**Section 400.640 Body Views and Intrusions**

a) General. Evidence obtained from body views and intrusions conducted in accordance with this Section is admissible at trial when relevant and not otherwise inadmissible under this Section.

b) Visual Examination of the Body

1) Consensual. Visual examination of the unclothed body may be made with the consent of the individual subject to the inspection in accordance with Section 400.650(a)(5).

2) Involuntary

A) An involuntary display of the unclothed body, including a visual examination of body cavities, may be required only if conducted in reasonable fashion and authorized under one or more of:

i) Section 400.645, Section 400.650(a)(2) and (3) if there is a reasonable suspicion that weapons, contraband or evidence of crime is concealed on the body of the person to be searched;

ii) Section 400.650(a)(8) if reasonably necessary to maintain the security of the jail or similar facility or its personnel;

iii) Section 400.650(a)(7) and (9) and Section 400.650(b).

B) An examination of the unclothed body under this subsection (b) should be conducted whenever practicable by a person of the same sex as that of the person being examined; provided, however, that failure to comply with this requirement does not make an examination an unlawful search within the meaning of Section 400.635.

c) Intrusion Into Body Cavities. A reasonable nonconsensual physical intrusion into the mouth, nose and ears may be made when a visual examination of the body under subsection (b) is permissible. Nonconsensual intrusions into other body cavities may be made:

1) For Purposes of Seizure. When there is a clear indication that weapons, contraband or other evidence of crime is present, to remove weapons, contraband or evidence of crime discovered under subsection (b) and (c)(2) or under Section 400.655(d)(4)(C) if the intrusion is made in a reasonable fashion by a person with appropriate medical qualifications; or

2) For Purposes of Search. To search for weapons, contraband or evidence of crime if authorized by a search warrant or search authorization under Section 400.650(b) and conducted by a person with appropriate medical qualifications. Notwithstanding this subsection (c)(2), a search under Section 400.650(a)(8) may be made without a search warrant or authorization if such search is based on a reasonable suspicion that the individual is concealing weapons, contraband or evidence of crime.

d) Extraction of Body Fluids. Nonconsensual extraction of body fluids, including blood and urine, may be made from the body of an individual pursuant to a search warrant or a search authorization under Section 400.650(b) and conducted by a person with appropriate medical qualifications. Nonconsensual extraction of body fluids may be made without a warrant or authorization, notwithstanding Section 400.650(b)(7) only when there is clear indication that evidence of crime will be found and that there is reason to believe that the delay that would result if a warrant or authorization were sought could result in the destruction of the evidence. Involuntary extraction of body fluids under this subsection (d) must be done in a reasonable fashion by a person with appropriate medical qualifications.

e) Other Intrusive Searches. Nonconsensual intrusive searches of the body made to locate or obtain weapons, contraband or evidence of crime and not within the scope of subsection (b) or (c) may be made only with a warrant or search authorization under Section 400.650(b) and only if the search is conducted in a reasonable fashion by a person with appropriate medical qualifications and does not endanger the health of the person to be searched. Compelling a person to ingest substances for the purposes of locating the weapon, contraband or evidence or to compel the bodily elimination of that property is a search within the meaning of this subsection (e). However, a person who is neither a suspect nor an accused may not be compelled to submit to an intrusive search of the body for the sole purpose of obtaining evidence of crime.

f) Intrusions for Valid Medical Purposes. Nothing in this Section shall be deemed to interfere with the lawful authority of the SMF to take whatever action may be necessary to preserve the health of an SMF member. Evidence or contraband obtained from an examination or intrusion conducted for a valid medical purpose may be seized and is not evidence obtained from an unlawful search or seizure within the meaning of Section 400.650(a).

g) Medical Qualifications. The Adjutant General may prescribe appropriate medical qualifications for persons who conduct searches and seizures under this Section. (Il. Mil. R. Evid. 312)