

1 AMENDMENT TO HOUSE BILL 3172

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3172 as follows:

3 by replacing everything after the enacting clause with the  
4 following:

5 "Section 5. The Sexual Assault Survivors Emergency  
6 Treatment Act is amended by changing Section 6.4 as follows:

7 (410 ILCS 70/6.4) (from Ch. 111 1/2, par. 87-6.4)

8 Sec. 6.4. Sexual assault evidence collection program.

9 (a) There is created a statewide sexual assault evidence  
10 collection program to facilitate the prosecution of persons  
11 accused of sexual assault. This program shall be  
12 administered by the Illinois State Police. The program shall  
13 consist of the following: (1) distribution of sexual assault  
14 evidence collection kits which have been approved by the  
15 Illinois State Police to hospitals that request them, or  
16 arranging for such distribution by the manufacturer of the  
17 kits, (2) collection of the kits from hospitals after the  
18 kits have been used to collect evidence, (3) analysis of the  
19 collected evidence and conducting of laboratory tests, and  
20 (4) maintaining the chain of custody and safekeeping of the  
21 evidence for use in a legal proceeding. The standardized

1 evidence collection kit for the State of Illinois shall be  
2 the State Police Evidence Collection Kit, also known as  
3 "S.P.E.C.K.". A sexual assault evidence collection kit may  
4 not be released by a hospital without the written consent of  
5 the sexual assault survivor. In the case of a survivor who  
6 is a minor 13 years of age or older, evidence and information  
7 concerning the alleged sexual assault may be released at the  
8 written request of the minor. If the survivor is a minor who  
9 is under 13 years of age, evidence and information concerning  
10 the alleged sexual assault may be released at the written  
11 request of the parent, guardian, investigating law  
12 enforcement officer, or Department of Children and Family  
13 Services. Any health care professional, including any  
14 physician or nurse, sexual assault nurse examiner, and any  
15 health care institution, including any hospital, who provides  
16 evidence or information to a law enforcement officer pursuant  
17 to a written request as specified in this Section is immune  
18 from any civil or professional liability that might arise  
19 from those actions, with the exception of willful or wanton  
20 misconduct. The immunity provision applies only if all of  
21 the requirements of this Section are met.

22 (b) The Illinois State Police shall administer a program  
23 to train hospitals and hospital personnel participating in  
24 the sexual assault evidence collection program, in the  
25 correct use and application of the sexual assault evidence  
26 collection kits. A sexual assault nurse examiner is  
27 competent to conduct examinations using the sexual assault  
28 evidence collection kits. The Department of Public Health  
29 shall cooperate with the Illinois State Police in this  
30 program as it pertains to medical aspects of the evidence  
31 collection.

32 (c) In this Section, "sexual assault nurse examiner"  
33 means a registered nurse who has completed a sexual assault  
34 nurse examiner (SANE) training program that meets the

1 Forensic Sexual Assault Nurse Examiner Education Guidelines  
2 established by the International Association of Forensic  
3 Nurses.

4 (Source: P.A. 90-587, eff. 7-1-98; 91-888, eff. 7-6-00.)".