



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

HB5861

Introduced 2/10/2010, by Rep. Randy Ramey, Jr.

#### SYNOPSIS AS INTRODUCED:

740 ILCS 110/12.2

from Ch. 91 1/2, par. 812.2

Amends the Mental Health and Developmental Disabilities Confidentiality Act. Provides that when a forensic recipient is on an unauthorized absence or otherwise has left the facility without being discharged or being free to do so, the facility director, or designee, of a mental health facility or developmental facility operated by the Department shall immediately provide information about the recipient to the Department of State Police and the appropriate local law enforcement agency (instead of to the appropriate local law enforcement agency). Effective immediately.

LRB096 20514 AJ0 36198 b

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 12.2 as follows:

7 (740 ILCS 110/12.2) (from Ch. 91 1/2, par. 812.2)

8 Sec. 12.2. (a) When a recipient who has been judicially or  
9 involuntarily admitted, or is a forensic recipient admitted to  
10 a developmental disability or mental health facility, as  
11 defined in Section 1-107 or 1-114 of the Mental Health and  
12 Developmental Disabilities Code, is on an unauthorized absence  
13 or otherwise has left the facility without being discharged or  
14 being free to do so, the facility director shall immediately  
15 furnish and disclose to the appropriate local law enforcement  
16 agency identifying information, as defined in this Section, and  
17 all further information unrelated to the diagnosis, treatment  
18 or evaluation of the recipient's mental or physical health that  
19 would aid the law enforcement agency in locating and  
20 apprehending the recipient and returning him to the facility.  
21 When a forensic recipient is on an unauthorized absence or  
22 otherwise has left the facility without being discharged or  
23 being free to do so, the facility director, or designee, of a

1 mental health facility or developmental facility operated by  
2 the Department shall also immediately notify, in like manner,  
3 the Department of State Police.

4 (b) If a law enforcement agency requests information from a  
5 developmental disability or mental health facility, as defined  
6 in Section 1-107 or 1-114 of the Mental Health and  
7 Developmental Disabilities Code, relating to a recipient who  
8 has been admitted to the facility and for whom a missing person  
9 report has been filed with a law enforcement agency, the  
10 facility director shall, except in the case of a voluntary  
11 recipient wherein the recipient's permission in writing must  
12 first be obtained, furnish and disclose to the law enforcement  
13 agency identifying information as is necessary to confirm or  
14 deny whether that person is, or has been since the missing  
15 person report was filed, a resident of that facility. The  
16 facility director shall notify the law enforcement agency if  
17 the missing person is admitted after the request. Any person  
18 participating in good faith in the disclosure of information in  
19 accordance with this provision shall have immunity from any  
20 liability, civil, criminal, or otherwise, if the information is  
21 disclosed relying upon the representation of an officer of a  
22 law enforcement agency that a missing person report has been  
23 filed.

24 (c) Upon the request of a law enforcement agency in  
25 connection with the investigation of a particular felony or sex  
26 offense, when the investigation case file number is furnished

1 by the law enforcement agency, a facility director shall  
2 immediately disclose to that law enforcement agency  
3 identifying information on any forensic recipient who is  
4 admitted to a developmental disability or mental health  
5 facility, as defined in Section 1-107 or 1-114 of the Mental  
6 Health and Developmental Disabilities Code, who was or may have  
7 been away from the facility at or about the time of the  
8 commission of a particular felony or sex offense, and: (1)  
9 whose description, clothing, or both reasonably match the  
10 physical description of any person allegedly involved in that  
11 particular felony or sex offense; or (2) whose past modus  
12 operandi matches the modus operandi of that particular felony  
13 or sex offense.

14 (d) For the purposes of this Section and Section 12.1, "law  
15 enforcement agency" means an agency of the State or unit of  
16 local government that is vested by law or ordinance with the  
17 duty to maintain public order and to enforce criminal laws or  
18 ordinances, the Federal Bureau of Investigation, the Central  
19 Intelligence Agency, and the United States Secret Service.

20 (e) For the purpose of this Section, "identifying  
21 information" means the name, address, age, and a physical  
22 description, including clothing, of the recipient of services,  
23 the names and addresses of the recipient's nearest known  
24 relatives, where the recipient was known to have been during  
25 any past unauthorized absences from a facility, whether the  
26 recipient may be suicidal, and the condition of the recipient's

1 physical health as it relates to exposure to the weather.  
2 Except as provided in Section 11, in no case shall the facility  
3 director disclose to the law enforcement agency any information  
4 relating to the diagnosis, treatment, or evaluation of the  
5 recipient's mental or physical health, unless the disclosure is  
6 deemed necessary by the facility director to insure the safety  
7 of the investigating officers or general public.

8 (f) For the purpose of this Section, "forensic recipient"  
9 means a recipient who is placed in a developmental disability  
10 facility or mental health facility, as defined in Section 1-107  
11 or 1-114 of the Mental Health and Developmental Disabilities  
12 Code, pursuant to Article 104 of the Code of Criminal Procedure  
13 or Sections 3-8-5, 3-10-5 or 5-2-4 of the Unified Code of  
14 Corrections.

15 (Source: P.A. 85-666; 85-971; 86-1417.)

16 Section 99. Effective date. This Act takes effect upon  
17 becoming law.