



Sen. Heather A. Steans

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1 AMENDMENT TO SENATE BILL 3098

2 AMENDMENT NO. _____. Amend Senate Bill 3098 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Department of State Police Law of the Civil
5 Administrative Code of Illinois is amended by changing Section
6 2605-410 as follows:

7 (20 ILCS 2605/2605-410)

8 Sec. 2605-410. Over Dimensional Load Police Escort Fund. To
9 charge, collect, and receive fees or moneys as described in
10 Section 15-312 of the Illinois Vehicle Code. All fees received
11 by the Illinois State Police under Section 15-312 of the
12 Illinois Vehicle Code shall be deposited into the Over
13 Dimensional Load Police Escort Fund, a special fund that is
14 created in the State treasury. Subject to appropriation, the
15 money in the Over Dimensional Load Police Escort Fund shall be
16 used by the Department for its expenses in providing police

1 escorts and commercial vehicle enforcement activities. This
2 Fund is dissolved upon the transfer of the remaining balance
3 from the Over Dimensional Load Police Escort Fund to the State
4 Police Operations Assistance Fund as provided under subsection
5 (a-5) of Section 6z-82 of the State Finance Act. This Section
6 is repealed on January 1, 2022.

7 (Source: P.A. 95-787, eff. 1-1-09.)

8 Section 10. The State Finance Act is amended by changing
9 Sections 5.457, 5.714, 5.664, and 6z-82 as follows:

10 (30 ILCS 105/5.457)

11 Sec. 5.457. The State Offender DNA Identification System
12 Fund. This Fund is dissolved upon the transfer of the remaining
13 balance from the State Offender DNA Identification System Fund
14 to the State Crime Laboratory Fund as provided under subsection
15 (e) of Section 5-9-1.4 of the Unified Code of Corrections. This
16 Section is repealed on January 1, 2022.

17 (Source: P.A. 90-130, eff. 1-1-98; 90-655, eff. 7-30-98.)

18 (30 ILCS 105/5.664)

19 Sec. 5.664. The State Police Vehicle Maintenance Fund. This
20 Fund is dissolved upon the transfer of the remaining balance
21 from the State Police Vehicle Maintenance Fund to the State
22 Police Vehicle Fund as provided under subsection (b) of Section
23 7c of the State Property Control Act. This Section is repealed

1 on January 1, 2022.

2 (Source: P.A. 94-839, eff. 6-6-06.)

3 (30 ILCS 105/5.714)

4 Sec. 5.714. The Over Dimensional Load Police Escort Fund.
5 This Fund is dissolved upon the transfer of the remaining
6 balance from the Over Dimensional Load Police Escort Fund to
7 the State Police Operations Assistance Fund as provided under
8 subsection (a-5) of Section 6z-82 of the State Finance Act.
9 This Section is repealed on January 1, 2022.

10 (Source: P.A. 95-787, eff. 1-1-09; 96-328, eff. 8-11-09.)

11 (30 ILCS 105/6z-82)

12 Sec. 6z-82. State Police Operations Assistance Fund.

13 (a) There is created in the State treasury a special fund
14 known as the State Police Operations Assistance Fund. The Fund
15 shall receive revenue under the Criminal and Traffic Assessment
16 Act. The Fund may also receive revenue from grants, donations,
17 appropriations, and any other legal source.

18 (a-5) Notwithstanding any other provision of law to the
19 contrary, and in addition to any other transfers that may be
20 provided by law, on the effective date of this amendatory Act
21 of the 101st General Assembly, or as soon thereafter as
22 practical, the State Comptroller shall direct and the State
23 Treasurer shall transfer the remaining balance from the Over
24 Dimensional Load Police Escort Fund into the State Police

1 Operations Assistance Fund. Upon completion of the transfer,
2 the Over Dimensional Load Police Escort Fund is dissolved, and
3 any future deposits due to that Fund and any outstanding
4 obligations or liabilities of that Fund shall pass to the State
5 Police Operations Assistance Fund.

6 This Fund may charge, collect, and receive fees or moneys
7 as described in Section 15-312 of the Illinois Vehicle Code,
8 and receive all fees received by the Illinois State Police
9 under that Section. The moneys shall be used by the Illinois
10 State Police for its expenses in providing police escorts and
11 commercial vehicle enforcement activities.

12 (b) The Illinois ~~Department of~~ State Police may use moneys
13 in the Fund to finance any of its lawful purposes or functions.

14 (c) Expenditures may be made from the Fund only as
15 appropriated by the General Assembly by law.

16 (d) Investment income that is attributable to the
17 investment of moneys in the Fund shall be retained in the Fund
18 for the uses specified in this Section.

19 (e) The State Police Operations Assistance Fund shall not
20 be subject to administrative chargebacks.

21 (f) Notwithstanding any other provision of State law to the
22 contrary, on or after July 1, 2012, and until June 30, 2013, in
23 addition to any other transfers that may be provided for by
24 law, at the direction of and upon notification from the
25 Director of the Illinois State Police, the State Comptroller
26 shall direct and the State Treasurer shall transfer amounts

1 into the State Police Operations Assistance Fund from the
2 designated funds not exceeding the following totals:

3 State Police Vehicle Fund \$2,250,000
4 State Police Wireless Service
5 Emergency Fund \$2,500,000
6 State Police Services Fund \$3,500,000
7 (Source: P.A. 100-987, eff. 7-1-19.)

8 Section 15. The State Property Control Act is amended by
9 changing Sections 7b and 7c as follows:

10 (30 ILCS 605/7b)

11 Sec. 7b. Maintenance and operation of State Police
12 vehicles. All proceeds received by the Department of Central
13 Management Services under this Act from the sale of vehicles
14 operated by the Illinois ~~Department of~~ State Police, except for
15 a \$500 handling fee to be retained by the Department of Central
16 Management Services for each vehicle sold, shall be deposited
17 into the State Police Vehicle Fund ~~State Police Vehicle~~
18 ~~Maintenance Fund~~. However, in lieu of the \$500 handling fee as
19 provided by this paragraph, the Department of Central
20 Management Services shall retain all proceeds from the sale of
21 any vehicle for which \$500 or a lesser amount is collected.

22 ~~The State Police Vehicle Maintenance Fund is created as a~~
23 ~~special fund in the State treasury. All moneys in the State~~
24 ~~Police Vehicle Maintenance Fund, subject to appropriation,~~

1 ~~shall be used by the Department of State Police for the~~
2 ~~maintenance and operation of vehicles for that Department.~~

3 (Source: P.A. 94-839, eff. 6-6-06.)

4 (30 ILCS 605/7c)

5 Sec. 7c. Acquisition of State Police vehicles.

6 (a) The State Police Vehicle Fund is created as a special
7 fund in the State treasury. All moneys in the Fund, subject to
8 appropriation, shall be used by the Illinois Department of
9 State Police:

10 (1) for the acquisition of vehicles for the Illinois
11 State Police ~~that Department; or~~

12 (2) for debt service on bonds issued to finance the
13 acquisition of vehicles for the Illinois State Police; or
14 ~~that Department.~~

15 (3) for the maintenance and operation of vehicles for
16 the Illinois State Police.

17 (b) Notwithstanding any other provision of law to the
18 contrary, and in addition to any other transfers that may be
19 provided by law, on the effective date of this amendatory Act
20 of the 101st General Assembly, or as soon thereafter as
21 practicable, the State Comptroller shall direct and the State
22 Treasurer shall transfer the remaining balance from the State
23 Police Vehicle Maintenance Fund into the State Police Vehicle
24 Fund. Upon completion of the transfer, the State Police Vehicle
25 Maintenance Fund is dissolved, and any future deposits due to

1 that Fund and any outstanding obligations or liabilities of
2 that Fund shall pass to the State Police Vehicle Fund.

3 (Source: P.A. 100-987, eff. 7-1-19.)

4 Section 20. The Illinois Vehicle Code is amended by
5 changing Section 15-312 as follows:

6 (625 ILCS 5/15-312) (from Ch. 95 1/2, par. 15-312)

7 Sec. 15-312. Fees for police escort. When State Police
8 escorts are required by the Department of Transportation for
9 the safety of the motoring public, the following fees shall be
10 paid by the applicant:

11 (1) to the Department of Transportation: \$40 per hour
12 per vehicle based upon the pre-estimated time of the
13 movement to be agreed upon between the Department and the
14 applicant, with a minimum fee of \$80 per vehicle; and

15 (2) to the Illinois State Police: \$75 per hour per
16 State Police vehicle based upon the actual time of the
17 movement, with a minimum fee of \$300 per State Police
18 vehicle. The Illinois State Police shall remit the moneys
19 to the State Treasurer, who shall deposit the moneys into
20 the State Police Operations Assistance Fund ~~Over~~
21 ~~Dimensional Load Police Escort Fund.~~

22 The actual time of the movement shall be the time the
23 police escort is required to pick up the movement to the time
24 the movement is completed. Any delays or breakdowns shall be

1 considered part of the movement time. Any fraction of an hour
2 shall be rounded up to the next whole hour.

3 (Source: P.A. 100-1090, eff. 1-1-19.)

4 Section 25. The Criminal and Traffic Assessment Act is
5 amended by changing Section 15-70 as follows:

6 (705 ILCS 135/15-70)

7 (Section scheduled to be repealed on January 1, 2021)

8 Sec. 15-70. Conditional assessments. In addition to
9 payments under one of the Schedule of Assessments 1 through 13
10 of this Act, the court shall also order payment of any of the
11 following conditional assessment amounts for each sentenced
12 violation in the case to which a conditional assessment is
13 applicable, which shall be collected and remitted by the Clerk
14 of the Circuit Court as provided in this Section:

15 (1) arson, residential arson, or aggravated arson,
16 \$500 per conviction to the State Treasurer for deposit into
17 the Fire Prevention Fund;

18 (2) child pornography under Section 11-20.1 of the
19 Criminal Code of 1961 or the Criminal Code of 2012, \$500
20 per conviction, unless more than one agency is responsible
21 for the arrest in which case the amount shall be remitted
22 to each unit of government equally:

23 (A) if the arresting agency is an agency of a unit
24 of local government, \$500 to the treasurer of the unit

1 of local government for deposit into the unit of local
2 government's General Fund, except that if the Illinois
3 State Police Department ~~Department of~~ State Police provides
4 digital or electronic forensic examination assistance,
5 or both, to the arresting agency then \$100 to the State
6 Treasurer for deposit into the State Crime Laboratory
7 Fund; or

8 (B) if the arresting agency is the Illinois
9 ~~Department of~~ State Police, \$500 to the State Treasurer
10 for deposit into the State Crime Laboratory Fund;

11 (3) crime laboratory drug analysis for a drug-related
12 offense involving possession or delivery of cannabis or
13 possession or delivery of a controlled substance as defined
14 in the Cannabis Control Act, the Illinois Controlled
15 Substances Act, or the Methamphetamine Control and
16 Community Protection Act, \$100 reimbursement for
17 laboratory analysis, as set forth in subsection (f) of
18 Section 5-9-1.4 of the Unified Code of Corrections;

19 (4) DNA analysis, \$250 on each conviction in which it
20 was used to the State Treasurer for deposit into the State
21 Crime Laboratory Fund ~~State Offender DNA Identification~~
22 ~~System Fund~~ as set forth in Section 5-9-1.4 ~~5-4-3~~ of the
23 Unified Code of Corrections;

24 (5) DUI analysis, \$150 on each sentenced violation in
25 which it was used as set forth in subsection (f) of Section
26 5-9-1.9 of the Unified Code of Corrections;

1 (6) drug-related offense involving possession or
2 delivery of cannabis or possession or delivery of a
3 controlled substance, other than methamphetamine, as
4 defined in the Cannabis Control Act or the Illinois
5 Controlled Substances Act, an amount not less than the full
6 street value of the cannabis or controlled substance seized
7 for each conviction to be disbursed as follows:

8 (A) 12.5% of the street value assessment shall be
9 paid into the Youth Drug Abuse Prevention Fund, to be
10 used by the Department of Human Services for the
11 funding of programs and services for drug-abuse
12 treatment, and prevention and education services;

13 (B) 37.5% to the county in which the charge was
14 prosecuted, to be deposited into the county General
15 Fund;

16 (C) 50% to the treasurer of the arresting law
17 enforcement agency of the municipality or county, or to
18 the State Treasurer if the arresting agency was a state
19 agency;

20 (D) if the arrest was made in combination with
21 multiple law enforcement agencies, the clerk shall
22 equitably allocate the portion in subparagraph (C) of
23 this paragraph (6) among the law enforcement agencies
24 involved in the arrest;

25 (6.5) Kane County or Will County, in felony,
26 misdemeanor, local or county ordinance, traffic, or

1 conservation cases, up to \$30 as set by the county board
2 under Section 5-1101.3 of the Counties Code upon the entry
3 of a judgment of conviction, an order of supervision, or a
4 sentence of probation without entry of judgment under
5 Section 10 of the Cannabis Control Act, Section 410 of the
6 Illinois Controlled Substances Act, Section 70 of the
7 Methamphetamine Control and Community Protection Act,
8 Section 12-4.3 or subdivision (b)(1) of Section 12-3.05 of
9 the Criminal Code of 1961 or the Criminal Code of 2012,
10 Section 10-102 of the Illinois Alcoholism and Other Drug
11 Dependency Act, or Section 10 of the Steroid Control Act;
12 except in local or county ordinance, traffic, and
13 conservation cases, if fines are paid in full without a
14 court appearance, then the assessment shall not be imposed
15 or collected. Distribution of assessments collected under
16 this paragraph (6.5) shall be as provided in Section
17 5-1101.3 of the Counties Code;

18 (7) methamphetamine-related offense involving
19 possession or delivery of methamphetamine or any salt of an
20 optical isomer of methamphetamine or possession of a
21 methamphetamine manufacturing material as set forth in
22 Section 10 of the Methamphetamine Control and Community
23 Protection Act with the intent to manufacture a substance
24 containing methamphetamine or salt of an optical isomer of
25 methamphetamine, an amount not less than the full street
26 value of the methamphetamine or salt of an optical isomer

1 of methamphetamine or methamphetamine manufacturing
2 materials seized for each conviction to be disbursed as
3 follows:

4 (A) 12.5% of the street value assessment shall be
5 paid into the Youth Drug Abuse Prevention Fund, to be
6 used by the Department of Human Services for the
7 funding of programs and services for drug-abuse
8 treatment, and prevention and education services;

9 (B) 37.5% to the county in which the charge was
10 prosecuted, to be deposited into the county General
11 Fund;

12 (C) 50% to the treasurer of the arresting law
13 enforcement agency of the municipality or county, or to
14 the State Treasurer if the arresting agency was a state
15 agency;

16 (D) if the arrest was made in combination with
17 multiple law enforcement agencies, the clerk shall
18 equitably allocate the portion in subparagraph (C) of
19 this paragraph (6) among the law enforcement agencies
20 involved in the arrest;

21 (8) order of protection violation under Section 12-3.4
22 of the Criminal Code of 2012, \$200 for each conviction to
23 the county treasurer for deposit into the Probation and
24 Court Services Fund for implementation of a domestic
25 violence surveillance program and any other assessments or
26 fees imposed under Section 5-9-1.16 of the Unified Code of

1 Corrections;

2 (9) order of protection violation, \$25 for each
3 violation to the State Treasurer, for deposit into the
4 Domestic Violence Abuser Services Fund;

5 (10) prosecution by the State's Attorney of a:

6 (A) petty or business offense, \$4 to the county
7 treasurer of which \$2 deposited into the State's
8 Attorney Records Automation Fund and \$2 into the Public
9 Defender Records Automation Fund;

10 (B) conservation or traffic offense, \$2 to the
11 county treasurer for deposit into the State's Attorney
12 Records Automation Fund;

13 (11) speeding in a construction zone violation, \$250 to
14 the State Treasurer for deposit into the Transportation
15 Safety Highway Hire-back Fund, unless (i) the violation
16 occurred on a highway other than an interstate highway and
17 (ii) a county police officer wrote the ticket for the
18 violation, in which case to the county treasurer for
19 deposit into that county's Transportation Safety Highway
20 Hire-back Fund;

21 (12) supervision disposition on an offense under the
22 Illinois Vehicle Code or similar provision of a local
23 ordinance, 50 cents, unless waived by the court, into the
24 Prisoner Review Board Vehicle and Equipment Fund;

25 (13) victim and offender are family or household
26 members as defined in Section 103 of the Illinois Domestic

1 Violence Act of 1986 and offender pleads guilty or no
2 contest to or is convicted of murder, voluntary
3 manslaughter, involuntary manslaughter, burglary,
4 residential burglary, criminal trespass to residence,
5 criminal trespass to vehicle, criminal trespass to land,
6 criminal damage to property, telephone harassment,
7 kidnapping, aggravated kidnaping, unlawful restraint,
8 forcible detention, child abduction, indecent solicitation
9 of a child, sexual relations between siblings,
10 exploitation of a child, child pornography, assault,
11 aggravated assault, battery, aggravated battery, heinous
12 battery, aggravated battery of a child, domestic battery,
13 reckless conduct, intimidation, criminal sexual assault,
14 predatory criminal sexual assault of a child, aggravated
15 criminal sexual assault, criminal sexual abuse, aggravated
16 criminal sexual abuse, violation of an order of protection,
17 disorderly conduct, endangering the life or health of a
18 child, child abandonment, contributing to dependency or
19 neglect of child, or cruelty to children and others, \$200
20 for each sentenced violation to the State Treasurer for
21 deposit as follows: (i) for sexual assault, as defined in
22 Section 5-9-1.7 of the Unified Code of Corrections, when
23 the offender and victim are family members, one-half to the
24 Domestic Violence Shelter and Service Fund, and one-half to
25 the Sexual Assault Services Fund; (ii) for the remaining
26 offenses to the Domestic Violence Shelter and Service Fund;

1 (14) violation of Section 11-501 of the Illinois
2 Vehicle Code, Section 5-7 of the Snowmobile Registration
3 and Safety Act, Section 5-16 of the Boat Registration and
4 Safety Act, or a similar provision, whose operation of a
5 motor vehicle, snowmobile, or watercraft while in
6 violation of Section 11-501, Section 5-7 of the Snowmobile
7 Registration and Safety Act, Section 5-16 of the Boat
8 Registration and Safety Act, or a similar provision
9 proximately caused an incident resulting in an appropriate
10 emergency response, \$1,000 maximum to the public agency
11 that provided an emergency response related to the person's
12 violation, and if more than one agency responded, the
13 amount payable to public agencies shall be shared equally;

14 (15) violation of Section 401, 407, or 407.2 of the
15 Illinois Controlled Substances Act that proximately caused
16 any incident resulting in an appropriate drug-related
17 emergency response, \$1,000 as reimbursement for the
18 emergency response to the law enforcement agency that made
19 the arrest, and if more than one agency is responsible for
20 the arrest, the amount payable to law enforcement agencies
21 shall be shared equally;

22 (16) violation of reckless driving, aggravated
23 reckless driving, or driving 26 miles per hour or more in
24 excess of the speed limit that triggered an emergency
25 response, \$1,000 maximum reimbursement for the emergency
26 response to be distributed in its entirety to a public

1 agency that provided an emergency response related to the
2 person's violation, and if more than one agency responded,
3 the amount payable to public agencies shall be shared
4 equally;

5 (17) violation based upon each plea of guilty,
6 stipulation of facts, or finding of guilt resulting in a
7 judgment of conviction or order of supervision for an
8 offense under Section 10-9, 11-14.1, 11-14.3, or 11-18 of
9 the Criminal Code of 2012 that results in the imposition of
10 a fine, to be distributed as follows:

11 (A) \$50 to the county treasurer for deposit into
12 the Circuit Court Clerk Operation and Administrative
13 Fund to cover the costs in administering this paragraph
14 (17);

15 (B) \$300 to the State Treasurer who shall deposit
16 the portion as follows:

17 (i) if the arresting or investigating agency
18 is the Illinois ~~Department of~~ State Police, into
19 the State Police Law Enforcement Administration
20 Fund;

21 (ii) if the arresting or investigating agency
22 is the Department of Natural Resources, into the
23 Conservation Police Operations Assistance Fund;

24 (iii) if the arresting or investigating agency
25 is the Secretary of State, into the Secretary of
26 State Police Services Fund;

1 (iv) if the arresting or investigating agency
2 is the Illinois Commerce Commission, into the
3 Public Utility Fund; or

4 (v) if more than one of the State agencies in
5 this subparagraph (B) is the arresting or
6 investigating agency, then equal shares with the
7 shares deposited as provided in the applicable
8 items (i) through (iv) of this subparagraph (B);
9 and

10 (C) the remainder for deposit into the Specialized
11 Services for Survivors of Human Trafficking Fund;

12 (18) weapons violation under Section 24-1.1, 24-1.2,
13 or 24-1.5 of the Criminal Code of 1961 or the Criminal Code
14 of 2012, \$100 for each conviction to the State Treasurer
15 for deposit into the Trauma Center Fund; and

16 (19) violation of subsection (c) of Section 11-907 of
17 the Illinois Vehicle Code, \$250 to the State Treasurer for
18 deposit into the Scott's Law Fund, unless a county or
19 municipal police officer wrote the ticket for the
20 violation, in which case to the county treasurer for
21 deposit into that county's or municipality's
22 Transportation Safety Highway Hire-back Fund to be used as
23 provided in subsection (j) of Section 11-907 of the
24 Illinois Vehicle Code.

25 (Source: P.A. 100-987, eff. 7-1-19; 100-1161, eff. 7-1-19;
26 101-173, eff. 1-1-20.)

1 Section 30. The Unified Code of Corrections is amended by
2 changing Sections 5-4-3 and 5-9-1.4 as follows:

3 (730 ILCS 5/5-4-3) (from Ch. 38, par. 1005-4-3)

4 Sec. 5-4-3. Specimens; genetic marker groups.

5 (a) Any person convicted of, found guilty under the
6 Juvenile Court Act of 1987 for, or who received a disposition
7 of court supervision for, a qualifying offense or attempt of a
8 qualifying offense, convicted or found guilty of any offense
9 classified as a felony under Illinois law, convicted or found
10 guilty of any offense requiring registration under the Sex
11 Offender Registration Act, found guilty or given supervision
12 for any offense classified as a felony under the Juvenile Court
13 Act of 1987, convicted or found guilty of, under the Juvenile
14 Court Act of 1987, any offense requiring registration under the
15 Sex Offender Registration Act, or institutionalized as a
16 sexually dangerous person under the Sexually Dangerous Persons
17 Act, or committed as a sexually violent person under the
18 Sexually Violent Persons Commitment Act shall, regardless of
19 the sentence or disposition imposed, be required to submit
20 specimens of blood, saliva, or tissue to the Illinois
21 ~~Department of~~ State Police in accordance with the provisions of
22 this Section, provided such person is:

23 (1) convicted of a qualifying offense or attempt of a
24 qualifying offense on or after July 1, 1990 and sentenced

1 to a term of imprisonment, periodic imprisonment, fine,
2 probation, conditional discharge or any other form of
3 sentence, or given a disposition of court supervision for
4 the offense;

5 (1.5) found guilty or given supervision under the
6 Juvenile Court Act of 1987 for a qualifying offense or
7 attempt of a qualifying offense on or after January 1,
8 1997;

9 (2) ordered institutionalized as a sexually dangerous
10 person on or after July 1, 1990;

11 (3) convicted of a qualifying offense or attempt of a
12 qualifying offense before July 1, 1990 and is presently
13 confined as a result of such conviction in any State
14 correctional facility or county jail or is presently
15 serving a sentence of probation, conditional discharge or
16 periodic imprisonment as a result of such conviction;

17 (3.5) convicted or found guilty of any offense
18 classified as a felony under Illinois law or found guilty
19 or given supervision for such an offense under the Juvenile
20 Court Act of 1987 on or after August 22, 2002;

21 (4) presently institutionalized as a sexually
22 dangerous person or presently institutionalized as a
23 person found guilty but mentally ill of a sexual offense or
24 attempt to commit a sexual offense; or

25 (4.5) ordered committed as a sexually violent person on
26 or after the effective date of the Sexually Violent Persons

1 Commitment Act.

2 (a-1) Any person incarcerated in a facility of the Illinois
3 Department of Corrections or the Illinois Department of
4 Juvenile Justice on or after August 22, 2002, whether for a
5 term of years, natural life, or a sentence of death, who has
6 not yet submitted a specimen of blood, saliva, or tissue shall
7 be required to submit a specimen of blood, saliva, or tissue
8 prior to his or her final discharge, or release on parole,
9 aftercare release, or mandatory supervised release, as a
10 condition of his or her parole, aftercare release, or mandatory
11 supervised release, or within 6 months from August 13, 2009
12 (the effective date of Public Act 96-426), whichever is sooner.
13 A person incarcerated on or after August 13, 2009 (the
14 effective date of Public Act 96-426) shall be required to
15 submit a specimen within 45 days of incarceration, or prior to
16 his or her final discharge, or release on parole, aftercare
17 release, or mandatory supervised release, as a condition of his
18 or her parole, aftercare release, or mandatory supervised
19 release, whichever is sooner. These specimens shall be placed
20 into the State or national DNA database, to be used in
21 accordance with other provisions of this Section, by the
22 Illinois State Police.

23 (a-2) Any person sentenced to life imprisonment in a
24 facility of the Illinois Department of Corrections after the
25 effective date of this amendatory Act of the 94th General
26 Assembly or sentenced to death after the effective date of this

1 amendatory Act of the 94th General Assembly shall be required
2 to provide a specimen of blood, saliva, or tissue within 45
3 days after sentencing or disposition at a collection site
4 designated by the Illinois ~~Department of~~ State Police. Any
5 person serving a sentence of life imprisonment in a facility of
6 the Illinois Department of Corrections on the effective date of
7 this amendatory Act of the 94th General Assembly or any person
8 who is under a sentence of death on the effective date of this
9 amendatory Act of the 94th General Assembly shall be required
10 to provide a specimen of blood, saliva, or tissue upon request
11 at a collection site designated by the Illinois ~~Department of~~
12 State Police.

13 (a-3) Any person seeking transfer to or residency in
14 Illinois under Sections 3-3-11.05 through 3-3-11.5 of this
15 Code, the Interstate Compact for Adult Offender Supervision, or
16 the Interstate Agreements on Sexually Dangerous Persons Act
17 shall be required to provide a specimen of blood, saliva, or
18 tissue within 45 days after transfer to or residency in
19 Illinois at a collection site designated by the Illinois
20 ~~Department of~~ State Police.

21 (a-3.1) Any person required by an order of the court to
22 submit a DNA specimen shall be required to provide a specimen
23 of blood, saliva, or tissue within 45 days after the court
24 order at a collection site designated by the Illinois
25 ~~Department of~~ State Police.

26 (a-3.2) On or after January 1, 2012 (the effective date of

1 Public Act 97-383), any person arrested for any of the
2 following offenses, after an indictment has been returned by a
3 grand jury, or following a hearing pursuant to Section 109-3 of
4 the Code of Criminal Procedure of 1963 and a judge finds there
5 is probable cause to believe the arrestee has committed one of
6 the designated offenses, or an arrestee has waived a
7 preliminary hearing shall be required to provide a specimen of
8 blood, saliva, or tissue within 14 days after such indictment
9 or hearing at a collection site designated by the Illinois
10 ~~Department of State Police~~:

11 (A) first degree murder;

12 (B) home invasion;

13 (C) predatory criminal sexual assault of a child;

14 (D) aggravated criminal sexual assault; or

15 (E) criminal sexual assault.

16 (a-3.3) Any person required to register as a sex offender
17 under the Sex Offender Registration Act, regardless of the date
18 of conviction as set forth in subsection (c-5.2) shall be
19 required to provide a specimen of blood, saliva, or tissue
20 within the time period prescribed in subsection (c-5.2) at a
21 collection site designated by the Illinois ~~Department of State~~
22 Police.

23 (a-5) Any person who was otherwise convicted of or received
24 a disposition of court supervision for any other offense under
25 the Criminal Code of 1961 or the Criminal Code of 2012 or who
26 was found guilty or given supervision for such a violation

1 under the Juvenile Court Act of 1987, may, regardless of the
2 sentence imposed, be required by an order of the court to
3 submit specimens of blood, saliva, or tissue to the Illinois
4 ~~Department of~~ State Police in accordance with the provisions of
5 this Section.

6 (b) Any person required by paragraphs (a)(1), (a)(1.5),
7 (a)(2), (a)(3.5), and (a-5) to provide specimens of blood,
8 saliva, or tissue shall provide specimens of blood, saliva, or
9 tissue within 45 days after sentencing or disposition at a
10 collection site designated by the Illinois ~~Department of~~ State
11 Police.

12 (c) Any person required by paragraphs (a)(3), (a)(4), and
13 (a)(4.5) to provide specimens of blood, saliva, or tissue shall
14 be required to provide such specimens prior to final discharge
15 or within 6 months from August 13, 2009 (the effective date of
16 Public Act 96-426), whichever is sooner. These specimens shall
17 be placed into the State or national DNA database, to be used
18 in accordance with other provisions of this Act, by the
19 Illinois State Police.

20 (c-5) Any person required by paragraph (a-3) to provide
21 specimens of blood, saliva, or tissue shall, where feasible, be
22 required to provide the specimens before being accepted for
23 conditioned residency in Illinois under the interstate compact
24 or agreement, but no later than 45 days after arrival in this
25 State.

26 (c-5.2) Unless it is determined that a registered sex

1 offender has previously submitted a specimen of blood, saliva,
2 or tissue that has been placed into the State DNA database, a
3 person registering as a sex offender shall be required to
4 submit a specimen at the time of his or her initial
5 registration pursuant to the Sex Offender Registration Act or,
6 for a person registered as a sex offender on or prior to
7 January 1, 2012 (the effective date of Public Act 97-383),
8 within one year of January 1, 2012 (the effective date of
9 Public Act 97-383) or at the time of his or her next required
10 registration.

11 (c-6) The Illinois ~~Department of~~ State Police may determine
12 which type of specimen or specimens, blood, saliva, or tissue,
13 is acceptable for submission to the Division of Forensic
14 Services for analysis. The Illinois ~~Department of~~ State Police
15 may require the submission of fingerprints from anyone required
16 to give a specimen under this Act.

17 (d) The Illinois ~~Department of~~ State Police shall provide
18 all equipment and instructions necessary for the collection of
19 blood specimens. The collection of specimens shall be performed
20 in a medically approved manner. Only a physician authorized to
21 practice medicine, a registered nurse or other qualified person
22 trained in venipuncture may withdraw blood for the purposes of
23 this Act. The specimens shall thereafter be forwarded to the
24 Illinois ~~Department of~~ State Police, Division of Forensic
25 Services, for analysis and categorizing into genetic marker
26 groupings.

1 (d-1) The Illinois ~~Department of~~ State Police shall provide
2 all equipment and instructions necessary for the collection of
3 saliva specimens. The collection of saliva specimens shall be
4 performed in a medically approved manner. Only a person trained
5 in the instructions promulgated by the Illinois State Police on
6 collecting saliva may collect saliva for the purposes of this
7 Section. The specimens shall thereafter be forwarded to the
8 Illinois ~~Department of~~ State Police, Division of Forensic
9 Services, for analysis and categorizing into genetic marker
10 groupings.

11 (d-2) The Illinois ~~Department of~~ State Police shall provide
12 all equipment and instructions necessary for the collection of
13 tissue specimens. The collection of tissue specimens shall be
14 performed in a medically approved manner. Only a person trained
15 in the instructions promulgated by the Illinois State Police on
16 collecting tissue may collect tissue for the purposes of this
17 Section. The specimens shall thereafter be forwarded to the
18 Illinois ~~Department of~~ State Police, Division of Forensic
19 Services, for analysis and categorizing into genetic marker
20 groupings.

21 (d-5) To the extent that funds are available, the Illinois
22 ~~Department of~~ State Police shall contract with qualified
23 personnel and certified laboratories for the collection,
24 analysis, and categorization of known specimens, except as
25 provided in subsection (n) of this Section.

26 (d-6) Agencies designated by the Illinois ~~Department of~~

1 State Police and the Illinois ~~Department of~~ State Police may
2 contract with third parties to provide for the collection or
3 analysis of DNA, or both, of an offender's blood, saliva, and
4 tissue specimens, except as provided in subsection (n) of this
5 Section.

6 (e) The genetic marker groupings shall be maintained by the
7 Illinois ~~Department of~~ State Police, Division of Forensic
8 Services.

9 (f) The genetic marker grouping analysis information
10 obtained pursuant to this Act shall be confidential and shall
11 be released only to peace officers of the United States, of
12 other states or territories, of the insular possessions of the
13 United States, of foreign countries duly authorized to receive
14 the same, to all peace officers of the State of Illinois and to
15 all prosecutorial agencies, and to defense counsel as provided
16 by Section 116-5 of the Code of Criminal Procedure of 1963. The
17 genetic marker grouping analysis information obtained pursuant
18 to this Act shall be used only for (i) valid law enforcement
19 identification purposes and as required by the Federal Bureau
20 of Investigation for participation in the National DNA
21 database, (ii) technology validation purposes, (iii) a
22 population statistics database, (iv) quality assurance
23 purposes if personally identifying information is removed, (v)
24 assisting in the defense of the criminally accused pursuant to
25 Section 116-5 of the Code of Criminal Procedure of 1963, or
26 (vi) identifying and assisting in the prosecution of a person

1 who is suspected of committing a sexual assault as defined in
2 Section 1a of the Sexual Assault Survivors Emergency Treatment
3 Act. Notwithstanding any other statutory provision to the
4 contrary, all information obtained under this Section shall be
5 maintained in a single State data base, which may be uploaded
6 into a national database, and which information may be subject
7 to expungement only as set forth in subsection (f-1).

8 (f-1) Upon receipt of notification of a reversal of a
9 conviction based on actual innocence, or of the granting of a
10 pardon pursuant to Section 12 of Article V of the Illinois
11 Constitution, if that pardon document specifically states that
12 the reason for the pardon is the actual innocence of an
13 individual whose DNA record has been stored in the State or
14 national DNA identification index in accordance with this
15 Section by the Illinois ~~Department of~~ State Police, the DNA
16 record shall be expunged from the DNA identification index, and
17 the Department shall by rule prescribe procedures to ensure
18 that the record and any specimens, analyses, or other documents
19 relating to such record, whether in the possession of the
20 Department or any law enforcement or police agency, or any
21 forensic DNA laboratory, including any duplicates or copies
22 thereof, are destroyed and a letter is sent to the court
23 verifying the expungement is completed. For specimens required
24 to be collected prior to conviction, unless the individual has
25 other charges or convictions that require submission of a
26 specimen, the DNA record for an individual shall be expunged

1 from the DNA identification databases and the specimen
2 destroyed upon receipt of a certified copy of a final court
3 order for each charge against an individual in which the charge
4 has been dismissed, resulted in acquittal, or that the charge
5 was not filed within the applicable time period. The Department
6 shall by rule prescribe procedures to ensure that the record
7 and any specimens in the possession or control of the
8 Department are destroyed and a letter is sent to the court
9 verifying the expungement is completed.

10 (f-5) Any person who intentionally uses genetic marker
11 grouping analysis information, or any other information
12 derived from a DNA specimen, beyond the authorized uses as
13 provided under this Section, or any other Illinois law, is
14 guilty of a Class 4 felony, and shall be subject to a fine of
15 not less than \$5,000.

16 (f-6) The Illinois ~~Department of~~ State Police may contract
17 with third parties for the purposes of implementing this
18 amendatory Act of the 93rd General Assembly, except as provided
19 in subsection (n) of this Section. Any other party contracting
20 to carry out the functions of this Section shall be subject to
21 the same restrictions and requirements of this Section insofar
22 as applicable, as the Illinois ~~Department of~~ State Police, and
23 to any additional restrictions imposed by the Illinois
24 ~~Department of~~ State Police.

25 (g) For the purposes of this Section, "qualifying offense"
26 means any of the following:

1 (1) any violation or inchoate violation of Section
2 11-1.50, 11-1.60, 11-6, 11-9.1, 11-11, 11-18.1, 12-15, or
3 12-16 of the Criminal Code of 1961 or the Criminal Code of
4 2012;

5 (1.1) any violation or inchoate violation of Section
6 9-1, 9-2, 10-1, 10-2, 12-11, 12-11.1, 18-1, 18-2, 18-3,
7 18-4, 18-6, 19-1, 19-2, or 19-6 of the Criminal Code of
8 1961 or the Criminal Code of 2012 for which persons are
9 convicted on or after July 1, 2001;

10 (2) any former statute of this State which defined a
11 felony sexual offense;

12 (3) (blank);

13 (4) any inchoate violation of Section 9-3.1, 9-3.4,
14 11-9.3, 12-7.3, or 12-7.4 of the Criminal Code of 1961 or
15 the Criminal Code of 2012; or

16 (5) any violation or inchoate violation of Article 29D
17 of the Criminal Code of 1961 or the Criminal Code of 2012.

18 (g-5) (Blank).

19 (h) The Illinois ~~Department of~~ State Police shall be the
20 State central repository for all genetic marker grouping
21 analysis information obtained pursuant to this Act. The
22 Illinois ~~Department of~~ State Police may promulgate rules for
23 the form and manner of the collection of blood, saliva, or
24 tissue specimens and other procedures for the operation of this
25 Act. The provisions of the Administrative Review Law shall
26 apply to all actions taken under the rules so promulgated.

1 (i) (1) A person required to provide a blood, saliva, or
2 tissue specimen shall cooperate with the collection of the
3 specimen and any deliberate act by that person intended to
4 impede, delay or stop the collection of the blood, saliva,
5 or tissue specimen is a Class 4 felony.

6 (2) In the event that a person's DNA specimen is not
7 adequate for any reason, the person shall provide another
8 DNA specimen for analysis. Duly authorized law enforcement
9 and corrections personnel may employ reasonable force in
10 cases in which an individual refuses to provide a DNA
11 specimen required under this Act.

12 (j) (Blank).

13 (k) All analysis and categorization assessments provided
14 under the Criminal and Traffic Assessments Act to the State
15 Crime Laboratory Fund ~~State Offender DNA Identification System~~
16 ~~Fund~~ shall be regulated as follows:

17 (1) (Blank). ~~The State Offender DNA Identification~~
18 ~~System Fund is hereby created as a special fund in the~~
19 ~~State Treasury.~~

20 (2) (Blank).

21 (3) Moneys deposited into the State Crime Laboratory
22 Fund ~~State Offender DNA Identification System Fund~~ shall be
23 used by Illinois State Police crime laboratories as
24 designated by the Director of the Illinois State Police.
25 These funds shall be in addition to any allocations made
26 pursuant to existing laws and shall be designated for the

1 exclusive use of State crime laboratories. These uses may
2 include, but are not limited to, the following:

3 (A) Costs incurred in providing analysis and
4 genetic marker categorization as required by
5 subsection (d).

6 (B) Costs incurred in maintaining genetic marker
7 groupings as required by subsection (e).

8 (C) Costs incurred in the purchase and maintenance
9 of equipment for use in performing analyses.

10 (D) Costs incurred in continuing research and
11 development of new techniques for analysis and genetic
12 marker categorization.

13 (E) Costs incurred in continuing education,
14 training, and professional development of forensic
15 scientists regularly employed by these laboratories.

16 (l) The failure of a person to provide a specimen, or of
17 any person or agency to collect a specimen, shall in no way
18 alter the obligation of the person to submit such specimen, or
19 the authority of the Illinois ~~Department of~~ State Police or
20 persons designated by the Illinois State Police ~~Department~~ to
21 collect the specimen, or the authority of the Illinois
22 ~~Department of~~ State Police to accept, analyze and maintain the
23 specimen or to maintain or upload results of genetic marker
24 grouping analysis information into a State or national
25 database.

26 (m) If any provision of this amendatory Act of the 93rd

1 General Assembly is held unconstitutional or otherwise
2 invalid, the remainder of this amendatory Act of the 93rd
3 General Assembly is not affected.

4 (n) Neither the Illinois ~~Department of~~ State Police, the
5 Division of Forensic Services, nor any laboratory of the
6 Division of Forensic Services may contract out forensic testing
7 for the purpose of an active investigation or a matter pending
8 before a court of competent jurisdiction without the written
9 consent of the prosecuting agency. For the purposes of this
10 subsection (n), "forensic testing" includes the analysis of
11 physical evidence in an investigation or other proceeding for
12 the prosecution of a violation of the Criminal Code of 1961 or
13 the Criminal Code of 2012 or for matters adjudicated under the
14 Juvenile Court Act of 1987, and includes the use of forensic
15 databases and databanks, including DNA, firearm, and
16 fingerprint databases, and expert testimony.

17 (o) Mistake does not invalidate a database match. The
18 detention, arrest, or conviction of a person based upon a
19 database match or database information is not invalidated if it
20 is determined that the specimen was obtained or placed in the
21 database by mistake.

22 (p) This Section may be referred to as the Illinois DNA
23 Database Law of 2011.

24 (Source: P.A. 100-987, eff. 7-1-19.)

25 (730 ILCS 5/5-9-1.4) (from Ch. 38, par. 1005-9-1.4)

1 Sec. 5-9-1.4. (a) "Crime laboratory" means any
2 not-for-profit laboratory registered with the Drug Enforcement
3 Administration of the United States Department of Justice,
4 substantially funded by a unit or combination of units of local
5 government or the State of Illinois, which regularly employs at
6 least one person engaged in the analysis of controlled
7 substances, cannabis, methamphetamine, or steroids for
8 criminal justice agencies in criminal matters and provides
9 testimony with respect to such examinations.

10 (b) (Blank).

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

24 (d) All criminal laboratory analysis fees provided for by
25 this Section shall be collected by the clerk of the court and
26 forwarded to the appropriate crime laboratory fund as provided

1 in subsection (f).

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

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

6 (2) Any combination of units of local government which
7 maintains a crime laboratory may establish a crime
8 laboratory fund within the office of the treasurer of the
9 county where the crime laboratory is situated.

10 (3) The State Crime Laboratory Fund is hereby created
11 as a special fund in the State Treasury. Notwithstanding
12 any other provision of law to the contrary, and in addition
13 to any other transfers that may be provided by law, on the
14 effective date of this amendatory Act of the 101st General
15 Assembly, or as soon thereafter as practical, the State
16 Comptroller shall direct and the State Treasurer shall
17 transfer the remaining balance from the State Offender DNA
18 Identification System Fund into the State Crime Laboratory
19 Fund. Upon completion of the transfer, the State Offender
20 DNA Identification System Fund is dissolved, and any future
21 deposits due to that Fund and any outstanding obligations
22 or liabilities of that Fund shall pass to the State Crime
23 Laboratory Fund.

24 (f) The analysis assessment provided for in subsection (c)
25 of this Section shall be forwarded to the office of the
26 treasurer of the unit of local government that performed the

1 analysis if that unit of local government has established a
2 crime laboratory fund, or to the State Crime Laboratory Fund if
3 the analysis was performed by a laboratory operated by the
4 Illinois State Police. If the analysis was performed by a crime
5 laboratory funded by a combination of units of local
6 government, the analysis assessment shall be forwarded to the
7 treasurer of the county where the crime laboratory is situated
8 if a crime laboratory fund has been established in that county.
9 If the unit of local government or combination of units of
10 local government has not established a crime laboratory fund,
11 then the analysis assessment shall be forwarded to the State
12 Crime Laboratory Fund.

13 (g) Moneys deposited into a crime laboratory fund created
14 pursuant to paragraphs (1) or (2) of subsection (e) of this
15 Section shall be in addition to any allocations made pursuant
16 to existing law and shall be designated for the exclusive use
17 of the crime laboratory. These uses may include, but are not
18 limited to, the following:

19 (1) costs incurred in providing analysis for
20 controlled substances in connection with criminal
21 investigations conducted within this State;

22 (2) purchase and maintenance of equipment for use in
23 performing analyses; and

24 (3) continuing education, training and professional
25 development of forensic scientists regularly employed by
26 these laboratories.

1 (h) Moneys deposited in the State Crime Laboratory Fund
2 created pursuant to paragraph (3) of subsection (d) of this
3 Section shall be used by State crime laboratories as designated
4 by the Director of the Illinois State Police. These funds shall
5 be in addition to any allocations made pursuant to existing law
6 and shall be designated for the exclusive use of State crime
7 laboratories or for the sexual assault evidence tracking system
8 created under Section 50 of the Sexual Assault Evidence
9 Submission Act. These uses may include those enumerated in
10 subsection (g) of this Section.

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

12 Section 99. Effective date. This Act takes effect upon
13 becoming law."