

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 1. Short title. This Act may be cited as the Sexual  
5 Assault Incident Procedure Act.

6 Section 5. Legislative findings. The General Assembly  
7 finds:

8 (1) Sexual assault and sexual abuse are personal and  
9 violent crimes that disproportionately impact women, children,  
10 lesbian, gay, bisexual, and transgender individuals in  
11 Illinois, yet only a small percentage of these crimes are  
12 reported, less than one in five, and even fewer result in a  
13 conviction.

14 (2) The trauma of sexual assault and sexual abuse often  
15 leads to severe mental, physical, and economic consequences for  
16 the victim.

17 (3) The diminished ability of victims to recover from their  
18 sexual assault or sexual abuse has been directly linked to the  
19 response of others to their trauma.

20 (4) The response of law enforcement can directly impact a  
21 victim's ability to heal as well as his or her willingness to  
22 actively participate in the investigation by law enforcement.

23 (5) Research has shown that a traumatic event impacts

1 memory consolidation and encoding. Allowing a victim to  
2 complete at least 2 full sleep cycles before an in-depth  
3 interview can improve the victim's ability to provide a history  
4 of the sexual assault or sexual abuse.

5 (6) Victim participation is critical to the successful  
6 identification and prosecution of sexual predators. To  
7 facilitate victim participation, law enforcement should inform  
8 victims of the testing of physical evidence and the results of  
9 such testing.

10 (7) Identification and successful prosecution of sexual  
11 predators prevents new victimization. For this reason,  
12 improving the response of the criminal justice system to  
13 victims of sexual assault and sexual abuse is critical to  
14 protecting public safety.

15 Section 10. Definitions. In this Act:

16 "Board" means the Illinois Law Enforcement Training  
17 Standards Board.

18 "Evidence-based, trauma-informed, victim-centered" means  
19 policies, procedures, programs, and practices that have been  
20 demonstrated to minimize retraumatization associated with the  
21 criminal justice process by recognizing the presence of trauma  
22 symptoms and acknowledging the role that trauma has played in a  
23 sexual assault or sexual abuse victim's life and focusing on  
24 the needs and concerns of a victim that ensures compassionate  
25 and sensitive delivery of services in a nonjudgmental manner.

1 "Law enforcement agency having jurisdiction" means the law  
2 enforcement agency in the jurisdiction where an alleged sexual  
3 assault or sexual abuse occurred.

4 "Sexual assault evidence" means evidence collected in  
5 connection with a sexual assault or sexual abuse investigation,  
6 including, but not limited to, evidence collected using the  
7 Illinois State Police Sexual Assault Evidence Collection Kit as  
8 defined in Section 1a of the Sexual Assault Survivors Emergency  
9 Treatment Act.

10 "Sexual assault or sexual abuse" means an act of  
11 nonconsensual sexual conduct or sexual penetration, as defined  
12 in Section 12-12 of the Criminal Code of 1961 or Section 11-0.1  
13 of the Criminal Code of 2012, including, without limitation,  
14 acts prohibited under Sections 12-13 through 12-16 of the  
15 Criminal Code of 1961 or Sections 11-1.20 through 11-1.60 of  
16 the Criminal Code of 2012.

17 Section 15. Sexual assault incident policies.

18 (a) On or before January 1, 2018, every law enforcement  
19 agency shall develop, adopt, and implement written policies  
20 regarding procedures for incidents of sexual assault or sexual  
21 abuse consistent with the guidelines developed under  
22 subsection (b) of this Section. In developing these policies,  
23 each law enforcement agency is encouraged to consult with other  
24 law enforcement agencies, sexual assault advocates, and sexual  
25 assault nurse examiners with expertise in recognizing and

1 handling sexual assault and sexual abuse incidents. These  
2 policies must include mandatory sexual assault and sexual abuse  
3 response training as required in Section 10.19 of the Illinois  
4 Police Training Act and Sections 2605-53 and 2605-98 of the  
5 Department of State Police Law of the Civil Administrative Code  
6 of Illinois.

7 (b) On or before July 1, 2017, the Office of the Attorney  
8 General, in consultation with the Illinois Law Enforcement  
9 Training Standards Board and the Department of State Police,  
10 shall develop and make available to each law enforcement  
11 agency, comprehensive guidelines for creation of a law  
12 enforcement agency policy on evidence-based, trauma-informed,  
13 victim-centered sexual assault and sexual abuse response and  
14 investigation.

15 These guidelines shall include, but not be limited to the  
16 following:

- 17 (1) dispatcher or call taker response;
- 18 (2) responding officer duties;
- 19 (3) duties of officers investigating sexual assaults  
20 and sexual abuse;
- 21 (4) supervisor duties;
- 22 (5) report writing;
- 23 (6) reporting methods;
- 24 (7) victim interviews;
- 25 (8) evidence collection;
- 26 (9) sexual assault medical forensic examinations;

- 1 (10) suspect interviews;
- 2 (11) suspect forensic exams;
- 3 (12) witness interviews;
- 4 (13) sexual assault response and resource teams, if
- 5 applicable;
- 6 (14) working with victim advocates;
- 7 (15) working with prosecutors;
- 8 (16) victims' rights;
- 9 (17) victim notification; and
- 10 (18) consideration for specific populations or
- 11 communities.

12 Section 20. Reports by law enforcement officers.

13 (a) A law enforcement officer shall complete a written  
14 police report upon receiving the following, regardless of where  
15 the incident occurred:

16 (1) an allegation by a person that the person has been  
17 sexually assaulted or sexually abused regardless of  
18 jurisdiction;

19 (2) information from hospital or medical personnel  
20 provided under Section 3.2 of the Criminal Identification  
21 Act; or

22 (3) information from a witness who personally observed  
23 what appeared to be a sexual assault or sexual abuse or  
24 attempted sexual assault or sexual abuse.

25 (b) The written report shall include the following, if

1 known:

2 (1) the victim's name or other identifier;

3 (2) the victim's contact information;

4 (3) time, date, and location of offense;

5 (4) information provided by the victim;

6 (5) the suspect's description and name, if known;

7 (6) names of persons with information relevant to the  
8 time before, during, or after the sexual assault or sexual  
9 abuse, and their contact information;

10 (7) names of medical professionals who provided a  
11 medical forensic examination of the victim and any  
12 information they provided about the sexual assault or  
13 sexual abuse;

14 (8) whether an Illinois State Police Sexual Assault  
15 Evidence Collection Kit was completed, the name and contact  
16 information for the hospital, and whether the victim  
17 consented to testing of the Evidence Collection Kit by law  
18 enforcement;

19 (9) whether a urine or blood sample was collected and  
20 whether the victim consented to testing of a toxicology  
21 screen by law enforcement;

22 (10) information the victim related to medical  
23 professionals during a medical forensic examination which  
24 the victim consented to disclosure to law enforcement; and

25 (11) other relevant information.

26 (c) If the sexual assault or sexual abuse occurred in

1 another jurisdiction, the law enforcement officer taking the  
2 report must submit the report to the law enforcement agency  
3 having jurisdiction in person or via fax or email within 24  
4 hours of receiving information about the sexual assault or  
5 sexual abuse.

6 (d) Within 24 hours of receiving a report from a law  
7 enforcement agency in another jurisdiction in accordance with  
8 subsection (c), the law enforcement agency having jurisdiction  
9 shall submit a written confirmation to the law enforcement  
10 agency that wrote the report. The written confirmation shall  
11 contain the name and identifier of the person and confirming  
12 receipt of the report and a name and contact phone number that  
13 will be given to the victim. The written confirmation shall be  
14 delivered in person or via fax or email.

15 (e) No law enforcement officer shall require a victim of  
16 sexual assault or sexual abuse to submit to an interview.

17 (f) No law enforcement agency may refuse to complete a  
18 written report as required by this Section on any ground.

19 (g) All law enforcement agencies shall ensure that all  
20 officers responding to or investigating a complaint of sexual  
21 assault or sexual abuse have successfully completed training  
22 under Section 10.19 of the Illinois Police Training Act and  
23 Section 2605-98 of the Department of State Police Law of the  
24 Civil Administrative Code of Illinois.

25 Section 22. Third-party reports. A victim of sexual assault

1 or sexual abuse may give a person consent to provide  
2 information about the sexual assault or sexual abuse to a law  
3 enforcement officer, and the officer shall complete a written  
4 report unless:

5 (1) the person contacting law enforcement fails to  
6 provide the person's name and contact information; or

7 (2) the person contacting law enforcement fails to  
8 affirm that the person has the consent of the victim of the  
9 sexual assault or sexual abuse.

10 Section 25. Report; victim notice.

11 (a) At the time of first contact with the victim, law  
12 enforcement shall:

13 (1) Advise the victim about the following by providing  
14 a form, the contents of which shall be prepared by the  
15 Office of the Attorney General and posted on its website,  
16 written in a language appropriate for the victim or in  
17 Braille, or communicating in appropriate sign language  
18 that includes, but is not limited to:

19 (A) information about seeking medical attention  
20 and preserving evidence, including specifically,  
21 collection of evidence during a medical forensic  
22 examination at a hospital and photographs of injury and  
23 clothing;

24 (B) notice that the victim will not be charged for  
25 hospital emergency and medical forensic services;



1 (C) information advising the victim that evidence  
2 can be collected at the hospital up to 7 days after the  
3 sexual assault or sexual abuse but that the longer the  
4 victim waits the likelihood of obtaining evidence  
5 decreases;

6 (D) the location of nearby hospitals that provide  
7 emergency medical and forensic services and, if known,  
8 whether the hospitals employ any sexual assault nurse  
9 examiners;

10 (E) a summary of the procedures and relief  
11 available to victims of sexual assault or sexual abuse  
12 under the Civil No Contact Order Act or the Illinois  
13 Domestic Violence Act of 1986;

14 (F) the law enforcement officer's name and badge  
15 number;

16 (G) at least one referral to an accessible service  
17 agency and information advising the victim that rape  
18 crisis centers can assist with obtaining civil no  
19 contact orders and orders of protection; and

20 (H) if the sexual assault or sexual abuse occurred  
21 in another jurisdiction, provide in writing the  
22 address and phone number of a specific contact at the  
23 law enforcement agency having jurisdiction.

24 (2) Offer to provide or arrange accessible  
25 transportation for the victim to a hospital for emergency  
26 and forensic services, including contacting emergency

1 medical services.

2 (3) Offer to provide or arrange accessible  
3 transportation for the victim to the nearest available  
4 circuit judge or associate judge so the victim may file a  
5 petition for an emergency civil no contact order under the  
6 Civil No Contact Order Act or an order of protection under  
7 the Illinois Domestic Violence Act of 1986 after the close  
8 of court business hours, if a judge is available.

9 (b) At the time of the initial contact with a person making  
10 a third-party report under Section 22 of this Act, a law  
11 enforcement officer shall provide the written information  
12 prescribed under paragraph (1) of subsection (a) of this  
13 Section to the person making the report and request the person  
14 provide the written information to the victim of the sexual  
15 assault or sexual abuse.

16 (c) If the first contact with the victim occurs at a  
17 hospital, a law enforcement officer may request the hospital  
18 provide interpretive services.

19 Section 30. Release and storage of sexual assault evidence.

20 (a) A law enforcement agency having jurisdiction that is  
21 notified by a hospital or another law enforcement agency that a  
22 victim of a sexual assault or sexual abuse has received a  
23 medical forensic examination and has completed an Illinois  
24 State Police Sexual Assault Evidence Collection Kit shall take  
25 custody of the sexual assault evidence as soon as practicable,

1 but in no event more than 5 days after the completion of the  
2 medical forensic examination.

3 (a-5) A State's Attorney who is notified under subsection  
4 (d) of Section 6.6 of the Sexual Assault Survivors Emergency  
5 Treatment Act that a hospital is in possession of sexual  
6 assault evidence shall, within 72 hours, contact the  
7 appropriate law enforcement agency to request that the law  
8 enforcement agency take immediate physical custody of the  
9 sexual assault evidence.

10 (b) The written report prepared under Section 20 of this  
11 Act shall include the date and time the sexual assault evidence  
12 was picked up from the hospital and the date and time the  
13 sexual assault evidence was sent to the laboratory in  
14 accordance with the Sexual Assault Evidence Submission Act.

15 (c) If the victim of a sexual assault or sexual abuse or a  
16 person authorized under Section 6.5 of the Sexual Assault  
17 Survivors Emergency Treatment Act has consented to allow law  
18 enforcement to test the sexual assault evidence, the law  
19 enforcement agency having jurisdiction shall submit the sexual  
20 assault evidence for testing in accordance with the Sexual  
21 Assault Evidence Submission Act. No law enforcement agency  
22 having jurisdiction may refuse or fail to send sexual assault  
23 evidence for testing that the victim has released for testing.

24 (d) A victim shall have 5 years from the completion of an  
25 Illinois State Police Sexual Assault Evidence Collection Kit,  
26 or 5 years from the age of 18 years, whichever is longer, to

1 sign a written consent to release the sexual assault evidence  
2 to law enforcement for testing. If the victim or a person  
3 authorized under Section 6.5 of the Sexual Assault Survivors  
4 Emergency Treatment Act does not sign the written consent at  
5 the completion of the medical forensic examination, the victim  
6 or person authorized by Section 6.5 of the Sexual Assault  
7 Survivors Emergency Treatment Act may sign the written release  
8 at the law enforcement agency having jurisdiction, or in the  
9 presence of a sexual assault advocate who may deliver the  
10 written release to the law enforcement agency having  
11 jurisdiction. The victim may also provide verbal consent to the  
12 law enforcement agency having jurisdiction and shall verify the  
13 verbal consent via email or fax. Upon receipt of written or  
14 verbal consent, the law enforcement agency having jurisdiction  
15 shall submit the sexual assault evidence for testing in  
16 accordance with the Sexual Assault Evidence Submission Act. No  
17 law enforcement agency having jurisdiction may refuse or fail  
18 to send the sexual assault evidence for testing that the victim  
19 has released for testing.

20 (e) The law enforcement agency having jurisdiction who  
21 speaks to a victim who does not sign a written consent to  
22 release the sexual assault evidence prior to discharge from the  
23 hospital shall provide a written notice to the victim that  
24 contains the following information:

25 (1) where the sexual assault evidence will be stored  
26 for 5 years;

1           (2) notice that the victim may sign a written release  
2           to test the sexual assault evidence at any time during the  
3           5-year period by contacting the law enforcement agency  
4           having jurisdiction or working with a sexual assault  
5           advocate;

6           (3) the name, phone number, and email address of the  
7           law enforcement agency having jurisdiction; and

8           (4) the name and phone number of a local rape crisis  
9           center.

10          Each law enforcement agency shall develop a protocol for  
11          providing this information to victims as part of the written  
12          policies required in subsection (a) of Section 15 of this Act.

13          (f) A law enforcement agency must develop a protocol for  
14          responding to victims who want to sign a written consent to  
15          release the sexual assault evidence and to ensure that victims  
16          who want to be notified or have a designee notified prior to  
17          the end of the 5-year period are provided notice.

18          (g) Nothing in this Section shall be construed as limiting  
19          the storage period to 5 years. A law enforcement agency having  
20          jurisdiction may adopt a storage policy that provides for a  
21          period of time exceeding 5 years. If a longer period of time is  
22          adopted, the law enforcement agency having jurisdiction shall  
23          notify the victim or designee in writing of the longer storage  
24          period.

25          Section 35. Release of information.

1 (a) Upon the request of the victim who has consented to the  
2 release of sexual assault evidence for testing, the law  
3 enforcement agency having jurisdiction shall provide the  
4 following information in writing:

5 (1) the date the sexual assault evidence was sent to a  
6 Department of State Police forensic laboratory or  
7 designated laboratory;

8 (2) test results provided to the law enforcement agency  
9 by a Department of State Police forensic laboratory or  
10 designated laboratory, including, but not limited to:

11 (A) whether a DNA profile was obtained from the  
12 testing of the sexual assault evidence from the  
13 victim's case;

14 (B) whether the DNA profile developed from the  
15 sexual assault evidence has been searched against the  
16 DNA Index System or any state or federal DNA database;

17 (C) whether an association was made to an  
18 individual whose DNA profile is consistent with the  
19 sexual assault evidence DNA profile, provided that  
20 disclosure would not impede or compromise an ongoing  
21 investigation; and

22 (D) whether any drugs were detected in a urine or  
23 blood sample analyzed for drug facilitated sexual  
24 assault and information about any drugs detected.

25 (b) The information listed in paragraph (1) of subsection  
26 (a) of this Section shall be provided to the victim within 7

1 days of the transfer of the evidence to the laboratory. The  
2 information listed in paragraph (2) of subsection (a) of this  
3 Section shall be provided to the victim within 7 days of the  
4 receipt of the information by the law enforcement agency having  
5 jurisdiction.

6 (c) At the time the sexual assault evidence is released for  
7 testing, the victim shall be provided written information by  
8 the law enforcement agency having jurisdiction or the hospital  
9 providing emergency services and forensic services to the  
10 victim informing him or her of the right to request information  
11 under subsection (a) of this Section. A victim may designate  
12 another person or agency to receive this information.

13 (d) The victim or the victim's designee shall keep the law  
14 enforcement agency having jurisdiction informed of the name,  
15 address, telephone number, and email address of the person to  
16 whom the information should be provided, and any changes of the  
17 name, address, telephone number, and email address, if an email  
18 address is available.

19 Section 105. The Department of State Police Law of the  
20 Civil Administrative Code of Illinois is amended by changing  
21 Sections 2605-40 and 2605-300 and by adding Sections 2605-53  
22 and 2605-98 as follows:

23 (20 ILCS 2605/2605-40) (was 20 ILCS 2605/55a-4)

24 Sec. 2605-40. Division of Forensic Services. The Division

1 of Forensic Services shall exercise the following functions:

2 (1) Exercise the rights, powers, and duties vested by  
3 law in the Department by the Criminal Identification Act.

4 (2) Exercise the rights, powers, and duties vested by  
5 law in the Department by Section 2605-300 of this Law.

6 (3) Provide assistance to local law enforcement  
7 agencies through training, management, and consultant  
8 services.

9 (4) (Blank).

10 (5) Exercise other duties that may be assigned by the  
11 Director in order to fulfill the responsibilities and  
12 achieve the purposes of the Department.

13 (6) Establish and operate a forensic science  
14 laboratory system, including a forensic toxicological  
15 laboratory service, for the purpose of testing specimens  
16 submitted by coroners and other law enforcement officers in  
17 their efforts to determine whether alcohol, drugs, or  
18 poisonous or other toxic substances have been involved in  
19 deaths, accidents, or illness. Forensic toxicological  
20 laboratories shall be established in Springfield, Chicago,  
21 and elsewhere in the State as needed.

22 (6.5) Establish administrative rules in order to set  
23 forth standardized requirements for the disclosure of  
24 toxicology results and other relevant documents related to  
25 a toxicological analysis. These administrative rules are  
26 to be adopted to produce uniform and sufficient information



1 to allow a proper, well-informed determination of the  
2 admissibility of toxicology evidence and to ensure that  
3 this evidence is presented competently. These  
4 administrative rules are designed to provide a minimum  
5 standard for compliance of toxicology evidence and is not  
6 intended to limit the production and discovery of material  
7 information. These administrative rules shall be submitted  
8 by the Department of State Police into the rulemaking  
9 process under the Illinois Administrative Procedure Act on  
10 or before June 30, 2017.

11 (7) Subject to specific appropriations made for these  
12 purposes, establish and coordinate a system for providing  
13 accurate and expedited forensic science and other  
14 investigative and laboratory services to local law  
15 enforcement agencies and local State's Attorneys in aid of  
16 the investigation and trial of capital cases.

17 (Source: P.A. 90-130, eff. 1-1-98; 91-239, eff. 1-1-00; 91-589,  
18 eff. 1-1-00; 91-760, eff. 1-1-01.)

19 (20 ILCS 2605/2605-53 new)

20 Sec. 2605-53. 9-1-1 system; sexual assault and sexual  
21 abuse.

22 (a) The Office of the Statewide 9-1-1 Administrator, in  
23 consultation with the Office of the Attorney General and the  
24 Illinois Law Enforcement Training Standards Board, shall:

25 (1) develop comprehensive guidelines for

1 evidence-based, trauma-informed, victim-centered handling  
2 of sexual assault or sexual abuse calls by Public Safety  
3 Answering Point tele-communicators; and

4 (2) adopt rules and minimum standards for an  
5 evidence-based, trauma-informed, victim-centered training  
6 curriculum for handling of sexual assault or sexual abuse  
7 calls for Public Safety Answering Point tele-communicators  
8 ("PSAP").

9 (b) Training requirements:

10 (1) Newly hired PSAP tele-communicators must complete  
11 the sexual assault and sexual abuse training curriculum  
12 established in subsection (a) of this Section prior to  
13 handling emergency calls.

14 (2) All existing PSAP tele-communicators shall  
15 complete the sexual assault and sexual abuse training  
16 curriculum established in subsection (a) of this Section  
17 within 2 years of the effective date of this amendatory Act  
18 of the 99th General Assembly.

19 (20 ILCS 2605/2605-98 new)

20 Sec. 2605-98. Training; sexual assault and sexual abuse.

21 (a) The Department of State Police shall conduct or approve  
22 training programs in trauma-informed responses and  
23 investigations of sexual assault and sexual abuse, which  
24 include, but is not limited to, the following:

25 (1) recognizing the symptoms of trauma;

1           (2) understanding the role trauma has played in a  
2           victim's life;

3           (3) responding to the needs and concerns of a victim;

4           (4) delivering services in a compassionate, sensitive,  
5           and nonjudgmental manner;

6           (5) interviewing techniques in accordance with the  
7           curriculum standards in subsection (f) of this Section;

8           (6) understanding cultural perceptions and common  
9           myths of sexual assault and sexual abuse; and

10           (7) report writing techniques in accordance with the  
11           curriculum standards in subsection (f) of this Section.

12           (b) This training must be presented in all full and  
13           part-time basic law enforcement academies on or before July 1,  
14           2018.

15           (c) The Department must present this training to all State  
16           police officers within 3 years after the effective date of this  
17           amendatory Act of the 99th General Assembly and must present  
18           in-service training on sexual assault and sexual abuse response  
19           and report writing training requirements every 3 years.

20           (d) The Department must provide to all State police  
21           officers who conduct sexual assault and sexual abuse  
22           investigations, specialized training on sexual assault and  
23           sexual abuse investigations within 2 years after the effective  
24           date of this amendatory Act of the 99th General Assembly and  
25           must present in-service training on sexual assault and sexual  
26           abuse investigations to these officers every 3 years.

1       (e) Instructors providing this training shall have  
2 successfully completed training on evidence-based,  
3 trauma-informed, victim-centered responses to cases of sexual  
4 assault and sexual abuse and have experience responding to  
5 sexual assault and sexual abuse cases.

6       (f) The Department shall adopt rules, in consultation with  
7 the Office of the Illinois Attorney General and the Illinois  
8 Law Enforcement Training Standards Board, to determine the  
9 specific training requirements for these courses, including,  
10 but not limited to, the following:

11           (1) evidence-based curriculum standards for report  
12 writing and immediate response to sexual assault and sexual  
13 abuse, including trauma-informed, victim-centered  
14 interview techniques, which have been demonstrated to  
15 minimize retraumatization, for all State police officers;  
16 and

17           (2) evidence-based curriculum standards for  
18 trauma-informed, victim-centered investigation and  
19 interviewing techniques, which have been demonstrated to  
20 minimize retraumatization, for cases of sexual assault and  
21 sexual abuse for all State Police officers who conduct  
22 sexual assault and sexual abuse investigations.

23       (20 ILCS 2605/2605-300) (was 20 ILCS 2605/55a in part)

24       Sec. 2605-300. Records; crime laboratories; personnel. To  
25 do the following:

1           (1) Be a central repository and custodian of criminal  
2           statistics for the State.

3           (2) Be a central repository for criminal history record  
4           information.

5           (3) Procure and file for record information that is  
6           necessary and helpful to plan programs of crime prevention,  
7           law enforcement, and criminal justice.

8           (4) Procure and file for record copies of fingerprints  
9           that may be required by law.

10          (5) Establish general and field crime laboratories.

11          (6) Register and file for record information that may  
12          be required by law for the issuance of firearm owner's  
13          identification cards under the Firearm Owners  
14          Identification Card Act and concealed carry licenses under  
15          the Firearm Concealed Carry Act.

16          (7) Employ ~~polygraph operators,~~ laboratory  
17          technicians, and other specially qualified persons to aid  
18          in the identification of criminal activity, and may employ  
19          polygraph operators.

20          (8) Undertake other identification, information,  
21          laboratory, statistical, or registration activities that  
22          may be required by law.

23          (Source: P.A. 98-63, eff. 7-9-13.)

24          Section 107. The Illinois Procurement Code is amended by  
25          changing Section 1-10 as follows:

1 (30 ILCS 500/1-10)

2 Sec. 1-10. Application.

3 (a) This Code applies only to procurements for which  
4 bidders, offerors, potential contractors, or contractors were  
5 first solicited on or after July 1, 1998. This Code shall not  
6 be construed to affect or impair any contract, or any provision  
7 of a contract, entered into based on a solicitation prior to  
8 the implementation date of this Code as described in Article  
9 99, including but not limited to any covenant entered into with  
10 respect to any revenue bonds or similar instruments. All  
11 procurements for which contracts are solicited between the  
12 effective date of Articles 50 and 99 and July 1, 1998 shall be  
13 substantially in accordance with this Code and its intent.

14 (b) This Code shall apply regardless of the source of the  
15 funds with which the contracts are paid, including federal  
16 assistance moneys. This Code shall not apply to:

17 (1) Contracts between the State and its political  
18 subdivisions or other governments, or between State  
19 governmental bodies except as specifically provided in  
20 this Code.

21 (2) Grants, except for the filing requirements of  
22 Section 20-80.

23 (3) Purchase of care.

24 (4) Hiring of an individual as employee and not as an  
25 independent contractor, whether pursuant to an employment

1 code or policy or by contract directly with that  
2 individual.

3 (5) Collective bargaining contracts.

4 (6) Purchase of real estate, except that notice of this  
5 type of contract with a value of more than \$25,000 must be  
6 published in the Procurement Bulletin within 10 calendar  
7 days after the deed is recorded in the county of  
8 jurisdiction. The notice shall identify the real estate  
9 purchased, the names of all parties to the contract, the  
10 value of the contract, and the effective date of the  
11 contract.

12 (7) Contracts necessary to prepare for anticipated  
13 litigation, enforcement actions, or investigations,  
14 provided that the chief legal counsel to the Governor shall  
15 give his or her prior approval when the procuring agency is  
16 one subject to the jurisdiction of the Governor, and  
17 provided that the chief legal counsel of any other  
18 procuring entity subject to this Code shall give his or her  
19 prior approval when the procuring entity is not one subject  
20 to the jurisdiction of the Governor.

21 (8) Contracts for services to Northern Illinois  
22 University by a person, acting as an independent  
23 contractor, who is qualified by education, experience, and  
24 technical ability and is selected by negotiation for the  
25 purpose of providing non-credit educational service  
26 activities or products by means of specialized programs

1 offered by the university.

2 (9) Procurement expenditures by the Illinois  
3 Conservation Foundation when only private funds are used.

4 (10) Procurement expenditures by the Illinois Health  
5 Information Exchange Authority involving private funds  
6 from the Health Information Exchange Fund. "Private funds"  
7 means gifts, donations, and private grants.

8 (11) Public-private agreements entered into according  
9 to the procurement requirements of Section 20 of the  
10 Public-Private Partnerships for Transportation Act and  
11 design-build agreements entered into according to the  
12 procurement requirements of Section 25 of the  
13 Public-Private Partnerships for Transportation Act.

14 (12) Contracts for legal, financial, and other  
15 professional and artistic services entered into on or  
16 before December 31, 2018 by the Illinois Finance Authority  
17 in which the State of Illinois is not obligated. Such  
18 contracts shall be awarded through a competitive process  
19 authorized by the Board of the Illinois Finance Authority  
20 and are subject to Sections 5-30, 20-160, 50-13, 50-20,  
21 50-35, and 50-37 of this Code, as well as the final  
22 approval by the Board of the Illinois Finance Authority of  
23 the terms of the contract.

24 (13) The provisions of this paragraph (13), other than  
25 this sentence, are inoperative on and after January 1, 2019  
26 or 2 years after the effective date of this amendatory Act



1 of the 99th General Assembly, whichever is later. Contracts  
2 for services, commodities, and equipment to support the  
3 delivery of timely forensic science services in  
4 consultation with and subject to the approval of the Chief  
5 Procurement Officer as provided in subsection (d) of  
6 Section 5-4-3a of the Unified Code of Corrections, except  
7 for the requirements of Sections 20-60, 20-65, 20-70, and  
8 20-160 and Article 50 of this Code; however, the Chief  
9 Procurement Officer may, in writing with justification,  
10 wave any certification required under Article 50 of this  
11 Code. For any contracts for services which are currently  
12 provided by members of a collective bargaining agreement,  
13 the applicable terms of the collective bargaining  
14 agreement concerning subcontracting shall be followed.

15 Notwithstanding any other provision of law, contracts  
16 entered into under item (12) of this subsection (b) shall be  
17 published in the Procurement Bulletin within 14 calendar days  
18 after contract execution. The chief procurement officer shall  
19 prescribe the form and content of the notice. The Illinois  
20 Finance Authority shall provide the chief procurement officer,  
21 on a monthly basis, in the form and content prescribed by the  
22 chief procurement officer, a report of contracts that are  
23 related to the procurement of goods and services identified in  
24 item (12) of this subsection (b). At a minimum, this report  
25 shall include the name of the contractor, a description of the  
26 supply or service provided, the total amount of the contract,

1 the term of the contract, and the exception to the Code  
2 utilized. A copy of each of these contracts shall be made  
3 available to the chief procurement officer immediately upon  
4 request. The chief procurement officer shall submit a report to  
5 the Governor and General Assembly no later than November 1 of  
6 each year that shall include, at a minimum, an annual summary  
7 of the monthly information reported to the chief procurement  
8 officer.

9 (c) This Code does not apply to the electric power  
10 procurement process provided for under Section 1-75 of the  
11 Illinois Power Agency Act and Section 16-111.5 of the Public  
12 Utilities Act.

13 (d) Except for Section 20-160 and Article 50 of this Code,  
14 and as expressly required by Section 9.1 of the Illinois  
15 Lottery Law, the provisions of this Code do not apply to the  
16 procurement process provided for under Section 9.1 of the  
17 Illinois Lottery Law.

18 (e) This Code does not apply to the process used by the  
19 Capital Development Board to retain a person or entity to  
20 assist the Capital Development Board with its duties related to  
21 the determination of costs of a clean coal SNG brownfield  
22 facility, as defined by Section 1-10 of the Illinois Power  
23 Agency Act, as required in subsection (h-3) of Section 9-220 of  
24 the Public Utilities Act, including calculating the range of  
25 capital costs, the range of operating and maintenance costs, or  
26 the sequestration costs or monitoring the construction of clean

1 coal SNG brownfield facility for the full duration of  
2 construction.

3 (f) This Code does not apply to the process used by the  
4 Illinois Power Agency to retain a mediator to mediate sourcing  
5 agreement disputes between gas utilities and the clean coal SNG  
6 brownfield facility, as defined in Section 1-10 of the Illinois  
7 Power Agency Act, as required under subsection (h-1) of Section  
8 9-220 of the Public Utilities Act.

9 (g) This Code does not apply to the processes used by the  
10 Illinois Power Agency to retain a mediator to mediate contract  
11 disputes between gas utilities and the clean coal SNG facility  
12 and to retain an expert to assist in the review of contracts  
13 under subsection (h) of Section 9-220 of the Public Utilities  
14 Act. This Code does not apply to the process used by the  
15 Illinois Commerce Commission to retain an expert to assist in  
16 determining the actual incurred costs of the clean coal SNG  
17 facility and the reasonableness of those costs as required  
18 under subsection (h) of Section 9-220 of the Public Utilities  
19 Act.

20 (h) This Code does not apply to the process to procure or  
21 contracts entered into in accordance with Sections 11-5.2 and  
22 11-5.3 of the Illinois Public Aid Code.

23 (i) Each chief procurement officer may access records  
24 necessary to review whether a contract, purchase, or other  
25 expenditure is or is not subject to the provisions of this  
26 Code, unless such records would be subject to attorney-client

1 privilege.

2 (j) This Code does not apply to the process used by the  
3 Capital Development Board to retain an artist or work or works  
4 of art as required in Section 14 of the Capital Development  
5 Board Act.

6 (k) This Code does not apply to the process to procure  
7 contracts, or contracts entered into, by the State Board of  
8 Elections or the State Electoral Board for hearing officers  
9 appointed pursuant to the Election Code.

10 (Source: P.A. 97-96, eff. 7-13-11; 97-239, eff. 8-2-11; 97-502,  
11 eff. 8-23-11; 97-689, eff. 6-14-12; 97-813, eff. 7-13-12;  
12 97-895, eff. 8-3-12; 98-90, eff. 7-15-13; 98-463, eff. 8-16-13;  
13 98-572, eff. 1-1-14; 98-756, eff. 7-16-14; 98-1076, eff.  
14 1-1-15.)

15 Section 110. The Illinois Police Training Act is amended by  
16 changing Section 7 and adding Section 10.19 as follows:

17 (50 ILCS 705/7) (from Ch. 85, par. 507)

18 Sec. 7. Rules and standards for schools. The Board shall  
19 adopt rules and minimum standards for such schools which shall  
20 include but not be limited to the following:

21 a. The curriculum for probationary police officers which  
22 shall be offered by all certified schools shall include but not  
23 be limited to courses of procedural justice, arrest and use and  
24 control tactics, search and seizure, including temporary

1 questioning, civil rights, human rights, human relations,  
2 cultural competency, including implicit bias and racial and  
3 ethnic sensitivity, criminal law, law of criminal procedure,  
4 constitutional and proper use of law enforcement authority,  
5 vehicle and traffic law including uniform and  
6 non-discriminatory enforcement of the Illinois Vehicle Code,  
7 traffic control and accident investigation, techniques of  
8 obtaining physical evidence, court testimonies, statements,  
9 reports, firearms training, training in the use of electronic  
10 control devices, including the psychological and physiological  
11 effects of the use of those devices on humans, first-aid  
12 (including cardiopulmonary resuscitation), training in the  
13 administration of opioid antagonists as defined in paragraph  
14 (1) of subsection (e) of Section 5-23 of the Alcoholism and  
15 Other Drug Abuse and Dependency Act, handling of juvenile  
16 offenders, recognition of mental conditions, including, but  
17 not limited to, the disease of addiction, which require  
18 immediate assistance and methods to safeguard and provide  
19 assistance to a person in need of mental treatment, recognition  
20 of abuse, neglect, financial exploitation, and self-neglect of  
21 adults with disabilities and older adults, as defined in  
22 Section 2 of the Adult Protective Services Act, crimes against  
23 the elderly, law of evidence, the hazards of high-speed police  
24 vehicle chases with an emphasis on alternatives to the  
25 high-speed chase, and physical training. The curriculum shall  
26 include specific training in techniques for immediate response

1 to and investigation of cases of domestic violence and of  
2 sexual assault of adults and children, including cultural  
3 perceptions and common myths of sexual assault and sexual abuse  
4 ~~rape~~ as well as interview techniques that are trauma informed,  
5 victim centered, and victim sensitive. The curriculum shall  
6 include training in techniques designed to promote effective  
7 communication at the initial contact with crime victims and  
8 ways to comprehensively explain to victims and witnesses their  
9 rights under the Rights of Crime Victims and Witnesses Act and  
10 the Crime Victims Compensation Act. The curriculum shall also  
11 include a block of instruction aimed at identifying and  
12 interacting with persons with autism and other developmental or  
13 physical disabilities, reducing barriers to reporting crimes  
14 against persons with autism, and addressing the unique  
15 challenges presented by cases involving victims or witnesses  
16 with autism and other developmental disabilities. The  
17 curriculum for permanent police officers shall include but not  
18 be limited to (1) refresher and in-service training in any of  
19 the courses listed above in this subparagraph, (2) advanced  
20 courses in any of the subjects listed above in this  
21 subparagraph, (3) training for supervisory personnel, and (4)  
22 specialized training in subjects and fields to be selected by  
23 the board. The training in the use of electronic control  
24 devices shall be conducted for probationary police officers,  
25 including University police officers.

26 b. Minimum courses of study, attendance requirements and

1 equipment requirements.

2 c. Minimum requirements for instructors.

3 d. Minimum basic training requirements, which a  
4 probationary police officer must satisfactorily complete  
5 before being eligible for permanent employment as a local law  
6 enforcement officer for a participating local governmental  
7 agency. Those requirements shall include training in first aid  
8 (including cardiopulmonary resuscitation).

9 e. Minimum basic training requirements, which a  
10 probationary county corrections officer must satisfactorily  
11 complete before being eligible for permanent employment as a  
12 county corrections officer for a participating local  
13 governmental agency.

14 f. Minimum basic training requirements which a  
15 probationary court security officer must satisfactorily  
16 complete before being eligible for permanent employment as a  
17 court security officer for a participating local governmental  
18 agency. The Board shall establish those training requirements  
19 which it considers appropriate for court security officers and  
20 shall certify schools to conduct that training.

21 A person hired to serve as a court security officer must  
22 obtain from the Board a certificate (i) attesting to his or her  
23 successful completion of the training course; (ii) attesting to  
24 his or her satisfactory completion of a training program of  
25 similar content and number of hours that has been found  
26 acceptable by the Board under the provisions of this Act; or

1 (iii) attesting to the Board's determination that the training  
2 course is unnecessary because of the person's extensive prior  
3 law enforcement experience.

4 Individuals who currently serve as court security officers  
5 shall be deemed qualified to continue to serve in that capacity  
6 so long as they are certified as provided by this Act within 24  
7 months of June 1, 1997 (the effective date of Public Act  
8 89-685) ~~this amendatory Act of 1996~~. Failure to be so  
9 certified, absent a waiver from the Board, shall cause the  
10 officer to forfeit his or her position.

11 All individuals hired as court security officers on or  
12 after the effective date of this amendatory Act of 1996 shall  
13 be certified within 12 months of the date of their hire, unless  
14 a waiver has been obtained by the Board, or they shall forfeit  
15 their positions.

16 The Sheriff's Merit Commission, if one exists, or the  
17 Sheriff's Office if there is no Sheriff's Merit Commission,  
18 shall maintain a list of all individuals who have filed  
19 applications to become court security officers and who meet the  
20 eligibility requirements established under this Act. Either  
21 the Sheriff's Merit Commission, or the Sheriff's Office if no  
22 Sheriff's Merit Commission exists, shall establish a schedule  
23 of reasonable intervals for verification of the applicants'  
24 qualifications under this Act and as established by the Board.

25 g. Minimum in-service training requirements, which a  
26 police officer must satisfactorily complete every 3 years.



1 Those requirements shall include constitutional and proper use  
2 of law enforcement authority, procedural justice, civil  
3 rights, human rights, and cultural competency.

4 h. Minimum in-service training requirements, which a  
5 police officer must satisfactorily complete at least annually.  
6 Those requirements shall include law updates and use of force  
7 training which shall include scenario based training, or  
8 similar training approved by the Board.

9 (Source: P.A. 98-49, eff. 7-1-13; 98-358, eff. 1-1-14; 98-463,  
10 eff. 8-16-13; 98-756, eff. 7-16-14; 99-352, eff. 1-1-16;  
11 99-480, eff. 9-9-15; revised 10-20-15.)

12 (50 ILCS 705/10.19 new)

13 Sec. 10.19. Training; sexual assault and sexual abuse.

14 (a) The Illinois Law Enforcement Training Standards Board  
15 shall conduct or approve training programs in trauma-informed  
16 responses and investigations of sexual assault and sexual  
17 abuse, which include, but is not limited to, the following:

18 (1) recognizing the symptoms of trauma;

19 (2) understanding the role trauma has played in a  
20 victim's life;

21 (3) responding to the needs and concerns of a victim;

22 (4) delivering services in a compassionate, sensitive,  
23 and nonjudgmental manner;

24 (5) interviewing techniques in accordance with the  
25 curriculum standards in subsection (f) of this Section;

1           (6) understanding cultural perceptions and common  
2           myths of sexual assault and sexual abuse; and

3           (7) report writing techniques in accordance with the  
4           curriculum standards in subsection (f) of this Section.

5           (b) This training must be presented in all full and  
6           part-time basic law enforcement academies on or before July 1,  
7           2018.

8           (c) Agencies employing law enforcement officers must  
9           present this training to all law enforcement officers within 3  
10           years after the effective date of this amendatory Act of the  
11           99th General Assembly and must present in-service training on  
12           sexual assault and sexual abuse response and report writing  
13           training requirements every 3 years.

14           (d) Agencies employing law enforcement officers who  
15           conduct sexual assault and sexual abuse investigations must  
16           provide specialized training to these officers on sexual  
17           assault and sexual abuse investigations within 2 years after  
18           the effective date of this amendatory Act of the 99th General  
19           Assembly and must present in-service training on sexual assault  
20           and sexual abuse investigations to these officers every 3  
21           years.

22           (e) Instructors providing this training shall have  
23           successfully completed training on evidence-based,  
24           trauma-informed, victim-centered response to cases of sexual  
25           assault and sexual abuse and have experience responding to  
26           sexual assault and sexual abuse cases.

1       (f) The Board shall adopt rules, in consultation with the  
2       Office of the Illinois Attorney General and the Department of  
3       State Police, to determine the specific training requirements  
4       for these courses, including, but not limited to, the  
5       following:

6               (1) evidence-based curriculum standards for report  
7               writing and immediate response to sexual assault and sexual  
8               abuse, including trauma-informed, victim-centered  
9               interview techniques, which have been demonstrated to  
10              minimize retraumatization, for probationary police  
11              officers and all law enforcement officers; and

12              (2) evidence-based curriculum standards for  
13              trauma-informed, victim-centered investigation and  
14              interviewing techniques, which have been demonstrated to  
15              minimize retraumatization, for cases of sexual assault and  
16              sexual abuse for law enforcement officers who conduct  
17              sexual assault and sexual abuse investigations.

18       Section 115. The Sexual Assault Survivors Emergency  
19       Treatment Act is amended by changing Sections 1a and 6.4 and by  
20       adding Sections 6.5 and 6.6 as follows:

21               (410 ILCS 70/1a) (from Ch. 111 1/2, par. 87-1a)

22       Sec. 1a. Definitions. In this Act:

23       "Ambulance provider" means an individual or entity that  
24       owns and operates a business or service using ambulances or

1 emergency medical services vehicles to transport emergency  
2 patients.

3 "Areawide sexual assault treatment plan" means a plan,  
4 developed by the hospitals in the community or area to be  
5 served, which provides for hospital emergency services to  
6 sexual assault survivors that shall be made available by each  
7 of the participating hospitals.

8 "Department" means the Department of Public Health.

9 "Emergency contraception" means medication as approved by  
10 the federal Food and Drug Administration (FDA) that can  
11 significantly reduce the risk of pregnancy if taken within 72  
12 hours after sexual assault.

13 "Follow-up healthcare" means healthcare services related  
14 to a sexual assault, including laboratory services and pharmacy  
15 services, rendered within 90 days of the initial visit for  
16 hospital emergency services.

17 "Forensic services" means the collection of evidence  
18 pursuant to a statewide sexual assault evidence collection  
19 program administered by the Department of State Police, using  
20 the Illinois State Police Sexual Assault Evidence Collection  
21 Kit.

22 "Health care professional" means a physician, a physician  
23 assistant, or an advanced practice nurse.

24 "Hospital" has the meaning given to that term in the  
25 Hospital Licensing Act.

26 "Hospital emergency services" means healthcare delivered

1 to outpatients within or under the care and supervision of  
2 personnel working in a designated emergency department of a  
3 hospital, including, but not limited to, care ordered by such  
4 personnel for a sexual assault survivor in the emergency  
5 department.

6 "Illinois State Police Sexual Assault Evidence Collection  
7 Kit" means a prepackaged set of materials and forms to be used  
8 for the collection of evidence relating to sexual assault. The  
9 standardized evidence collection kit for the State of Illinois  
10 shall be the Illinois State Police Sexual Assault Evidence  
11 Collection Kit.

12 "Law enforcement agency having jurisdiction" means the law  
13 enforcement agency in the jurisdiction where an alleged sexual  
14 assault or sexual abuse occurred.

15 "Nurse" means a nurse licensed under the Nurse Practice  
16 Act.

17 "Physician" means a person licensed to practice medicine in  
18 all its branches.

19 "Sexual assault" means an act of nonconsensual sexual  
20 conduct or sexual penetration, as defined in Section 11-0.1 of  
21 the Criminal Code of 2012, including, without limitation, acts  
22 prohibited under Sections 11-1.20 through 11-1.60 of the  
23 Criminal Code of 2012.

24 "Sexual assault survivor" means a person who presents for  
25 hospital emergency services in relation to injuries or trauma  
26 resulting from a sexual assault.

1 "Sexual assault transfer plan" means a written plan  
2 developed by a hospital and approved by the Department, which  
3 describes the hospital's procedures for transferring sexual  
4 assault survivors to another hospital in order to receive  
5 emergency treatment.

6 "Sexual assault treatment plan" means a written plan  
7 developed by a hospital that describes the hospital's  
8 procedures and protocols for providing hospital emergency  
9 services and forensic services to sexual assault survivors who  
10 present themselves for such services, either directly or  
11 through transfer from another hospital.

12 "Transfer services" means the appropriate medical  
13 screening examination and necessary stabilizing treatment  
14 prior to the transfer of a sexual assault survivor to a  
15 hospital that provides hospital emergency services and  
16 forensic services to sexual assault survivors pursuant to a  
17 sexual assault treatment plan or areawide sexual assault  
18 treatment plan.

19 "Voucher" means a document generated by a hospital at the  
20 time the sexual assault survivor receives hospital emergency  
21 and forensic services that a sexual assault survivor may  
22 present to providers for follow-up healthcare.

23 (Source: P.A. 99-454, eff. 1-1-16.)

24 (410 ILCS 70/6.4) (from Ch. 111 1/2, par. 87-6.4)

25 Sec. 6.4. Sexual assault evidence collection program.

1 (a) There is created a statewide sexual assault evidence  
2 collection program to facilitate the prosecution of persons  
3 accused of sexual assault. This program shall be administered  
4 by the Illinois State Police. The program shall consist of the  
5 following: (1) distribution of sexual assault evidence  
6 collection kits which have been approved by the Illinois State  
7 Police to hospitals that request them, or arranging for such  
8 distribution by the manufacturer of the kits, (2) collection of  
9 the kits from hospitals after the kits have been used to  
10 collect evidence, (3) analysis of the collected evidence and  
11 conducting of laboratory tests, (4) maintaining the chain of  
12 custody and safekeeping of the evidence for use in a legal  
13 proceeding, and (5) the comparison of the collected evidence  
14 with the genetic marker grouping analysis information  
15 maintained by the Department of State Police under Section  
16 5-4-3 of the Unified Code of Corrections and with the  
17 information contained in the Federal Bureau of Investigation's  
18 National DNA database; provided the amount and quality of  
19 genetic marker grouping results obtained from the evidence in  
20 the sexual assault case meets the requirements of both the  
21 Department of State Police and the Federal Bureau of  
22 Investigation's Combined DNA Index System (CODIS) policies.  
23 The standardized evidence collection kit for the State of  
24 Illinois shall be the Illinois State Police Sexual Assault  
25 Evidence Kit and shall include a written consent form  
26 authorizing law enforcement to test the sexual assault evidence

1 and to provide law enforcement with details of the sexual  
2 assault. ~~A sexual assault evidence collection kit may not be~~  
3 ~~released by a hospital without the written consent of the~~  
4 ~~sexual assault survivor. In the case of a survivor who is a~~  
5 ~~minor 13 years of age or older, evidence and information~~  
6 ~~concerning the sexual assault may be released at the written~~  
7 ~~request of the minor. If the survivor is a minor who is under~~  
8 ~~13 years of age, evidence and information concerning the~~  
9 ~~alleged sexual assault may be released at the written request~~  
10 ~~of the parent, guardian, investigating law enforcement~~  
11 ~~officer, or Department of Children and Family Services. If the~~  
12 ~~survivor is an adult who has a guardian of the person, a health~~  
13 ~~care surrogate, or an agent acting under a health care power of~~  
14 ~~attorney, then consent of the guardian, surrogate, or agent is~~  
15 ~~not required to release evidence and information concerning the~~  
16 ~~sexual assault. If the adult is unable to provide consent for~~  
17 ~~the release of evidence and information and a guardian,~~  
18 ~~surrogate, or agent under a health care power of attorney is~~  
19 ~~unavailable or unwilling to release the information, then an~~  
20 ~~investigating law enforcement officer may authorize the~~  
21 ~~release. Any health care professional, including any~~  
22 ~~physician, advanced practice nurse, physician assistant, or~~  
23 ~~nurse, sexual assault nurse examiner, and any health care~~  
24 ~~institution, including any hospital, who provides evidence or~~  
25 ~~information to a law enforcement officer pursuant to a written~~  
26 ~~request as specified in this Section is immune from any civil~~



1 ~~or professional liability that might arise from those actions,~~  
2 ~~with the exception of willful or wanton misconduct. The~~  
3 ~~immunity provision applies only if all of the requirements of~~  
4 ~~this Section are met.~~

5 (a-5) (Blank).

6 (b) The Illinois State Police shall administer a program to  
7 train hospitals and hospital personnel participating in the  
8 sexual assault evidence collection program, in the correct use  
9 and application of the sexual assault evidence collection kits.  
10 A sexual assault nurse examiner may conduct examinations using  
11 the sexual assault evidence collection kits, without the  
12 presence or participation of a physician. The Department shall  
13 cooperate with the Illinois State Police in this program as it  
14 pertains to medical aspects of the evidence collection.

15 (c) In this Section, "sexual assault nurse examiner" means  
16 a registered nurse who has completed a sexual assault nurse  
17 examiner (SANE) training program that meets the Forensic Sexual  
18 Assault Nurse Examiner Education Guidelines established by the  
19 International Association of Forensic Nurses.

20 (Source: P.A. 95-331, eff. 8-21-07; 95-432, eff. 1-1-08;  
21 96-318, eff. 1-1-10; 96-1011, eff. 9-1-10.)

22 (410 ILCS 70/6.5 new)

23 Sec. 6.5. Written consent to the release of sexual assault  
24 evidence for testing.

25 (a) Upon the completion of hospital emergency services and

1 forensic services, the health care professional providing the  
2 forensic services shall provide the patient the opportunity to  
3 sign a written consent to allow law enforcement to submit the  
4 sexual assault evidence for testing. The written consent shall  
5 be on a form included in the sexual assault evidence collection  
6 kit and shall include whether the survivor consents to the  
7 release of information about the sexual assault to law  
8 enforcement.

9 (1) A survivor 13 years of age or older may sign the  
10 written consent to release the evidence for testing.

11 (2) If the survivor is a minor who is under 13 years of  
12 age, the written consent to release the sexual assault  
13 evidence for testing may be signed by the parent, guardian,  
14 investigating law enforcement officer, or Department of  
15 Children and Family Services.

16 (3) If the survivor is an adult who has a guardian of  
17 the person, a health care surrogate, or an agent acting  
18 under a health care power of attorney, the consent of the  
19 guardian, surrogate, or agent is not required to release  
20 evidence and information concerning the sexual assault or  
21 sexual abuse. If the adult is unable to provide consent for  
22 the release of evidence and information and a guardian,  
23 surrogate, or agent under a health care power of attorney  
24 is unavailable or unwilling to release the information,  
25 then an investigating law enforcement officer may  
26 authorize the release.

1           (4) Any health care professional, including any  
2           physician, advanced practice nurse, physician assistant,  
3           or nurse, sexual assault nurse examiner, and any health  
4           care institution, including any hospital, who provides  
5           evidence or information to a law enforcement officer under  
6           a written consent as specified in this Section is immune  
7           from any civil or professional liability that might arise  
8           from those actions, with the exception of willful or wanton  
9           misconduct. The immunity provision applies only if all of  
10           the requirements of this Section are met.

11           (b) The hospital shall keep a copy of a signed or unsigned  
12           written consent form in the patient's medical record.

13           (c) If a written consent to allow law enforcement to test  
14           the sexual assault evidence is not signed at the completion of  
15           hospital emergency services and forensic services, the  
16           hospital shall include the following information in its  
17           discharge instructions:

18           (1) the sexual assault evidence will be stored for 5  
19           years from the completion of an Illinois State Police  
20           Sexual Assault Evidence Collection Kit, or 5 years from the  
21           age of 18 years, whichever is longer;

22           (2) a person authorized to consent to the testing of  
23           the sexual assault evidence may sign a written consent to  
24           allow law enforcement to test the sexual assault evidence  
25           at any time during that 5-year period for an adult victim,  
26           or until a minor victim turns 23 years of age by (A)

1 contacting the law enforcement agency having jurisdiction,  
2 or if unknown, the law enforcement agency contacted by the  
3 hospital under Section 3.2 of the Criminal Identification  
4 Act; or (B) by working with an advocate at a rape crisis  
5 center;

6 (3) the name, address, and phone number of the law  
7 enforcement agency having jurisdiction, or if unknown the  
8 name, address, and phone number of the law enforcement  
9 agency contacted by the hospital under Section 3.2 of the  
10 Criminal Identification Act; and

11 (4) the name and phone number of a local rape crisis  
12 center.

13 (410 ILCS 70/6.6 new)

14 Sec. 6.6. Submission of sexual assault evidence.

15 (a) As soon as practicable, but in no event more than 4  
16 hours after the completion of hospital emergency services and  
17 forensic services, the hospital shall make reasonable efforts  
18 to determine the law enforcement agency having jurisdiction  
19 where the sexual assault occurred. The hospital may obtain the  
20 name of the law enforcement agency with jurisdiction from the  
21 local law enforcement agency.

22 (b) Within 4 hours after the completion of hospital  
23 emergency services and forensic services, the hospital shall  
24 notify the law enforcement agency having jurisdiction that the  
25 hospital is in possession of sexual assault evidence and the

1 date and time the collection of evidence was completed. The  
2 hospital shall document the notification in the patient's  
3 medical records and shall include the agency notified, the date  
4 and time of the notification and the name of the person who  
5 received the notification. This notification to the law  
6 enforcement agency having jurisdiction satisfies the  
7 hospital's requirement to contact its local law enforcement  
8 agency under Section 3.2 of the Criminal Identification Act.

9 (c) If the law enforcement agency having jurisdiction has  
10 not taken physical custody of sexual assault evidence within 5  
11 days of the first contact by the hospital, the hospital shall  
12 re-notify the law enforcement agency having jurisdiction that  
13 the hospital is in possession of sexual assault evidence and  
14 the date the sexual assault evidence was collected. The  
15 hospital shall document the re-notification in the patient's  
16 medical records and shall include the agency notified, the date  
17 and time of the notification and the name of the person who  
18 received the notification.

19 (d) If the law enforcement agency having jurisdiction has  
20 not taken physical custody of the sexual assault evidence  
21 within 10 days of the first contact by the hospital and the  
22 hospital has provided renotification under subsection (c) of  
23 this Section, the hospital shall contact the State's Attorney  
24 of the county where the law enforcement agency having  
25 jurisdiction is located. The hospital shall inform the State's  
26 Attorney that the hospital is in possession of sexual assault

1 evidence, the date the sexual assault evidence was collected,  
2 the law enforcement agency having jurisdiction, the dates,  
3 times and names of persons notified under subsections (b) and  
4 (c) of this Section. The notification shall be made within 14  
5 days of the collection of the sexual assault evidence.

6 Section 120. The Sexual Assault Evidence Submission Act is  
7 amended by changing Section 10 as follows:

8 (725 ILCS 202/10)

9 Sec. 10. Submission of evidence. Law enforcement agencies  
10 that receive sexual assault evidence that the victim of a  
11 sexual assault or sexual abuse or a person authorized under  
12 Section 6.5 of the Sexual Assault Survivors Emergency Treatment  
13 Act has consented to allow law enforcement to test in  
14 connection with the investigation of a criminal case on or  
15 after the effective date of this Act must submit evidence from  
16 the case within 10 business days of receipt of the consent to  
17 test to a Department of State Police forensic laboratory or a  
18 laboratory approved and designated by the Director of State  
19 Police. The written report required under Section 20 of the  
20 Sexual Assault Incident Procedure Act shall include the date  
21 and time the sexual assault evidence was picked up from the  
22 hospital, the date consent to test the sexual assault evidence  
23 was given, and the date and time the sexual assault evidence  
24 was sent to the laboratory. Sexual assault evidence received by

1 a law enforcement agency within 30 days prior to the effective  
2 date of this Act shall be submitted pursuant to this Section.

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

4 Section 125. The Unified Code of Corrections is amended by  
5 changing Section 5-4-3a as follows:

6 (730 ILCS 5/5-4-3a)

7 Sec. 5-4-3a. DNA testing backlog accountability.

8 (a) On or before August 1 of each year, the Department of  
9 State Police shall report to the Governor and both houses of  
10 the General Assembly the following information:

11 (1) the extent of the backlog of cases awaiting testing  
12 or awaiting DNA analysis by that Department, including but  
13 not limited to those tests conducted under Section 5-4-3,  
14 as of June 30 of the previous fiscal year, with the backlog  
15 being defined as all cases awaiting forensic testing  
16 whether in the physical custody of the State Police or in  
17 the physical custody of local law enforcement, provided  
18 that the State Police have written notice of any evidence  
19 in the physical custody of local law enforcement prior to  
20 June 1 of that year; and

21 (2) what measures have been and are being taken to  
22 reduce that backlog and the estimated costs or expenditures  
23 in doing so.

24 (b) The information reported under this Section shall be

1 made available to the public, at the time it is reported, on  
2 the official web site of the Department of State Police.

3 (c) Beginning January 1, 2016, the Department of State  
4 Police shall quarterly report on the status of the processing  
5 of forensic biology and DNA evidence submitted to the  
6 Department of State Police Laboratory for analysis. The report  
7 shall be submitted to the Governor and the General Assembly,  
8 and shall be posted on the Department of State Police website.  
9 The report shall include the following for each State Police  
10 Laboratory location and any laboratory to which the Department  
11 of State Police has outsourced evidence for testing:

12 (1) For forensic biology submissions, report both  
13 total case and sexual assault or abuse case (as defined by  
14 the Sexual Assault Evidence Submission Act) figures for:

15 (A) The number of cases received in the preceding  
16 quarter.

17 (B) The number of cases completed in the preceding  
18 quarter.

19 (C) The number of cases waiting analysis.

20 (D) The number of cases sent for outsourcing.

21 (E) The number of cases waiting analysis that were  
22 received within the past 30 days.

23 (F) The number of cases waiting analysis that were  
24 received 31 to 90 days prior.

25 (G) The number of cases waiting analysis that were  
26 received 91 to 180 days prior.



1 (H) The number of cases waiting analysis that were  
2 received 181 to 365 days prior.

3 (I) The number of cases waiting analysis that were  
4 received more than 365 days prior.

5 (J) The number of cases forwarded for DNA analyses.

6 (2) For DNA submissions, report both total case and  
7 sexual assault or abuse case (as defined by the Sexual  
8 Assault Evidence Submission Act) figures for:

9 (A) The number of cases received in the preceding  
10 quarter.

11 (B) The number of cases completed in the preceding  
12 quarter.

13 (C) The number of cases waiting analysis.

14 (D) The number of cases sent for outsourcing.

15 (E) The number of cases waiting analysis that were  
16 received within the past 30 days.

17 (F) The number of cases waiting analysis that were  
18 received 31 to 90 days prior.

19 (G) The number of cases waiting analysis that were  
20 received 91 to 180 days prior.

21 (H) The number of cases waiting analysis that were  
22 received 181 to 365 days prior.

23 (I) The number of cases waiting analysis that were  
24 received more than 365 days prior.

25 (3) For all other categories of testing (e.g., drug  
26 chemistry, firearms/toolmark, footwear/tire track, latent

1 prints, toxicology, and trace chemistry analysis):

2 (A) The number of cases received in the preceding  
3 quarter.

4 (B) The number of cases completed in the preceding  
5 quarter.

6 (C) The number of cases waiting analysis.

7 (4) For the Combined DNA Index System (CODIS), report  
8 both total case and sexual assault or abuse case (as  
9 defined by the Sexual Assault Evidence Submission Act)  
10 figures for subparagraphs (D), (E), and (F) of this  
11 paragraph (4):

12 (A) The number of new offender samples received in  
13 the preceding quarter.

14 (B) The number of offender samples uploaded to  
15 CODIS in the preceding quarter.

16 (C) The number of offender samples awaiting  
17 analysis.

18 (D) The number of unknown DNA case profiles  
19 uploaded to CODIS in the preceding quarter.

20 (E) The number of CODIS hits in the preceding  
21 quarter.

22 (F) The number of forensic evidence submissions  
23 submitted to confirm a previously reported CODIS hit.

24 (5) For each category of testing, report the number of  
25 trained forensic scientists and the number of forensic  
26 scientists in training.

1           As used in this subsection (c), "completed" means  
2 completion of both the analysis of the evidence and the  
3 provision of the results to the submitting law enforcement  
4 agency.

5           (d) The provisions of this subsection (d), other than this  
6 sentence, are inoperative on and after January 1, 2019 or 2  
7 years after the effective date of this amendatory Act of the  
8 99th General Assembly, whichever is later. In consultation with  
9 and subject to the approval of the Chief Procurement Officer,  
10 the Department of State Police may obtain contracts for  
11 services, commodities, and equipment to assist in the timely  
12 completion of forensic biology, DNA, drug chemistry,  
13 firearms/toolmark, footwear/tire track, latent prints,  
14 toxicology, microscopy, trace chemistry, and Combined DNA  
15 Index System (CODIS) analysis. Contracts to support the  
16 delivery of timely forensic science services are not subject to  
17 the provisions of the Illinois Procurement Code, except for  
18 Sections 20-60, 20-65, 20-70, and 20-160 and Article 50 of that  
19 Code, provided that the Chief Procurement Officer may, in  
20 writing with justification, waive any certification required  
21 under Article 50 of the Illinois Procurement Code. For any  
22 contracts for services which are currently provided by members  
23 of a collective bargaining agreement, the applicable terms of  
24 the collective bargaining agreement concerning subcontracting  
25 shall be followed.

26           (Source: P.A. 99-352, eff. 1-1-16.)