



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SB3110

Introduced 2/7/2014, by Sen. Michael E. Hastings

SYNOPSIS AS INTRODUCED:

735 ILCS 5/8-802

from Ch. 110, par. 8-802

Amends the Code of Civil Procedure. In the list of circumstances under which a physician or surgeon is permitted to disclose information acquired in attending a patient in a professional character, provides that the physician or surgeon is permitted to disclose the information in any criminal action where the charge is: (1) solicitation, conspiracy, or attempt to commit homicide; (2) attempt or actual criminal sexual assault, aggravated criminal sexual assault, predatory criminal sexual assault of a child, criminal sexual abuse, or aggravated criminal sexual abuse, provided that the State's Attorney shall petition the court for a protective order and that disclosure is limited to information concerning the alleged injuries, the cause of the alleged injuries, and the identity of the offender in the alleged crime for which charges have been filed; or (3) battery or aggravated battery, domestic or aggravated domestic battery, or battery or aggravated battery of an unborn child, provided that disclosure is limited to information concerning the alleged injuries, the cause of the alleged injuries, and the identity of the offender in the alleged crime for which charges have been filed. Effective immediately.

LRB098 19508 HEP 55423 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 Code of Civil Procedure is amended by
5 changing Section 8-802 as follows:

6 (735 ILCS 5/8-802) (from Ch. 110, par. 8-802)

7 Sec. 8-802. Physician and patient. No physician or surgeon
8 shall be permitted to disclose any information he or she may
9 have acquired in attending any patient in a professional
10 character, necessary to enable him or her professionally to
11 serve the patient, except only (1) in trials for homicide when
12 the disclosure relates directly to the fact or immediate
13 circumstances of the homicide, (2) in actions, civil or
14 criminal, against the physician for malpractice, (3) with the
15 expressed consent of the patient, or in case of his or her
16 death or disability, of his or her personal representative or
17 other person authorized to sue for personal injury or of the
18 beneficiary of an insurance policy on his or her life, health,
19 or physical condition, or as authorized by Section 8-2001.5,
20 (4) in all actions brought by or against the patient, his or
21 her personal representative, a beneficiary under a policy of
22 insurance, or the executor or administrator of his or her
23 estate wherein the patient's physical or mental condition is an

1 issue, (5) upon an issue as to the validity of a document as a
2 will of the patient, (6) in any criminal action where the
3 charge is either first degree murder by abortion, attempted
4 abortion or abortion, (7) in actions, civil or criminal,
5 arising from the filing of a report in compliance with the
6 Abused and Neglected Child Reporting Act, (8) to any
7 department, agency, institution or facility which has custody
8 of the patient pursuant to State statute or any court order of
9 commitment, (9) in prosecutions where written results of blood
10 alcohol tests are admissible pursuant to Section 11-501.4 of
11 the Illinois Vehicle Code, (10) in prosecutions where written
12 results of blood alcohol tests are admissible under Section
13 5-11a of the Boat Registration and Safety Act, (11) in criminal
14 actions arising from the filing of a report of suspected
15 terrorist offense in compliance with Section 29D-10(p)(7) of
16 the Criminal Code of 2012, ~~or~~ (12) upon the issuance of a
17 subpoena pursuant to Section 38 of the Medical Practice Act of
18 1987; the issuance of a subpoena pursuant to Section 25.1 of
19 the Illinois Dental Practice Act; the issuance of a subpoena
20 pursuant to Section 22 of the Nursing Home Administrators
21 Licensing and Disciplinary Act; or the issuance of a subpoena
22 pursuant to Section 25.5 of the Workers' Compensation Act, (13)
23 in any criminal action where the charge is solicitation,
24 conspiracy, or attempt to commit homicide, (14) in any criminal
25 action where the charge is attempt or actual criminal sexual
26 assault, aggravated criminal sexual assault, predatory

1 criminal sexual assault of a child, criminal sexual abuse, or
2 aggravated criminal sexual abuse, provided that disclosure is
3 limited to information concerning the alleged injuries, the
4 cause of the alleged injuries, and the identity of the offender
5 in the alleged crime for which charges have been filed, or (15)
6 in any criminal action where the charge is battery or
7 aggravated battery, domestic or aggravated domestic battery,
8 or battery or aggravated battery of an unborn child, provided
9 that disclosure is limited to information concerning the
10 alleged injuries, the cause of the alleged injuries, and the
11 identity of the offender in the alleged crime for which charges
12 have been filed.

13 Upon disclosure under subsection (14) of this Section, the
14 State's Attorney shall petition the court for a protective
15 order under Supreme Court Rule 415.

16 In the event of a conflict between the application of this
17 Section and the Mental Health and Developmental Disabilities
18 Confidentiality Act to a specific situation, the provisions of
19 the Mental Health and Developmental Disabilities
20 Confidentiality Act shall control.

21 (Source: P.A. 97-18, eff. 6-28-11; 97-623, eff. 11-23-11;
22 97-813, eff. 7-13-12; 97-1150, eff. 1-25-13.)

23 Section 99. Effective date. This Act takes effect upon
24 becoming law.