, and consultant
17 services.

18 (4) (Blank).

19 (5) Exercise other duties that may be assigned by the
20 Director in order to fulfill the responsibilities and
21 achieve the purposes of the Department.

22 (6) Establish and operate a forensic science
23 laboratory system, including a forensic toxicological
24 laboratory service, for the purpose of testing specimens
25 submitted by coroners and other law enforcement officers in
26 their efforts to determine whether alcohol, drugs, or
27 poisonous or other toxic substances have been involved in
28 deaths, accidents, or illness. Forensic toxicological
29 laboratories shall be established in Springfield, Chicago,
30 and elsewhere in the State as needed.

31 (7) Subject to specific appropriations made for these
32 purposes, establish and coordinate a system for providing

1 accurate and expedited forensic science and other
2 investigative and laboratory services to local law
3 enforcement agencies and local State's Attorneys in aid of
4 the investigation and trial of capital cases.

5 (b) When used in this Section, the following words and
6 terms shall have the meanings ascribed to them in this
7 subsection:

8 "Forensic laboratory" means any laboratory operated by the
9 Division of Forensic Services that performs forensic testing on
10 evidence in an investigation or other proceedings for the
11 prosecution of a violation of the Criminal Code of 1961 or for
12 matters adjudicated under the Juvenile Court Act of 1987.

13 "Forensic testing" includes the analysis of physical
14 evidence in an investigation or other proceedings for the
15 prosecution of a violation of the Criminal Code of 1961 or for
16 matters adjudicated under the Juvenile Court Act of 1987, and
17 includes the use of forensic databases and databanks, including
18 DNA, firearm, and fingerprint databases, and expert testimony.

19 "I.S.O" means International Standards Organization 17025
20 standards.

21 (c) A forensic laboratory authorized under this Section
22 must establish and carry out procedures to ensure, upon request
23 by prosecution or defense counsel, complete disclosure in legal
24 proceedings. Disclosure shall include, but is not limited to,
25 all reports, notes, and conversation logs, quality assurance
26 and quality control (QA/QC) documentation, protocol and
27 procedure manuals, command directives and other statements of
28 procedure and policy relating to forensic testing, validation
29 studies, documentation relating to corrective actions and
30 remedial actions, incidents, incident logs, errors, and
31 incidents of contamination, proficiency tests, and results.
32 This disclosure obligation also applies to any subcontractors
33 used by the forensic laboratory to undertake forensic
34 examinations. Forensic laboratories shall also ensure
35 prosecution and defense counsel reasonable access to interview
36 personnel involved in the case. This shall include cases that

1 the laboratory sends to other contract laboratories as
2 subcontractors. Costs for interviews and discovery materials
3 in cases involving subcontractors shall be born by the Illinois
4 State Police.

5 (d) Forensic laboratories authorized under this Section,
6 shall report to the Illinois Laboratory Advisory Committee:

7 (i) allegations made known to the Illinois State Police
8 against a forensic laboratory or its staff of
9 misrepresentation of data, credentials, test results,
10 testimony, or any deception or misrepresentation in
11 obtaining forensic laboratory accreditation;

12 (ii) results from any and all investigations regarding
13 allegations or incidents disclosed under subsection (a) (i)
14 of this Section with supporting documentation;

15 (iii) instances of errors in the performance of
16 forensic laboratory examination procedures or incidents of
17 contamination; and

18 (iv) incidents where full and complete disclosure is
19 not made to counsel or interviews are not provided to
20 counsel.

21 (e) A forensic laboratory authorized under this Section
22 shall respond to all inquiries from the Illinois Laboratory
23 Advisory Committee.

24 (f) Notwithstanding any provision of this Section to the
25 contrary, no private or public laboratory shall be granted a
26 subcontract to conduct forensic testing of evidence unless that
27 laboratory has acquired I.S.O accreditation.

28 (Source: P.A. 90-130, eff. 1-1-98; 91-239, eff. 1-1-00; 91-589,
29 eff. 1-1-00; 91-760, eff. 1-1-01.)