

1 AN ACT concerning civil law.

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 Confidentiality Act is amended by changing
6 Section 12 as follows:

7 (740 ILCS 110/12) (from Ch. 91 1/2, par. 812)

8 Sec. 12. (a) If the United States Secret Service or the
9 Department of State Police requests information from a mental
10 health or developmental disability facility, as defined in
11 Section 1-107 and 1-114 of the Mental Health and Developmental
12 Disabilities Code, relating to a specific recipient and the
13 facility director determines that disclosure of such
14 information may be necessary to protect the life of, or to
15 prevent the infliction of great bodily harm to, a public
16 official, or a person under the protection of the United States
17 Secret Service, only the following information may be
18 disclosed: the recipient's name, address, and age and the date
19 of any admission to or discharge from a facility; and any
20 information which would indicate whether or not the recipient
21 has a history of violence or presents a danger of violence to
22 the person under protection. Any information so disclosed shall
23 be used for investigative purposes only and shall not be

1 publicly disseminated. Any person participating in good faith
2 in the disclosure of such information in accordance with this
3 provision shall have immunity from any liability, civil,
4 criminal or otherwise, if such information is disclosed relying
5 upon the representation of an officer of the United States
6 Secret Service or the Department of State Police that a person
7 is under the protection of the United States Secret Service or
8 is a public official.

9 For the purpose of this subsection (a), the term "public
10 official" means the Governor, Lieutenant Governor, Attorney
11 General, Secretary of State, State Comptroller, State
12 Treasurer, ~~or~~ member of the General Assembly, member of the
13 United States Congress, Judge of the United States as defined
14 in 28 U.S.C. 451, Justice of the United States as defined in 28
15 U.S.C. 451, United States Magistrate Judge as defined in 28
16 U.S.C. 639, Bankruptcy Judge appointed under 28 U.S.C. 152, or
17 Supreme, Appellate, Circuit, or Associate Judge of the State of
18 Illinois. The term shall also include the spouse, child or
19 children of a public official.

20 (b) The Department of Human Services (acting as successor
21 to the Department of Mental Health and Developmental
22 Disabilities) and all public or private hospitals and mental
23 health facilities are required, as hereafter described in this
24 subsection, to furnish the Department of State Police only such
25 information as may be required for the sole purpose of
26 determining whether an individual who may be or may have been a

1 patient is disqualified because of that status from receiving
2 or retaining a Firearm Owner's Identification Card under
3 subsection (e) or (f) of Section 8 of the Firearm Owners
4 Identification Card Act or 18 U.S.C. 922(g) and (n). All public
5 or private hospitals and mental health facilities shall, in the
6 form and manner required by the Department, provide such
7 information as shall be necessary for the Department to comply
8 with the reporting requirements to the Department of State
9 Police. Such information shall be furnished within 7 days after
10 admission to a public or private hospital or mental health
11 facility or the provision of services to a patient described in
12 clause (2) of this subsection (b). Any such information
13 disclosed under this subsection shall remain privileged and
14 confidential, and shall not be redisclosed, except as required
15 by clause (e)(2) of Section 3.1 of the Firearm Owners
16 Identification Card Act, nor utilized for any other purpose.
17 The method of requiring the providing of such information shall
18 guarantee that no information is released beyond what is
19 necessary for this purpose. In addition, the information
20 disclosed shall be provided by the Department within the time
21 period established by Section 24-3 of the Criminal Code of 1961
22 regarding the delivery of firearms. The method used shall be
23 sufficient to provide the necessary information within the
24 prescribed time period, which may include periodically
25 providing lists to the Department of Human Services or any
26 public or private hospital or mental health facility of Firearm

1 Owner's Identification Card applicants on which the Department
2 or hospital shall indicate the identities of those individuals
3 who are to its knowledge disqualified from having a Firearm
4 Owner's Identification Card for reasons described herein. The
5 Department may provide for a centralized source of information
6 for the State on this subject under its jurisdiction.

7 Any person, institution, or agency, under this Act,
8 participating in good faith in the reporting or disclosure of
9 records and communications otherwise in accordance with this
10 provision or with rules, regulations or guidelines issued by
11 the Department shall have immunity from any liability, civil,
12 criminal or otherwise, that might result by reason of the
13 action. For the purpose of any proceeding, civil or criminal,
14 arising out of a report or disclosure in accordance with this
15 provision, the good faith of any person, institution, or agency
16 so reporting or disclosing shall be presumed. The full extent
17 of the immunity provided in this subsection (b) shall apply to
18 any person, institution or agency that fails to make a report
19 or disclosure in the good faith belief that the report or
20 disclosure would violate federal regulations governing the
21 confidentiality of alcohol and drug abuse patient records
22 implementing 42 U.S.C. 290dd-3 and 290ee-3.

23 For purposes of this subsection (b) only, the following
24 terms shall have the meaning prescribed:

- 25 (1) "Hospital" means only that type of institution
26 which is providing full-time residential facilities and

1 treatment.

2 (2) "Patient" shall include only: (i) a person who is
3 an in-patient or resident of any public or private hospital
4 or mental health facility or (ii) a person who is an
5 out-patient or provided services by a public or private
6 hospital or mental health facility whose mental condition
7 is of such a nature that it is manifested by violent,
8 suicidal, threatening, or assaultive behavior or reported
9 behavior, for which there is a reasonable belief by a
10 physician, clinical psychologist, or qualified examiner
11 that the condition poses a clear and present or imminent
12 danger to the patient, any other person or the community
13 meaning the patient's condition poses a clear and present
14 danger in accordance with subsection (f) of Section 8 of
15 the Firearm Owners Identification Card Act. The terms
16 physician, clinical psychologist, and qualified examiner
17 are defined in Sections 1-120, 1-103, and 1-122 of the
18 Mental Health and Developmental Disabilities Code.

19 (3) "Mental health facility" is defined by Section
20 1-114 of the Mental Health and Developmental Disabilities
21 Code.

22 (c) Upon the request of a peace officer who takes a person
23 into custody and transports such person to a mental health or
24 developmental disability facility pursuant to Section 3-606 or
25 4-404 of the Mental Health and Developmental Disabilities Code
26 or who transports a person from such facility, a facility

1 director shall furnish said peace officer the name, address,
2 age and name of the nearest relative of the person transported
3 to or from the mental health or developmental disability
4 facility. In no case shall the facility director disclose to
5 the peace officer any information relating to the diagnosis,
6 treatment or evaluation of the person's mental or physical
7 health.

8 For the purposes of this subsection (c), the terms "mental
9 health or developmental disability facility", "peace officer"
10 and "facility director" shall have the meanings ascribed to
11 them in the Mental Health and Developmental Disabilities Code.

12 (d) Upon the request of a peace officer or prosecuting
13 authority who is conducting a bona fide investigation of a
14 criminal offense, or attempting to apprehend a fugitive from
15 justice, a facility director may disclose whether a person is
16 present at the facility. Upon request of a peace officer or
17 prosecuting authority who has a valid forcible felony warrant
18 issued, a facility director shall disclose: (1) whether the
19 person who is the subject of the warrant is present at the
20 facility and (2) the date of that person's discharge or future
21 discharge from the facility. The requesting peace officer or
22 prosecuting authority must furnish a case number and the
23 purpose of the investigation or an outstanding arrest warrant
24 at the time of the request. Any person, institution, or agency
25 participating in good faith in disclosing such information in
26 accordance with this subsection (d) is immune from any

1 liability, civil, criminal or otherwise, that might result by
2 reason of the action.

3 (Source: P.A. 95-564, eff. 6-1-08.)

4 Section 99. Effective date. This Act takes effect upon
5 becoming law.