



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

SB2221

Introduced 1/13/2016, by Sen. Bill Cunningham

SYNOPSIS AS INTRODUCED:

725 ILCS 202/15
725 ILCS 202/20
725 ILCS 202/42 new

Amends the Sexual Assault Evidence Submission Act. When a consistent DNA profile has been identified from submitted sexual assault evidence, the Department of State Police shall notify the investigating law enforcement agency of the match, and the Department shall track and maintain a record of its notification of, and the follow up by, the investigating law enforcement agency. The record maintained by the Department shall also document any written request, from the Department to the investigating law enforcement agency, seeking the submission of an additional DNA standard for a comparison analysis or confirmatory forensic analysis, and whether the investigating law enforcement agency has complied with those requests. If, after 60 days, the investigating law enforcement agency fails to comply with any request for an additional DNA standard, then the Department shall send a second written request to both the investigating law enforcement agency and the county Sheriff of the county where the agency is located. The Department shall maintain a record of the percentage of cases in which an additional DNA standard is submitted by the investigating law enforcement agency for a comparison analysis or confirmatory forensic analysis. Beginning June 1, 2016, each law enforcement agency must conduct an annual inventory of all sexual assault cases in the custody of the law enforcement agency and provide written notice of its annual findings to the Department. The Department shall compile and report the findings of each inventory under the Act. Requires the Department of State Police to file annual and quarterly reports regarding sexual assault evidence submissions. Effective immediately.

LRB099 14772 MRW 38922 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning criminal law.

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

4 Section 5. The Sexual Assault Evidence Submission Act is
5 amended by changing Sections 15 and 20 and by adding Section 42
6 as follows:

7 (725 ILCS 202/15)

8 Sec. 15. Analysis of evidence; tracking and recordkeeping.

9 (a) All sexual assault evidence submitted pursuant to
10 Section 10 of this Act on or after the effective date of this
11 Act shall be analyzed within 6 months after receipt of all
12 necessary evidence and standards by the State Police Laboratory
13 or other designated laboratory if sufficient staffing and
14 resources are available.

15 (b) When a consistent DNA profile has been identified from
16 the submitted sexual assault evidence, the Department shall
17 notify the investigating law enforcement agency of the match,
18 and the Department shall track and maintain a record of its
19 notification of, and the follow up by, the investigating law
20 enforcement agency. The record maintained by the Department
21 shall also document any written request, from the Department to
22 the investigating law enforcement agency, seeking the
23 submission of an additional DNA standard for a comparison

1 analysis or confirmatory forensic analysis, and whether the
2 investigating law enforcement agency has complied with those
3 requests. If, after 60 days, the investigating law enforcement
4 agency fails to comply with any request for an additional DNA
5 standard, then the Department shall send a second written
6 request to both the investigating law enforcement agency and
7 the county Sheriff of the county where the agency is located.
8 The Department shall maintain a record of the percentage of
9 cases in which an additional DNA standard is submitted by the
10 investigating law enforcement agency for a comparison analysis
11 or confirmatory forensic analysis.

12 (Source: P.A. 96-1011, eff. 9-1-10.)

13 (725 ILCS 202/20)

14 Sec. 20. Inventory of evidence.

15 (a) By October 15, 2010, each Illinois law enforcement
16 agency shall provide written notice to the Department of State
17 Police, in a form and manner prescribed by the Department,
18 stating the number of sexual assault cases in the custody of
19 the law enforcement agency that have not been previously
20 submitted to a laboratory for analysis. Within 180 days after
21 the effective date of this Act, appropriate arrangements shall
22 be made between the law enforcement agency and the Department
23 of State Police, or a laboratory approved and designated by the
24 Director of State Police, to ensure that all cases that were
25 collected prior to the effective date of this Act and are, or

1 were at the time of collection, the subject of a criminal
2 investigation, are submitted to the Department of State Police,
3 or a laboratory approved and designated by the Director of
4 State Police.

5 (b) By February 15, 2011, the Department of State Police
6 shall submit to the Governor, the Attorney General, and both
7 houses of the General Assembly a plan for analyzing cases
8 submitted pursuant to this Section. The plan shall include but
9 not be limited to a timeline for completion of analysis and a
10 summary of the inventory received, as well as requests for
11 funding and resources necessary to meet the established
12 timeline. Should the Department determine it is necessary to
13 outsource the forensic testing of the cases submitted in
14 accordance with this Section, all such cases will be exempt
15 from the provisions of subsection (n) of Section 5-4-3 of the
16 Unified Code of Corrections.

17 (c) Beginning June 1, 2016, each law enforcement agency
18 must conduct an annual inventory of all sexual assault cases in
19 the custody of the law enforcement agency and provide written
20 notice of its annual findings to the Department. The Department
21 shall compile and report the findings of each inventory under
22 the requirements of Sections 15 and 42 of this Act.

23 (Source: P.A. 96-1011, eff. 9-1-10.)

24 (725 ILCS 202/42 new)

25 Sec. 42. Reporting. In addition to the tracking and

1 recordkeeping requirements in Section 15 of this Act, each year
2 after the effective date of this amendatory Act of the 99th
3 General Assembly, the Department shall submit:

4 (1) an annual report to the General Assembly, the
5 Governor, the Supreme Court, the Attorney General, and the
6 Executive Inspector General; and

7 (2) publish a quarterly report on its website,
8 indicating:

9 (A) a breakdown of the number of submissions from
10 every law enforcement agency;

11 (B) the average length of time between submission
12 and analysis for every submission from a law
13 enforcement agency;

14 (C) the number of pending requests for
15 authorization to consume evidence or other
16 authorization requests sent to each law enforcement
17 agency by the Department; and

18 (D) the percentage of cases in which an additional
19 DNA standard is submitted by the investigating law
20 enforcement agency for a comparison analysis or
21 confirmatory forensic analysis.

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