

SB2974



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB2974

Introduced 2/4/2020, by Sen. Christopher Belt

SYNOPSIS AS INTRODUCED:

410 ILCS 535/25	from Ch. 111 1/2, par. 73-25
410 ILCS 535/25.5	
730 ILCS 5/5-9-1.4	from Ch. 38, par. 1005-9-1.4

Amends the Vital Records Act. Provides that an additional fee for certified copies of death certificates and fetal death certificates is \$4 (rather than \$2). Provides that \$2 of the additional fee must be deposited into the State Crime Laboratory Fund. Amends the Unified Code of Corrections. Provides that moneys deposited into the State Crime Laboratory Fund under the amendatory provisions shall be used for continuing education, training, and professional development of forensic scientists.

LRB101 18297 CPF 67743 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning health.

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

4 Section 5. The Vital Records Act is amended by changing
5 Sections 25 and 25.5 as follows:

6 (410 ILCS 535/25) (from Ch. 111 1/2, par. 73-25)

7 Sec. 25. In accordance with Section 24 of this Act, and the
8 regulations adopted pursuant thereto:

9 (1) The State Registrar of Vital Records shall search
10 the files of birth, death, and fetal death records, upon
11 receipt of a written request and a fee of \$10 from any
12 applicant entitled to such search. A search fee shall not
13 be required for commemorative birth certificates issued by
14 the State Registrar. A search fee shall not be required for
15 a birth record search from a person (1) upon release on
16 parole, mandatory supervised release, final discharge, or
17 pardon from the Department of Corrections if the person
18 presents a prescribed verification form completed by the
19 Department of Corrections verifying the person's date of
20 birth and social security number, or (2) placed on
21 aftercare release under the Juvenile Court Act of 1987,
22 upon release on parole, mandatory supervised release,
23 final discharge, or pardon from the Department of Juvenile

1 Justice if the person presents a prescribed verification
2 form completed by the Department of Juvenile Justice
3 verifying the person's date of birth and social security
4 number; however, the person is entitled to only one search
5 fee waiver. If, upon search, the record requested is found,
6 the State Registrar shall furnish the applicant one
7 certification of such record, under the seal of such
8 office. If the request is for a certified copy of the
9 record an additional fee of \$5 shall be required. An
10 additional fee for a certified copy of the record shall not
11 be required from a person (1) upon release on parole,
12 mandatory supervised release, final discharge, or pardon
13 from the Department of Corrections if the person presents a
14 prescribed verification form completed by the Department
15 of Corrections verifying the released person's date of
16 birth and social security number, or (2) placed on
17 aftercare release under the Juvenile Court Act of 1987,
18 upon release on parole, mandatory supervised release,
19 final discharge, or pardon from the Department of Juvenile
20 Justice if the person presents a prescribed verification
21 form completed by the Department of Juvenile Justice
22 verifying the person's date of birth and social security
23 number; however, the person is entitled to only one
24 certified copy fee waiver. If the request is for a
25 certified copy of a death certificate or a fetal death
26 certificate, an additional fee of \$4 ~~\$2~~ is required. \$2 of

1 the ~~The~~ additional fee shall be deposited into the Death
2 Certificate Surcharge Fund and \$2 shall be deposited into
3 the State Crime Laboratory Fund. A further fee of \$2 shall
4 be required for each additional certification or certified
5 copy requested. If the requested record is not found, the
6 State Registrar shall furnish the applicant a
7 certification attesting to that fact, if so requested by
8 the applicant. A further fee of \$2 shall be required for
9 each additional certification that no record has been
10 found.

11 Any local registrar or county clerk shall search the
12 files of birth, death and fetal death records, upon receipt
13 of a written request from any applicant entitled to such
14 search. If upon search the record requested is found, such
15 local registrar or county clerk shall furnish the applicant
16 one certification or certified copy of such record, under
17 the seal of such office, upon payment of the applicable
18 fees. If the requested record is not found, the local
19 registrar or county clerk shall furnish the applicant a
20 certification attesting to that fact, if so requested by
21 the applicant and upon payment of applicable fee. The local
22 registrar or county clerk must charge a \$2 fee for each
23 certified copy of a death certificate. The fee is in
24 addition to any other fees that are charged by the local
25 registrar or county clerk. The additional fees must be
26 transmitted to the State Registrar monthly and deposited

1 into the Death Certificate Surcharge Fund. The local
2 registrar or county clerk may charge fees for providing
3 other services for which the State Registrar may charge
4 fees under this Section.

5 A request to any custodian of vital records for a
6 search of the death record indexes for genealogical
7 research shall require a fee of \$10 per name for a 5 year
8 search. An additional fee of \$1 for each additional year
9 searched shall be required. If the requested record is
10 found, one uncertified copy shall be issued without
11 additional charge.

12 Any fee received by the State Registrar pursuant to
13 this Section which is of an insufficient amount may be
14 returned by the State Registrar upon his recording the
15 receipt of such fee and the reason for its return. The
16 State Registrar is authorized to maintain a 2 signature,
17 revolving checking account with a suitable commercial bank
18 for the purpose of depositing and withdrawing-for-return
19 cash received and determined insufficient for the service
20 requested.

21 No fee imposed under this Section may be assessed
22 against an organization chartered by Congress that
23 requests a certificate for the purpose of death
24 verification.

25 Any custodian of vital records, whether it may be the
26 Department of Public Health, a local registrar, or a county

1 clerk shall charge an additional \$2 for each certified copy
2 of a death certificate and that additional fee shall be
3 collected on behalf of the Department of Financial and
4 Professional Regulation for deposit into the Cemetery
5 Oversight Licensing and Disciplinary Fund.

6 (2) The certification of birth may contain only the
7 name, sex, date of birth, and place of birth, of the person
8 to whom it relates, the name, age and birthplace of the
9 parents, and the file number; and none of the other data on
10 the certificate of birth except as authorized under
11 subsection (5) of this Section.

12 (3) The certification of death shall contain only the
13 name, Social Security Number, sex, date of death, and place
14 of death of the person to whom it relates, and file number;
15 and none of the other data on the certificate of death
16 except as authorized under subsection (5) of this Section.

17 (4) Certification or a certified copy of a certificate
18 shall be issued:

19 (a) Upon the order of a court of competent
20 jurisdiction; or

21 (b) In case of a birth certificate, upon the
22 specific written request for a certification or
23 certified copy by the person, if of legal age, by a
24 parent or other legal representative of the person to
25 whom the record of birth relates, or by a person having
26 a genealogical interest; or

1 (c) Upon the specific written request for a
2 certification or certified copy by a department of the
3 state or a municipal corporation or the federal
4 government; or

5 (c-1) Upon the specific written request for a
6 certification or certified copy by a State's Attorney
7 for the purpose of a criminal prosecution; or

8 (d) In case of a death or fetal death certificate,
9 upon specific written request for a certified copy by a
10 person, or his duly authorized agent, having a
11 genealogical, personal or property right interest in
12 the record.

13 A genealogical interest shall be a proper purpose with
14 respect to births which occurred not less than 75 years and
15 deaths which occurred not less than 20 years prior to the
16 date of written request. Where the purpose of the request
17 is a genealogical interest, the custodian shall stamp the
18 certification or copy with the words, FOR GENEALOGICAL
19 PURPOSES ONLY.

20 (5) Any certification or certified copy issued
21 pursuant to this Section shall show the date of
22 registration; and copies issued from records marked
23 "delayed," "amended," or "court order" shall be similarly
24 marked and show the effective date.

25 (6) Any certification or certified copy of a
26 certificate issued in accordance with this Section shall be

1 considered as prima facie evidence of the facts therein
2 stated, provided that the evidentiary value of a
3 certificate or record filed more than one year after the
4 event, or a record which has been amended, shall be
5 determined by the judicial or administrative body or
6 official before whom the certificate is offered as
7 evidence.

8 (7) Any certification or certified copy issued
9 pursuant to this Section shall be issued without charge
10 when the record is required by the United States Veterans
11 Administration or by any accredited veterans organization
12 to be used in determining the eligibility of any person to
13 participate in benefits available from such organization.
14 Requests for such copies must be in accordance with
15 Sections 1 and 2 of "An Act to provide for the furnishing
16 of copies of public documents to interested parties,"
17 approved May 17, 1935, as now or hereafter amended.

18 (8) The National Vital Statistics Division, or any
19 agency which may be substituted therefor, may be furnished
20 such copies or data as it may require for national
21 statistics; provided that the State shall be reimbursed for
22 the cost of furnishing such data; and provided further that
23 such data shall not be used for other than statistical
24 purposes by the National Vital Statistics Division, or any
25 agency which may be substituted therefor, unless so
26 authorized by the State Registrar of Vital Records.

1 (9) Federal, State, local, and other public or private
2 agencies may, upon request, be furnished copies or data for
3 statistical purposes upon such terms or conditions as may
4 be prescribed by the Department.

5 (10) The State Registrar of Vital Records, at his
6 discretion and in the interest of promoting registration of
7 births, may issue, without fee, to the parents or guardian
8 of any or every child whose birth has been registered in
9 accordance with the provisions of this Act, a special
10 notice of registration of birth.

11 (11) No person shall prepare or issue any certificate
12 which purports to be an original, certified copy, or
13 certification of a certificate of birth, death, or fetal
14 death, except as authorized in this Act or regulations
15 adopted hereunder.

16 (12) A computer print-out of any record of birth, death
17 or fetal record that may be certified under this Section
18 may be used in place of such certification and such
19 computer print-out shall have the same legal force and
20 effect as a certified copy of the document.

21 (13) The State Registrar may verify from the
22 information contained in the index maintained by the State
23 Registrar the authenticity of information on births,
24 deaths, marriages and dissolution of marriages provided to
25 a federal agency or a public agency of another state by a
26 person seeking benefits or employment from the agency,

1 provided the agency pays a fee of \$10.

2 (14) The State Registrar may issue commemorative birth
3 certificates to persons eligible to receive birth
4 certificates under this Section upon the payment of a fee
5 to be determined by the State Registrar.

6 (Source: P.A. 99-95, eff. 7-21-15; 100-42, eff. 1-1-18;
7 100-724, eff. 8-3-18.)

8 (410 ILCS 535/25.5)

9 Sec. 25.5. Death Certificate Surcharge Fund; State Crime
10 Laboratory Fund.

11 (a) ~~The additional~~ \$2 of the additional fee for certified
12 copies of death certificates and fetal death certificates must
13 be deposited into the Death Certificate Surcharge Fund, a
14 special fund created in the State treasury. Beginning 30 days
15 after the effective date of this amendatory Act of the 92nd
16 General Assembly and until January 1, 2003 and then beginning
17 again on July 1, 2003 and until July 1, 2005, moneys in the
18 Fund, subject to appropriation, may be used by the Department
19 for the purpose of implementing an electronic reporting system
20 for death registrations as provided in Section 18.5 of this
21 Act. Before the effective date of this amendatory Act of the
22 92nd General Assembly, on and after January 1, 2003 and until
23 July 1, 2003, and on and after July 1, 2005, moneys in the
24 Fund, subject to appropriations, may be used as follows: (i)
25 25% by the Coroner Training Board for the purpose of training

1 coroners, deputy coroners, forensic pathologists, and police
2 officers for death investigations and lodging and travel
3 expenses relating to training, (ii) 25% for grants by the
4 Department of Public Health for distribution to all local
5 county coroners and medical examiners or officials charged with
6 the duties set forth under Division 3-3 of the Counties Code,
7 who have a different title, for equipment and lab facilities,
8 (iii) 25% by the Department of Public Health for the purpose of
9 setting up a statewide database of death certificates and
10 implementing an electronic reporting system for death
11 registrations pursuant to Section 18.5, and (iv) 25% for a
12 grant by the Department of Public Health to local registrars.

13 (b) \$2 of the additional fee for certified copies of death
14 certificates and fetal death certificates must be deposited
15 into the State Crime Laboratory Fund.

16 (Source: P.A. 99-408, eff. 1-1-16.)

17 Section 10. The Unified Code of Corrections is amended by
18 changing Section 5-9-1.4 as follows:

19 (730 ILCS 5/5-9-1.4) (from Ch. 38, par. 1005-9-1.4)

20 Sec. 5-9-1.4. (a) "Crime laboratory" means any
21 not-for-profit laboratory registered with the Drug Enforcement
22 Administration of the United States Department of Justice,
23 substantially funded by a unit or combination of units of local
24 government or the State of Illinois, which regularly employs at

1 least one person engaged in the analysis of controlled
2 substances, cannabis, methamphetamine, or steroids for
3 criminal justice agencies in criminal matters and provides
4 testimony with respect to such examinations.

5 (b) (Blank).

6 (c) In addition to any other disposition made pursuant to
7 the provisions of the Juvenile Court Act of 1987, any minor
8 adjudicated delinquent for an offense which if committed by an
9 adult would constitute a violation of the Cannabis Control Act,
10 the Illinois Controlled Substances Act, the Methamphetamine
11 Control and Community Protection Act, or the Steroid Control
12 Act shall be required to pay a criminal laboratory analysis
13 assessment of \$100 for each adjudication. Upon verified
14 petition of the minor, the court may suspend payment of all or
15 part of the assessment if it finds that the minor does not have
16 the ability to pay the assessment. The parent, guardian or
17 legal custodian of the minor may pay some or all of such
18 assessment on the minor's behalf.

19 (d) All criminal laboratory analysis fees provided for by
20 this Section shall be collected by the clerk of the court and
21 forwarded to the appropriate crime laboratory fund as provided
22 in subsection (f).

23 (e) Crime laboratory funds shall be established as follows:

24 (1) Any unit of local government which maintains a
25 crime laboratory may establish a crime laboratory fund
26 within the office of the county or municipal treasurer.

1 (2) Any combination of units of local government which
2 maintains a crime laboratory may establish a crime
3 laboratory fund within the office of the treasurer of the
4 county where the crime laboratory is situated.

5 (3) The State Crime Laboratory Fund is hereby created
6 as a special fund in the State Treasury.

7 (f) The analysis assessment provided for in subsection (c)
8 of this Section shall be forwarded to the office of the
9 treasurer of the unit of local government that performed the
10 analysis if that unit of local government has established a
11 crime laboratory fund, or to the State Crime Laboratory Fund if
12 the analysis was performed by a laboratory operated by the
13 Illinois State Police. If the analysis was performed by a crime
14 laboratory funded by a combination of units of local
15 government, the analysis assessment shall be forwarded to the
16 treasurer of the county where the crime laboratory is situated
17 if a crime laboratory fund has been established in that county.
18 If the unit of local government or combination of units of
19 local government has not established a crime laboratory fund,
20 then the analysis assessment shall be forwarded to the State
21 Crime Laboratory Fund.

22 (g) Moneys deposited into a crime laboratory fund created
23 pursuant to paragraphs (1) or (2) of subsection (e) of this
24 Section shall be in addition to any allocations made pursuant
25 to existing law and shall be designated for the exclusive use
26 of the crime laboratory. These uses may include, but are not

1 limited to, the following:

2 (1) costs incurred in providing analysis for
3 controlled substances in connection with criminal
4 investigations conducted within this State;

5 (2) purchase and maintenance of equipment for use in
6 performing analyses; and

7 (3) continuing education, training and professional
8 development of forensic scientists regularly employed by
9 these laboratories.

10 (h) Moneys deposited in the State Crime Laboratory Fund
11 created pursuant to paragraph (3) of subsection (d) of this
12 Section shall be used by State crime laboratories as designated
13 by the Director of State Police. These funds shall be in
14 addition to any allocations made pursuant to existing law and
15 shall be designated for the exclusive use of State crime
16 laboratories or for the sexual assault evidence tracking system
17 created under Section 50 of the Sexual Assault Evidence
18 Submission Act. These uses may include those enumerated in
19 subsection (g) of this Section.

20 Moneys deposited in the State Crime Laboratory Fund
21 pursuant to Section 25 and subsection (b) of Section 25.5 of
22 the Vital Records Act shall be used according to paragraph (3)
23 of subsection (g) of this Section.

24 (Source: P.A. 100-987, eff. 7-1-19; 101-377, eff. 8-16-19.)