

1 AN ACT concerning government.

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

4 Section 5. The Criminal Identification Act is amended by
5 changing Section 3.2 as follows:

6 (20 ILCS 2630/3.2) (from Ch. 38, par. 206-3.2)

7 Sec. 3.2. (a) It is the duty of any person conducting or
8 operating a medical facility, or any physician or nurse, as
9 soon as treatment permits, to notify the local law enforcement
10 agency of that jurisdiction upon the application for treatment
11 of a person who is not accompanied by a law enforcement
12 officer, when it reasonably appears that the person requesting
13 treatment has received:

14 (1) any injury resulting from the discharge of a
15 firearm; ~~or~~

16 (2) any injury sustained in the commission of ~~or as a~~
17 ~~victim of~~ a criminal offense; ~~or~~

18 (3) any injury sustained as a victim of a criminal
19 offense. Except, when it reasonably appears that the
20 person requesting treatment is a sexual assault survivor
21 age 13 or older, a person conducting or operating a
22 medical facility, or a physician or nurse at the medical
23 facility, must notify the local law enforcement as

1 follows:

2 (A) If a sexual assault survivor consents to
3 notification being made, local law enforcement must be
4 notified as soon as treatment permits. If the sexual
5 assault or sexual abuse occurred in another
6 jurisdiction, the law enforcement officer taking the
7 report must submit the report to the law enforcement
8 agency having jurisdiction as provided in subsection
9 (c) of Section 20 of the Sexual Assault Incident
10 Procedure Act.

11 (B) The health care provider must advise the
12 survivor about the options for timing of the law
13 enforcement notification, ask the survivor if the
14 survivor has been threatened, and offer to connect the
15 survivor with a rape crisis center for safety
16 planning, if appropriate. If a sexual assault survivor
17 does not consent to notification being made as soon as
18 treatment permits, notification to the law enforcement
19 agency having jurisdiction must be delayed until after
20 the sexual assault survivor leaves the outpatient
21 treatment location, but no later than 24 hours after
22 the sexual assault survivor leaves. If the law
23 enforcement agency having jurisdiction cannot be
24 reasonably determined, then notification shall be made
25 to the local law enforcement agency of the medical
26 facility.

1 (C) If a sexual assault survivor does not consent
2 to notification being made as soon as treatment
3 permits and only consents to the collection and
4 storage of evidence, the person conducting or
5 operating a medical facility, or a physician or nurse
6 at the medical facility, must make the notification in
7 accordance with Section 6.6 or 6.6-1 of the Sexual
8 Assault Survivors Emergency Treatment Act. Law
9 enforcement may not be given any personal identifying
10 information for the sexual assault survivor other than
11 using the unique sexual assault evidence kit
12 identification number assigned to the Illinois State
13 Police evidence collection kit or the sexual assault
14 survivor's medical record number. The medical
15 facility, physician, or nurse must record the unique
16 sexual assault evidence kit identification number in
17 the medical record, if one exists, and shall provide
18 the number to the sexual assault survivor or the
19 sexual assault survivor's designee at the time of
20 treatment and later at the request of the sexual
21 assault survivor or their designee.

22 (D) The sexual assault survivor's decision
23 regarding notification of law enforcement must be
24 documented in the medical record. The documentation
25 must also include confirmation that the question in
26 subparagraph (B) was asked of the survivor.

1 (E) The notification to law enforcement must be
2 limited to the following information:

3 (i) the date and time the sexual assault
4 survivor presented for treatment;

5 (ii) the nature of the criminal offense;

6 (iii) the municipality, township, or county
7 where the criminal offense occurred;

8 (iv) when necessary to prevent serious and
9 imminent physical harm to others, information that
10 identifies a perpetrator who poses a serious and
11 imminent threat to an identifiable group or
12 individual other than the victim;

13 (v) when applicable, the unique sexual assault
14 evidence kit identification number; and

15 (vi) additional information and details about
16 the criminal offense or the sexual assault
17 survivor that the sexual assault survivor gives
18 consent to be given, and this consent must be
19 documented in the medical record.

20 (F) Nothing in this subsection permits a delay in
21 notification to law enforcement when a patient admits
22 to committing a violent crime.

23 (G) Nothing in this subsection permits a delay in
24 notification to law enforcement when a sexual assault
25 survivor is admitted or treated for an injury due to
26 discharge of a firearm or life-threatening injuries.

1 Notification related to the sexual assault shall
2 otherwise meet the requirements of this subsection.

3 (H) Nothing in this subsection changes the
4 obligations of mandated reporters under the Abused and
5 Neglected Child Reporting Act, the Adult Protective
6 Services Act, and the Abused and Neglected Long Term
7 Care Facility Residents Reporting Act, and nothing in
8 this subsection requires a delay in notification of
9 law enforcement by the Department of Children and
10 Family Services, Adult Protective Services, or any
11 other agency receiving a mandated report.

12 Any hospital, physician or nurse shall be forever held
13 harmless from any civil liability for their reasonable
14 compliance with the provisions of this Section.

15 (b) Notwithstanding subsection (a), nothing in this
16 Section shall be construed to require the reporting of lawful
17 health care activity, whether such activity may constitute a
18 violation of another state's law.

19 (c) As used in this Section:

20 "Law enforcement agency having jurisdiction" and "sexual
21 assault survivor" have the meanings given to those terms in
22 Section 1a of the Sexual Assault Survivors Emergency Treatment
23 Act.

24 "Lawful health care" means:

25 (1) reproductive health care that is not unlawful
26 under the laws of this State, including on any theory of

1 vicarious, joint, several, or conspiracy liability; or

2 (2) the treatment of gender dysphoria or the
3 affirmation of an individual's gender identity or gender
4 expression, including but not limited to, all supplies,
5 care, and services of a medical, behavioral health, mental
6 health, surgical, psychiatric, therapeutic, diagnostic,
7 preventative, rehabilitative, or supportive nature that is
8 not unlawful under the laws of this State, including on
9 any theory of vicarious, joint, several, or conspiracy
10 liability.

11 "Lawful health care activity" means seeking, providing,
12 receiving, assisting in seeking, providing, or receiving,
13 providing material support for, or traveling to obtain lawful
14 health care.

15 (Source: P.A. 102-1117, eff. 1-13-23.)