



Rep. Kelly M. Cassidy

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1 AMENDMENT TO HOUSE BILL 1157

2 AMENDMENT NO. _____. Amend House Bill 1157, AS AMENDED, by
3 inserting the following in its proper numeric sequence:

4 "Section 160. The Nursing Home Care Act is amended by
5 changing Section 3-119 as follows:

6 (210 ILCS 45/3-119) (from Ch. 111 1/2, par. 4153-119)

7 Sec. 3-119. (a) The Department, after notice to the
8 applicant or licensee, may suspend, revoke or refuse to renew a
9 license in any case in which the Department finds any of the
10 following:

11 (1) There has been a substantial failure to comply with
12 this Act or the rules and regulations promulgated by the
13 Department under this Act. A substantial failure by a
14 facility shall include, but not be limited to, any of the
15 following:

16 (A) termination of Medicare or Medicaid

1 certification by the Centers for Medicare and Medicaid
2 Services; or

3 (B) a failure by the facility to pay any fine
4 assessed under this Act after the Department has sent
5 to the facility at least 2 notices of assessment that
6 include a schedule of payments as determined by the
7 Department, taking into account extenuating
8 circumstances and financial hardships of the facility.

9 (2) Conviction of the licensee, or of the person
10 designated to manage or supervise the facility, of a
11 felony, or of 2 or more misdemeanors involving moral
12 turpitude, during the previous 5 years as shown by a
13 certified copy of the record of the court of conviction.

14 (3) Personnel is insufficient in number or unqualified
15 by training or experience to properly care for the number
16 and type of residents served by the facility.

17 (4) Financial or other resources are insufficient to
18 conduct and operate the facility in accordance with
19 standards promulgated by the Department under this Act.

20 (5) The facility is not under the direct supervision of
21 a full-time administrator, as defined by regulation, who is
22 licensed, if required, under the Nursing Home
23 Administrators Licensing and Disciplinary Act.

24 (6) The facility has committed 2 Type "AA" violations
25 within a 2-year period.

26 (7) There has been a substantial failure to comply with

1 the provisions of subsection (b) of Section 12 of the
2 Mental Health and Developmental Disabilities
3 Confidentiality Act.

4 (b) Notice under this Section shall include a clear and
5 concise statement of the violations on which the nonrenewal or
6 revocation is based, the statute or rule violated and notice of
7 the opportunity for a hearing under Section 3-703.

8 (c) If a facility desires to contest the nonrenewal or
9 revocation of a license, the facility shall, within 10 days
10 after receipt of notice under subsection (b) of this Section,
11 notify the Department in writing of its request for a hearing
12 under Section 3-703. Upon receipt of the request the Department
13 shall send notice to the facility and hold a hearing as
14 provided under Section 3-703.

15 (d) The effective date of nonrenewal or revocation of a
16 license by the Department shall be any of the following:

17 (1) Until otherwise ordered by the circuit court,
18 revocation is effective on the date set by the Department
19 in the notice of revocation, or upon final action after
20 hearing under Section 3-703, whichever is later.

21 (2) Until otherwise ordered by the circuit court,
22 nonrenewal is effective on the date of expiration of any
23 existing license, or upon final action after hearing under
24 Section 3-703, whichever is later; however, a license shall
25 not be deemed to have expired if the Department fails to
26 timely respond to a timely request for renewal under this

1 Act or for a hearing to contest nonrenewal under paragraph
2 (c).

3 (3) The Department may extend the effective date of
4 license revocation or expiration in any case in order to
5 permit orderly removal and relocation of residents.

6 (e) The Department may impose fines on hospitals, not to
7 exceed \$500 per occurrence, for failing to report the admission
8 of a person for mental health treatment when the admission
9 would disqualify the person from receiving or retaining a
10 Firearm Owner's Identification Card under subsection (e) of
11 Section 8 of the Firearm Owners Identification Card Act.

12 The Department may refuse to issue or may suspend the
13 license of any person who fails to file a return, or to pay the
14 tax, penalty or interest shown in a filed return, or to pay any
15 final assessment of tax, penalty or interest, as required by
16 any tax Act administered by the Illinois Department of Revenue,
17 until such time as the requirements of any such tax Act are
18 satisfied.

19 (Source: P.A. 95-331, eff. 8-21-07; 96-1372, eff. 7-29-10.)

20 Section 165. The Hospital Licensing Act is amended by
21 changing Section 7 as follows:

22 (210 ILCS 85/7) (from Ch. 111 1/2, par. 148)

23 Sec. 7. (a) The Director after notice and opportunity for
24 hearing to the applicant or licensee may deny, suspend, or

1 revoke a permit to establish a hospital or deny, suspend, or
2 revoke a license to open, conduct, operate, and maintain a
3 hospital in any case in which he finds that there has been a
4 substantial failure to comply with the provisions of this Act,
5 the Hospital Report Card Act, or the Illinois Adverse Health
6 Care Events Reporting Law of 2005, or subsection (b) of Section
7 12 of the Mental Health and Developmental Disabilities
8 Confidentiality Act, or the standards, rules, and regulations
9 established by virtue of any of those Acts. The Department may
10 impose fines on hospitals, not to exceed \$500 per occurrence,
11 for failing to (1) initiate a criminal background check on a
12 patient that meets the criteria for hospital-initiated
13 background checks, ~~or~~ (2) report the death of a person known to
14 be a resident of a facility licensed under the MR/DD Community
15 Care Act to the coroner or medical examiner within 24 hours as
16 required by Section 6.09a of this Act, or (3) report the
17 admission of a person for mental health treatment when the
18 admission would disqualify the person from receiving or
19 retaining a Firearm Owner's Identification Card under
20 subsection (e) of Section 8 of the Firearm Owners
21 Identification Card Act. In assessing whether to impose such a
22 fine for failure to initiate a criminal background check, the
23 Department shall consider various factors including, but not
24 limited to, whether the hospital has engaged in a pattern or
25 practice of failing to initiate criminal background checks.
26 Money from fines shall be deposited into the Long Term Care

1 Provider Fund.

2 (b) Such notice shall be effected by registered mail or by
3 personal service setting forth the particular reasons for the
4 proposed action and fixing a date, not less than 15 days from
5 the date of such mailing or service, at which time the
6 applicant or licensee shall be given an opportunity for a
7 hearing. Such hearing shall be conducted by the Director or by
8 an employee of the Department designated in writing by the
9 Director as Hearing Officer to conduct the hearing. On the
10 basis of any such hearing, or upon default of the applicant or
11 licensee, the Director shall make a determination specifying
12 his findings and conclusions. In case of a denial to an
13 applicant of a permit to establish a hospital, such
14 determination shall specify the subsection of Section 6 under
15 which the permit was denied and shall contain findings of fact
16 forming the basis of such denial. A copy of such determination
17 shall be sent by registered mail or served personally upon the
18 applicant or licensee. The decision denying, suspending, or
19 revoking a permit or a license shall become final 35 days after
20 it is so mailed or served, unless the applicant or licensee,
21 within such 35 day period, petitions for review pursuant to
22 Section 13.

23 (c) The procedure governing hearings authorized by this
24 Section shall be in accordance with rules promulgated by the
25 Department and approved by the Hospital Licensing Board. A full
26 and complete record shall be kept of all proceedings, including

1 the notice of hearing, complaint, and all other documents in
2 the nature of pleadings, written motions filed in the
3 proceedings, and the report and orders of the Director and
4 Hearing Officer. All testimony shall be reported but need not
5 be transcribed unless the decision is appealed pursuant to
6 Section 13. A copy or copies of the transcript may be obtained
7 by any interested party on payment of the cost of preparing
8 such copy or copies.

9 (d) The Director or Hearing Officer shall upon his own
10 motion, or on the written request of any party to the
11 proceeding, issue subpoenas requiring the attendance and the
12 giving of testimony by witnesses, and subpoenas duces tecum
13 requiring the production of books, papers, records, or
14 memoranda. All subpoenas and subpoenas duces tecum issued under
15 the terms of this Act may be served by any person of full age.
16 The fees of witnesses for attendance and travel shall be the
17 same as the fees of witnesses before the Circuit Court of this
18 State, such fees to be paid when the witness is excused from
19 further attendance. When the witness is subpoenaed at the
20 instance of the Director, or Hearing Officer, such fees shall
21 be paid in the same manner as other expenses of the Department,
22 and when the witness is subpoenaed at the instance of any other
23 party to any such proceeding the Department may require that
24 the cost of service of the subpoena or subpoena duces tecum and
25 the fee of the witness be borne by the party at whose instance
26 the witness is summoned. In such case, the Department in its

1 discretion, may require a deposit to cover the cost of such
2 service and witness fees. A subpoena or subpoena duces tecum
3 issued as aforesaid shall be served in the same manner as a
4 subpoena issued out of a court.

5 (e) Any Circuit Court of this State upon the application of
6 the Director, or upon the application of any other party to the
7 proceeding, may, in its discretion, compel the attendance of
8 witnesses, the production of books, papers, records, or
9 memoranda and the giving of testimony before the Director or
10 Hearing Officer conducting an investigation or holding a
11 hearing authorized by this Act, by an attachment for contempt,
12 or otherwise, in the same manner as production of evidence may
13 be compelled before the court.

14 (f) The Director or Hearing Officer, or any party in an
15 investigation or hearing before the Department, may cause the
16 depositions of witnesses within the State to be taken in the
17 manner prescribed by law for like depositions in civil actions
18 in courts of this State, and to that end compel the attendance
19 of witnesses and the production of books, papers, records, or
20 memoranda.

21 (Source: P.A. 96-1372, eff. 7-29-10; 97-38, eff. 6-28-11.)

22 Section 210. The Firearm Owners Identification Card Act is
23 amended by changing Sections 8, 8.1, 8.2, and 9 as follows:

24 (430 ILCS 65/8) (from Ch. 38, par. 83-8)

1 Sec. 8. The Department of State Police has authority to
2 deny an application for or to revoke and seize a Firearm
3 Owner's Identification Card previously issued under this Act
4 only if the Department finds that the applicant or the person
5 to whom such card was issued is or was at the time of issuance:

6 (a) A person under 21 years of age who has been convicted
7 of a misdemeanor other than a traffic offense or adjudged
8 delinquent;

9 (b) A person under 21 years of age who does not have the
10 written consent of his parent or guardian to acquire and
11 possess firearms and firearm ammunition, or whose parent or
12 guardian has revoked such written consent, or where such parent
13 or guardian does not qualify to have a Firearm Owner's
14 Identification Card;

15 (c) A person convicted of a felony under the laws of this
16 or any other jurisdiction;

17 (d) A person addicted to narcotics;

18 (e) A person who has been a patient of a mental institution
19 within the past 5 years or has been adjudicated as a mental
20 defective;

21 (f) A person whose mental condition is of such a nature
22 that it poses a clear and present danger to the applicant, any
23 other person or persons or the community;

24 For the purposes of this Section, "mental condition" means
25 a state of mind determined to be inconsistent with the
26 possession of weapons as determined by a treating clinical

1 psychologist or physician or manifested by threatening
2 behavior, for example violent, suicidal, ~~threatening~~ or
3 assaultive behavior as determined by a clinician, school
4 administrator, or law enforcement official.

5 (g) A person who is intellectually disabled;

6 (h) A person who intentionally makes a false statement in
7 the Firearm Owner's Identification Card application;

8 (i) An alien who is unlawfully present in the United States
9 under the laws of the United States;

10 (i-5) An alien who has been admitted to the United States
11 under a non-immigrant visa (as that term is defined in Section
12 101(a)(26) of the Immigration and Nationality Act (8 U.S.C.
13 1101(a)(26))), except that this subsection (i-5) does not apply
14 to any alien who has been lawfully admitted to the United
15 States under a non-immigrant visa if that alien is:

16 (1) admitted to the United States for lawful hunting or
17 sporting purposes;

18 (2) an official representative of a foreign government
19 who is:

20 (A) accredited to the United States Government or
21 the Government's mission to an international
22 organization having its headquarters in the United
23 States; or

24 (B) en route to or from another country to which
25 that alien is accredited;

26 (3) an official of a foreign government or

1 distinguished foreign visitor who has been so designated by
2 the Department of State;

3 (4) a foreign law enforcement officer of a friendly
4 foreign government entering the United States on official
5 business; or

6 (5) one who has received a waiver from the Attorney
7 General of the United States pursuant to 18 U.S.C.
8 922(y)(3);

9 (j) (Blank);

10 (k) A person who has been convicted within the past 5 years
11 of battery, assault, aggravated assault, violation of an order
12 of protection, or a substantially similar offense in another
13 jurisdiction, in which a firearm was used or possessed;

14 (l) A person who has been convicted of domestic battery,
15 aggravated domestic battery, or a substantially similar
16 offense in another jurisdiction committed before, on or after
17 January 1, 2012 (the effective date of Public Act 97-158). If
18 the applicant or person who has been previously issued a
19 Firearm Owner's Identification Card under this Act knowingly
20 and intelligently waives the right to have an offense described
21 in this paragraph (l) tried by a jury, and by guilty plea or
22 otherwise, results in a conviction for an offense in which a
23 domestic relationship is not a required element of the offense
24 but in which a determination of the applicability of 18 U.S.C.
25 922(g)(9) is made under Section 112A-11.1 of the Code of
26 Criminal Procedure of 1963, an entry by the court of a judgment

1 of conviction for that offense shall be grounds for denying an
2 application for and for revoking and seizing a Firearm Owner's
3 Identification Card previously issued to the person under this
4 Act;

5 (m) (Blank);

6 (n) A person who is prohibited from acquiring or possessing
7 firearms or firearm ammunition by any Illinois State statute or
8 by federal law;

9 (o) A minor subject to a petition filed under Section 5-520
10 of the Juvenile Court Act of 1987 alleging that the minor is a
11 delinquent minor for the commission of an offense that if
12 committed by an adult would be a felony;

13 (p) An adult who had been adjudicated a delinquent minor
14 under the Juvenile Court Act of 1987 for the commission of an
15 offense that if committed by an adult would be a felony; or

16 (q) A person who is not a resident of the State of
17 Illinois, except as provided in subsection (a-10) of Section 4.
18 (Source: P.A. 96-701, eff. 1-1-10; 97-158, eff. 1-1-12; 97-227,
19 eff. 1-1-12; 97-813, eff. 7-13-12; 97-1131, eff. 1-1-13.)

20 (430 ILCS 65/8.1) (from Ch. 38, par. 83-8.1)

21 Sec. 8.1. Mental health notifications to ~~Circuit Clerk to~~
22 ~~notify~~ Department of State Police.

23 (a) The Circuit Clerk shall, in the form and manner
24 required by the Supreme Court, notify the Department of State
25 Police of all final dispositions of cases for which the

1 Department has received information reported to it under
2 Sections 2.1 and 2.2 of the Criminal Identification Act.

3 (b) Upon adjudication of any individual as a mental
4 defective, as defined in Section 1.1 or as provided in
5 paragraph (3.5) of subsection (c) of Section 104-26 of the Code
6 of Criminal Procedure of 1963, the court shall direct the
7 circuit court clerk to immediately notify the Department of
8 State Police, Firearm Owner's Identification (FOID)
9 department, and shall forward a copy of the court order to the
10 Department.

11 (c) The Department of Human Services shall, in the form and
12 manner required by the Department of State Police, report all
13 information collected under subsection (b) of Section 12 of the
14 Mental Health and Developmental Disabilities Confidentiality
15 Act for the purpose of determining whether an individual who
16 may be or may have been a patient in a mental institution is
17 disqualified under State or federal law because of that status
18 from (1) receiving or retaining a Firearm Owner's
19 Identification Card or (2) purchasing a weapon.

20 (d) Any clinical psychologist or physician treating an
21 individual whose mental condition is of such a nature that it
22 poses a clear and present danger to the individual, any other
23 person or persons or the community shall report the identity of
24 that person and his or her assessment of that person's mental
25 condition to the Department of State Police within 24 hours.

26 (e) Any college or university that finds one of its

1 students has a mental condition of such a nature that it poses
2 a clear and present danger to the student, any other person or
3 persons or the student population shall report the identity of
4 that person and his or her assessment of that student's mental
5 condition to the Department of State Police within 24 hours.

6 (f) The Department of State Police shall adopt rules to
7 implement this Section.

8 (Source: P.A. 97-1131, eff. 1-1-13.)

9 (430 ILCS 65/8.2)

10 Sec. 8.2. Firearm Owner's Identification Card denial or
11 revocation.

12 (a) The Department of State Police shall deny an
13 application or shall revoke and seize a Firearm Owner's
14 Identification Card previously issued under this Act if the
15 Department finds that the applicant or person to whom such card
16 was issued is or was at the time of issuance subject to ~~any~~ an
17 existing order of protection interim, emergency, or plenary
18 issued under the Illinois Domestic Violence Act of 1986 or the
19 Stalking No Contact Order Act.

20 (b) The Department of State Police shall provide notice of
21 all revocations made under subsection (a) of this Section or
22 Section 8 of this Act, and the reason therefor to all law
23 enforcement agencies with jurisdiction to assist with the
24 revocation and seizure of the Firearm Owner's Identification
25 Card.

1 (Source: P.A. 96-701, eff. 1-1-10.)

2 (430 ILCS 65/9) (from Ch. 38, par. 83-9)

3 Sec. 9. Notice of denial or revocation.

4 (a) Every person whose application for a Firearm Owner's
5 Identification Card is denied, and every holder of such a Card
6 whose Card is revoked or seized, shall receive a written notice
7 from the Department of State Police stating specifically the
8 grounds upon which his application has been denied or upon
9 which his Identification Card has been revoked.

10 (b) Any person who has received notice from the Department
11 of State Police stating his or her card is revoked shall
12 immediately return the card to the Department of State Police.
13 Failure to return the card is a petty offense with a minimum
14 fine of \$100. After being served notice, a person who uses his
15 or her revoked card to purchase any firearm, firearm
16 ammunition, or firearm ammunition feeding device is guilty of a
17 Class 4 felony.

18 (Source: P.A. 97-1131, eff. 1-1-13.)

19 Section 345. The Mental Health and Developmental
20 Disabilities Confidentiality Act is amended by changing
21 Section 12 as follows:

22 (740 ILCS 110/12) (from Ch. 91 1/2, par. 812)

23 Sec. 12. (a) If the United States Secret Service or the

1 Department of State Police requests information from a mental
2 health or developmental disability facility, as defined in
3 Section 1-107 and 1-114 of the Mental Health and Developmental
4 Disabilities Code, relating to a specific recipient and the
5 facility director determines that disclosure of such
6 information may be necessary to protect the life of, or to
7 prevent the infliction of great bodily harm to, a public
8 official, or a person under the protection of the United States
9 Secret Service, only the following information may be
10 disclosed: the recipient's name, address, and age and the date
11 of any admission to or discharge from a facility; and any
12 information which would indicate whether or not the recipient
13 has a history of violence or presents a danger of violence to
14 the person under protection. Any information so disclosed shall
15 be used for investigative purposes only and shall not be
16 publicly disseminated. Any person participating in good faith
17 in the disclosure of such information in accordance with this
18 provision shall have immunity from any liability, civil,
19 criminal or otherwise, if such information is disclosed relying
20 upon the representation of an officer of the United States
21 Secret Service or the Department of State Police that a person
22 is under the protection of the United States Secret Service or
23 is a public official.

24 For the purpose of this subsection (a), the term "public
25 official" means the Governor, Lieutenant Governor, Attorney
26 General, Secretary of State, State Comptroller, State

1 Treasurer, member of the General Assembly, member of the United
2 States Congress, Judge of the United States as defined in 28
3 U.S.C. 451, Justice of the United States as defined in 28
4 U.S.C. 451, United States Magistrate Judge as defined in 28
5 U.S.C. 639, Bankruptcy Judge appointed under 28 U.S.C. 152, or
6 Supreme, Appellate, Circuit, or Associate Judge of the State of
7 Illinois. The term shall also include the spouse, child or
8 children of a public official.

9 (b) ~~All The Department of Human Services (acting as~~
10 ~~successor to the Department of Mental Health and Developmental~~
11 ~~Disabilities) and all public or private hospitals, nursing~~
12 ~~homes or long term care facilities, colleges or universities~~
13 ~~providing mental health services to its student population, and~~
14 ~~mental health facilities are required, as hereafter described~~
15 ~~in this subsection, to furnish the Department of Human Services~~
16 ~~(acting as successor to the Department of Mental Health and~~
17 ~~Developmental Disabilities) State Police only such information~~
18 ~~as defined by the Department of State Police that is may be~~
19 ~~required for the ~~sole~~ purpose of determining whether an~~
20 ~~individual who may be or may have been a patient is~~
21 ~~disqualified under State or federal law because of that status~~
22 ~~from (1) receiving or retaining a Firearm Owner's~~
23 ~~Identification Card or (2) purchasing a weapon, and submitting~~
24 ~~identifying information regarding the disqualified individual~~
25 ~~to the National Instant Criminal Background Check System Index~~
26 ~~program under subsection (e) or (f) of Section 8 of the Firearm~~

1 ~~Owners Identification Card Act or 18 U.S.C. 922(g) and (n)~~. All
2 public or private hospitals, nursing homes or long term care
3 facilities, and mental health facilities shall, in the form and
4 manner required by the Department, provide such information as
5 shall be necessary for the Department to comply with the
6 reporting requirements to the Department of State Police in the
7 manner required by the Department of State Police. Such
8 information shall be furnished within 7 days after admission to
9 a public or private hospital, nursing home or long term care
10 facility, or mental health facility or the provision of
11 services to a patient described in clause (2) of this
12 subsection (b). Any such information disclosed under this
13 subsection shall remain privileged and confidential, and shall
14 only not be used and redisclosed as provided by , ~~except as~~
15 ~~required by clause (c) (2) of Section 3.1 of the Firearm Owners~~
16 ~~Identification Card Act~~ and may not be, ~~nor~~ utilized for any
17 other purpose. The method of requiring the providing of such
18 information shall guarantee that no information is released
19 beyond what is necessary for this purpose. In addition, the
20 information disclosed shall be provided by the Department
21 within the time period established by Section 24-3 of the
22 Criminal Code of 2012 regarding the delivery of firearms. ~~The~~
23 ~~method used shall be sufficient to provide the necessary~~
24 ~~information within the prescribed time period, which may~~
25 ~~include periodically providing lists to the Department of Human~~
26 ~~Services or any public or private hospital or mental health~~

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

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

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

26 (1) "Hospital" means only that type of institution

1 which is providing full-time residential facilities and
2 treatment.

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

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

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

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

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

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

1 accordance with this subsection (d) is immune from any
2 liability, civil, criminal or otherwise, that might result by
3 reason of the action.

4 (Source: P.A. 96-193, eff. 8-10-09; 97-1150, eff. 1-25-13.)".