**Section 1255.40 Procedures for Submission**

a) Certification

1) All sexual assault cases submitted to the laboratory pursuant to any Section of the Act must include a certification that the evidence is submitted in connection with a criminal investigation, as required by Section 30 of the Act. The submitting law enforcement agency must sign the certification required by this subsection (a)(1), stating the evidence is part of a prior or current criminal investigation, for each submission of evidence. This certification relates to the status of the investigation (whether it is criminal or non-criminal) at the time of submission. Evidence from cases that subsequent to collection have been determined to be non-criminal cannot be submitted for analysis since DNA profiles from non-criminal cases are prohibited from being entered into the CODIS database. This certification, to accompany each case submission, is required to ensure that the laboratories are able to comply with all federal and State laws for entering and searching DNA profiles, at the State level, of CODIS. The certification shall read as follows:

*This evidence is being submitted by (name of investigating law enforcement agency) in connection with a prior or current criminal investigation.* (Section 30 of the Act)

2) With approval of the Department's Forensic Sciences Commander or designee, the statutory certification described in subsection (a)(1) may be incorporated into other documentation in lieu of a separate certification form.

b) Required Signatures

1) Prior to submission, the law enforcement agency must ensure that all required signatures are obtained for the Patient Consent/Authorization to Release Information and Evidence to Law Enforcement Agency form within the Illinois State Police Sexual Assault Evidence Kit. This includes:

A) the patient, parent or guardian signing the consent authorizing evidence preservation and collection; and

B) the patient, parent or guardian, investigating officer or DCFS representative signing the release portion of the form, authorizing release of information.

2) A case cannot be accepted for laboratory analysis without the required signatures.

c) Sexual assault evidence submitted to the laboratory pursuant to any Section of the Act must adhere to the laboratory's case acceptance policy. The law enforcement agency and the laboratory will work together to determine which items of evidence in each case will be submitted. Submissions may be limited to only the most probative evidence collected in the case, as well as any known DNA standards required for the laboratory to properly interpret DNA results. For example, such known DNA standards could be those from the victim, the suspect and a husband/consensual partner, depending on the specific case circumstances.

d) A complete inventory of all previously unsubmitted sexual assault cases, as described by Section 20 of the Act, regardless of statute of limitations or current prosecutorial/investigative status, must be submitted electronically to the Illinois State Police by October 15, 2010, as per the instructions provided by the Department, unless an alternate submission method is approved by the Department's Forensic Sciences Commander or designee.