**Section 1285.30 Responsibilities**

a) After the occurrence of one of the qualifying events specified in Section 5-4-3(a-3.2) of the Act or at the sentencing of the otherwise qualified offender, the judge shall issue an order requiring the offender to provide specimens that shall be submitted to the Department in accordance with Section 5-4-3 of the Act.

b) The designated agency responsible for sample collection of qualifying offenders is as follows:

1) If the qualifying offender has not previously had a sample taken and is serving a term of incarceration in a facility under the control of the county sheriff, or is being transferred to another state to serve the sentence, the sheriff's office is the designated agency and is responsible for the collection of the sample prior to the release or transfer of the offender.

2) If the qualifying offender has not previously had a sample taken and is transferred to a facility under the control of the Department of Corrections to serve a term of incarceration, the Department of Corrections is the designated agency and is responsible for the collection of the sample from the offender before his/her release on parole, or mandatory supervised release or final discharge or, in the event the offender is sentenced to death or natural life, at any time.

3) If the qualifying offender has not previously had a sample taken and is transferred to a facility under the control of the Department of Juvenile Justice to serve a term of incarceration, the Department of Juvenile Justice is the designated agency and is responsible for the collection of the sample from the offender before his/her release on parole, mandatory supervised release or final discharge or, in the event the offender is sentenced to death or natural life, at any time.

4) If the qualifying offender has not previously had a sample collected and is transferred to the Department of Corrections to be institutionalized as a sexually dangerous person or institutionalized as a person found guilty but mentally ill of a sexual offense or an attempted sexual offense, the Department of Corrections is the designated agency and is responsible for the collection of the sample any time prior to release of the offender.

5) If the qualifying offender has not previously had a sample collected and is ordered committed as a sexually violent person, the Department of Human Services is the designated agency and is responsible for the collection of the sample prior to the release of the offender.

6) If the qualifying offender has not previously had a sample collected and is serving a sentence but not physically incarcerated, the supervising agency (such as a probation office) is the designated agency and is responsible for collection of the sample prior to the termination of the sentence. This includes offenders that transfer to Illinois under the Interstate Compact for Adult Offender Supervision [45 ILCS 170] or the Interstate Agreements on Sexually Dangerous Persons Act [45 ILCS 20].

7) If the qualifying offender for any reason is not under the control or supervision of any agency listed in subsections (c)(1) through (c)(6), then the probation authority of the sentencing or ordering jurisdiction is the designated agency.

8) If the qualifying offender has not previously had a sample collected and is required to provide a sample before conviction (e.g., indicted), the county sheriff is the designated agency.

9) If the qualifying offender has not previously had a sample collected and is required to register as a sex offender and is not under supervision by an Illinois criminal justice agency, the registering agency is the designated agency.

c) The designated agency is responsible for ensuring that the offender is eligible for collection under the statute.

d) The designated agency is responsible for ensuring that the offender has a complete set of fingerprints on file with the Department of State Police, Bureau of Identification.

(Source: Amended at 36 Ill. Reg. 5610, effective March 26, 2012)