



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

HB4126

by Rep. Mary E. Flowers

#### SYNOPSIS AS INTRODUCED:

See Index

Amends the Hospital Licensing Act and the Code of Criminal Procedure of 1963. Provides that each licensed hospital shall designate patient-care areas under rules adopted by the Department of Public Health. These areas shall include examination and operating rooms and out-patient care areas of the hospital. Provides that each licensed hospital shall post a sign of a type and size specified by the Department of Public Health in a conspicuous place at the entrance of each patient-care area of the hospital stating that peace officers may not enter the area without the knowing consent of the health supervisor or a valid search warrant. Provides that each hospital shall designate one of its staff as a health supervisor. Provides that the health supervisor shall be the person designated by the hospital to communicate and interact with peace officers including about the treatment and care being provided at the hospital to a person in the peace officer's custody who is being treated at the hospital. Provides that the health supervisor shall be a hospital administrator or other person in charge of supervising nurses at the hospital but who is not providing treatment to patients. Amends the Unified Code of Corrections and the Sex Offender Registration Act. Deletes provisions that require DNA submissions of persons charged with certain offenses and of each registered sex offender to the Department of State Police for DNA analysis. Deletes provisions that the detention, arrest, or conviction of a person based upon a database match or database information is not invalidated if it is determined that the specimen was obtained or placed in the database by mistake.

LRB100 14400 RLC 29181 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning criminal law.

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

4 Section 5. The Hospital Licensing Act is amended by adding  
5 Section 6.27 as follows:

6 (210 ILCS 85/6.27 new)

7 Sec. 6.27. Designation of patient-care areas; peace  
8 officers prohibited; interaction with nurses prohibited.

9 (a) In this Section:

10 "Hospital" includes an ambulatory surgical treatment  
11 center licensed under the Ambulatory Surgical Treatment  
12 Center Act and a hospital operated by the State, a unit of  
13 local government, or college or university whether public  
14 or private.

15 "Law enforcement officer" means any person employed by  
16 the State, a county, or a municipality as a policeman,  
17 peace officer, auxiliary policeman, or correctional  
18 officer or in some like position involving the enforcement  
19 of the law and protection of the public interest at the  
20 risk of that person's life.

21 "Peace officer" has the meaning ascribed to it in  
22 Section 2-13 of the Criminal Code of 2012 and includes a  
23 law enforcement officer.

1       (b) Each hospital licensed under this Act shall designate  
2 patient-care areas under rules adopted by the Department of  
3 Public Health. These areas shall include examination and  
4 operating rooms and out-patient care areas of the hospital.

5       (c) Each hospital licensed under this Act shall post a sign  
6 of a type and size specified by the Department of Public Health  
7 in a conspicuous place at the entrance of each patient-care  
8 area of the hospital stating that peace officers may not enter  
9 the area without the knowing consent of the health supervisor  
10 or a valid search warrant.

11       (d) Each hospital shall designate one of its staff as a  
12 health supervisor. The health supervisor shall be the person  
13 designated by the hospital to communicate and interact with  
14 peace officers including about the treatment and care being  
15 provided at the hospital to a person in the peace officer's  
16 custody who is being treated at the hospital. The health  
17 supervisor shall be a hospital administrator or other person in  
18 charge of supervising nurses at the hospital but who is not  
19 providing treatment to patients.

20       Section 10. The Code of Criminal Procedure of 1963 is  
21 amended by adding Section 103-10 as follows:

22       (725 ILCS 5/103-10 new)

23       Sec. 103-10. Patient-care areas of hospitals; peace  
24 officers prohibited.

1       (a) In this Section:

2               "Law enforcement officer" means any person employed by  
3       the State, a county, or a municipality as a policeman,  
4       peace officer, auxiliary policeman, or correctional  
5       officer or in some like position involving the enforcement  
6       of the law and protection of the public interest at the  
7       risk of that person's life.

8               "Peace officer" has the meaning ascribed to it in  
9       Section 2-13 of the Criminal Code of 2012 and includes a  
10       law enforcement officer.

11       (b) A peace officer is prohibited from entering a  
12       patient-care area of a hospital designated under Section 6.27  
13       of the Hospital Licensing Act without the knowing consent of  
14       the health supervisor designated by the hospital under Section  
15       6.27 of the Hospital Licensing Act or a valid search warrant.

16       (c) A peace officer may not communicate or otherwise  
17       interact with a nurse licensed under the Nurse Practice Act who  
18       is providing care for a person in the peace officer's custody.  
19       The peace officer may only communicate or otherwise interact  
20       with a health supervisor designated by the hospital under  
21       Section 6.27 of the Hospital Licensing Act.

22               Section 15. The Unified Code of Corrections is amended by  
23       changing Section 5-4-3 as follows:

24               (730 ILCS 5/5-4-3) (from Ch. 38, par. 1005-4-3)

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

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

20           (1) convicted of a qualifying offense or attempt of a  
21 qualifying offense on or after July 1, 1990 and sentenced  
22 to a term of imprisonment, periodic imprisonment, fine,  
23 probation, conditional discharge or any other form of  
24 sentence, or given a disposition of court supervision for  
25 the offense;

26           (1.5) found guilty or given supervision under the

1 Juvenile Court Act of 1987 for a qualifying offense or  
2 attempt of a qualifying offense on or after January 1,  
3 1997;

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

6 (3) convicted of a qualifying offense or attempt of a  
7 qualifying offense before July 1, 1990 and is presently  
8 confined as a result of such conviction in any State  
9 correctional facility or county jail or is presently  
10 serving a sentence of probation, conditional discharge or  
11 periodic imprisonment as a result of such conviction;

12 (3.5) convicted or found guilty of any offense  
13 classified as a felony under Illinois law or found guilty  
14 or given supervision for such an offense under the Juvenile  
15 Court Act of 1987 on or after August 22, 2002;

16 (4) presently institutionalized as a sexually  
17 dangerous person or presently institutionalized as a  
18 person found guilty but mentally ill of a sexual offense or  
19 attempt to commit a sexual offense; or

20 (4.5) ordered committed as a sexually violent person on  
21 or after the effective date of the Sexually Violent Persons  
22 Commitment Act.

23 (a-1) Any person incarcerated in a facility of the Illinois  
24 Department of Corrections or the Illinois Department of  
25 Juvenile Justice on or after August 22, 2002, whether for a  
26 term of years, natural life, or a sentence of death, who has

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

18 (a-2) Any person sentenced to life imprisonment in a  
19 facility of the Illinois Department of Corrections after the  
20 effective date of this amendatory Act of the 94th General  
21 Assembly or sentenced to death after the effective date of this  
22 amendatory Act of the 94th General Assembly shall be required  
23 to provide a specimen of blood, saliva, or tissue within 45  
24 days after sentencing or disposition at a collection site  
25 designated by the Illinois Department of State Police. Any  
26 person serving a sentence of life imprisonment in a facility of

1 the Illinois Department of Corrections on the effective date of  
2 this amendatory Act of the 94th General Assembly or any person  
3 who is under a sentence of death on the effective date of this  
4 amendatory Act of the 94th General Assembly shall be required  
5 to provide a specimen of blood, saliva, or tissue upon request  
6 at a collection site designated by the Illinois Department of  
7 State Police.

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

16 (a-3.1) Any person required by an order of the court to  
17 submit a DNA specimen shall be required to provide a specimen  
18 of blood, saliva, or tissue within 45 days after the court  
19 order at a collection site designated by the Illinois  
20 Department of State Police.

21 (a-3.2) (Blank). ~~On or after January 1, 2012 (the effective~~  
22 ~~date of Public Act 97-383), any person arrested for any of the~~  
23 ~~following offenses, after an indictment has been returned by a~~  
24 ~~grand jury, or following a hearing pursuant to Section 109-3 of~~  
25 ~~the Code of Criminal Procedure of 1963 and a judge finds there~~  
26 ~~is probable cause to believe the arrestee has committed one of~~



1 ~~the designated offenses, or an arrestee has waived a~~  
2 ~~preliminary hearing shall be required to provide a specimen of~~  
3 ~~blood, saliva, or tissue within 14 days after such indictment~~  
4 ~~or hearing at a collection site designated by the Illinois~~  
5 ~~Department of State Police.~~

6 ~~(A) first degree murder;~~

7 ~~(B) home invasion;~~

8 ~~(C) predatory criminal sexual assault of a child;~~

9 ~~(D) aggravated criminal sexual assault; or~~

10 ~~(E) criminal sexual assault.~~

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

18 (a-5) Any person who was otherwise convicted of or received  
19 a disposition of court supervision for any other offense under  
20 the Criminal Code of 1961 or the Criminal Code of 2012 or who  
21 was found guilty or given supervision for such a violation  
22 under the Juvenile Court Act of 1987, may, regardless of the  
23 sentence imposed, be required by an order of the court to  
24 submit specimens of blood, saliva, or tissue to the Illinois  
25 Department of State Police in accordance with the provisions of  
26 this Section.

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

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

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

21 (c-5.2) (Blank). ~~Unless it is determined that a registered~~  
22 ~~sex offender has previously submitted a specimen of blood,~~  
23 ~~saliva, or tissue that has been placed into the State DNA~~  
24 ~~database, a person registering as a sex offender shall be~~  
25 ~~required to submit a specimen at the time of his or her initial~~  
26 ~~registration pursuant to the Sex Offender Registration Act or,~~

1 ~~for a person registered as a sex offender on or prior to~~  
2 ~~January 1, 2012 (the effective date of Public Act 97-383),~~  
3 ~~within one year of January 1, 2012 (the effective date of~~  
4 ~~Public Act 97-383) or at the time of his or her next required~~  
5 ~~registration.~~

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

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

22 (d-1) The Illinois Department of State Police shall provide  
23 all equipment and instructions necessary for the collection of  
24 saliva specimens. The collection of saliva specimens shall be  
25 performed in a medically approved manner. Only a person trained  
26 in the instructions promulgated by the Illinois State Police on

1 collecting saliva may collect saliva for the purposes of this  
2 Section. The specimens shall thereafter be forwarded to the  
3 Illinois Department of State Police, Division of Forensic  
4 Services, for analysis and categorizing into genetic marker  
5 groupings.

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

16 (d-5) To the extent that funds are available, the Illinois  
17 Department of State Police shall contract with qualified  
18 personnel and certified laboratories for the collection,  
19 analysis, and categorization of known specimens, except as  
20 provided in subsection (n) of this Section.

21 (d-6) Agencies designated by the Illinois Department of  
22 State Police and the Illinois Department of State Police may  
23 contract with third parties to provide for the collection or  
24 analysis of DNA, or both, of an offender's blood, saliva, and  
25 tissue specimens, except as provided in subsection (n) of this  
26 Section.

1           (e) The genetic marker groupings shall be maintained by the  
2 Illinois Department of State Police, Division of Forensic  
3 Services.

4           (f) The genetic marker grouping analysis information  
5 obtained pursuant to this Act shall be confidential and shall  
6 be released only to peace officers of the United States, of  
7 other states or territories, of the insular possessions of the  
8 United States, of foreign countries duly authorized to receive  
9 the same, to all peace officers of the State of Illinois and to  
10 all prosecutorial agencies, and to defense counsel as provided  
11 by Section 116-5 of the Code of Criminal Procedure of 1963. The  
12 genetic marker grouping analysis information obtained pursuant  
13 to this Act shall be used only for (i) valid law enforcement  
14 identification purposes and as required by the Federal Bureau  
15 of Investigation for participation in the National DNA  
16 database, (ii) technology validation purposes, (iii) a  
17 population statistics database, (iv) quality assurance  
18 purposes if personally identifying information is removed, (v)  
19 assisting in the defense of the criminally accused pursuant to  
20 Section 116-5 of the Code of Criminal Procedure of 1963, or  
21 (vi) identifying and assisting in the prosecution of a person  
22 who is suspected of committing a sexual assault as defined in  
23 Section 1a of the Sexual Assault Survivors Emergency Treatment  
24 Act. Notwithstanding any other statutory provision to the  
25 contrary, all information obtained under this Section shall be  
26 maintained in a single State data base, which may be uploaded

1 into a national database, and which information may be subject  
2 to expungement only as set forth in subsection (f-1).

3 (f-1) Upon receipt of notification of a reversal of a  
4 conviction based on actual innocence, or of the granting of a  
5 pardon pursuant to Section 12 of Article V of the Illinois  
6 Constitution, if that pardon document specifically states that  
7 the reason for the pardon is the actual innocence of an  
8 individual whose DNA record has been stored in the State or  
9 national DNA identification index in accordance with this  
10 Section by the Illinois Department of State Police, the DNA  
11 record shall be expunged from the DNA identification index, and  
12 the Department shall by rule prescribe procedures to ensure  
13 that the record and any specimens, analyses, or other documents  
14 relating to such record, whether in the possession of the  
15 Department or any law enforcement or police agency, or any  
16 forensic DNA laboratory, including any duplicates or copies  
17 thereof, are destroyed and a letter is sent to the court  
18 verifying the expungement is completed. For specimens required  
19 to be collected prior to conviction, unless the individual has  
20 other charges or convictions that require submission of a  
21 specimen, the DNA record for an individual shall be expunged  
22 from the DNA identification databases and the specimen  
23 destroyed upon receipt of a certified copy of a final court  
24 order for each charge against an individual in which the charge  
25 has been dismissed, resulted in acquittal, or that the charge  
26 was not filed within the applicable time period. The Department

1 shall by rule prescribe procedures to ensure that the record  
2 and any specimens in the possession or control of the  
3 Department are destroyed and a letter is sent to the court  
4 verifying the expungement is completed.

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

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

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

22 (1) any violation or inchoate violation of Section  
23 11-1.50, 11-1.60, 11-6, 11-9.1, 11-11, 11-18.1, 12-15, or  
24 12-16 of the Criminal Code of 1961 or the Criminal Code of  
25 2012;

26 (1.1) any violation or inchoate violation of Section

1 9-1, 9-2, 10-1, 10-2, 12-11, 12-11.1, 18-1, 18-2, 18-3,  
2 18-4, 18-6, 19-1, 19-2, or 19-6 of the Criminal Code of  
3 1961 or the Criminal Code of 2012 for which persons are  
4 convicted on or after July 1, 2001;

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

7 (3) (blank);

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

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

13 (g-5) (Blank).

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

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



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

7           (j) Any person required by subsection (a), ~~or any person~~  
8           ~~who was previously required by subsection (a 3.2),~~ to submit  
9           specimens of blood, saliva, or tissue to the Illinois  
10          Department of State Police for analysis and categorization into  
11          genetic marker grouping, in addition to any other disposition,  
12          penalty, or fine imposed, shall pay an analysis fee of \$250. If  
13          the analysis fee is not paid at the time of sentencing, the  
14          court shall establish a fee schedule by which the entire amount  
15          of the analysis fee shall be paid in full, such schedule not to  
16          exceed 24 months from the time of conviction. The inability to  
17          pay this analysis fee shall not be the sole ground to  
18          incarcerate the person.

19          (k) All analysis and categorization fees provided for by  
20          subsection (j) shall be regulated as follows:

21                 (1) The State Offender DNA Identification System Fund  
22                 is hereby created as a special fund in the State Treasury.

23                 (2) All fees shall be collected by the clerk of the  
24                 court and forwarded to the State Offender DNA  
25                 Identification System Fund for deposit. The clerk of the  
26                 circuit court may retain the amount of \$10 from each

1 collected analysis fee to offset administrative costs  
2 incurred in carrying out the clerk's responsibilities  
3 under this Section.

4 (3) Fees deposited into the State Offender DNA  
5 Identification System Fund shall be used by Illinois State  
6 Police crime laboratories as designated by the Director of  
7 State Police. These funds shall be in addition to any  
8 allocations made pursuant to existing laws and shall be  
9 designated for the exclusive use of State crime  
10 laboratories. These uses may include, but are not limited  
11 to, the following:

12 (A) Costs incurred in providing analysis and  
13 genetic marker categorization as required by  
14 subsection (d).

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

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

19 (D) Costs incurred in continuing research and  
20 development of new techniques for analysis and genetic  
21 marker categorization.

22 (E) Costs incurred in continuing education,  
23 training, and professional development of forensic  
24 scientists regularly employed by these laboratories.

25 (1) The failure of a person to provide a specimen, or of  
26 any person or agency to collect a specimen, shall in no way

1 alter the obligation of the person to submit such specimen, or  
2 the authority of the Illinois Department of State Police or  
3 persons designated by the Department to collect the specimen,  
4 or the authority of the Illinois Department of State Police to  
5 accept, analyze and maintain the specimen or to maintain or  
6 upload results of genetic marker grouping analysis information  
7 into a State or national database.

8 (m) If any provision of this amendatory Act of the 93rd  
9 General Assembly is held unconstitutional or otherwise  
10 invalid, the remainder of this amendatory Act of the 93rd  
11 General Assembly is not affected.

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

25 (o) (Blank). ~~Mistake does not invalidate a database match.~~  
26 ~~The detention, arrest, or conviction of a person based upon a~~

1 ~~database match or database information is not invalidated if it~~  
2 ~~is determined that the specimen was obtained or placed in the~~  
3 ~~database by mistake.~~

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

6 (Source: P.A. 97-383, eff. 1-1-12; 97-1109, eff. 1-1-13;  
7 97-1150, eff. 1-25-13; 98-558, eff. 1-1-14.)

8 Section 20. The Sex Offender Registration Act is amended by  
9 changing Section 8 as follows:

10 (730 ILCS 150/8) (from Ch. 38, par. 228)

11 Sec. 8. Registration ~~and DNA submission requirements.~~

12 (a) Registration. Registration as required by this Article  
13 shall consist of a statement in writing signed by the person  
14 giving the information that is required by the Department of  
15 State Police, which may include the fingerprints and must  
16 include a current photograph of the person, to be updated  
17 annually. If the sex offender is a child sex offender as  
18 defined in Section 11-9.3 or 11-9.4 of the Criminal Code of  
19 1961 or the Criminal Code of 2012, he or she shall sign a  
20 statement that he or she understands that according to Illinois  
21 law as a child sex offender he or she may not reside within 500  
22 feet of a school, park, or playground. The offender may also  
23 not reside within 500 feet of a facility providing services  
24 directed exclusively toward persons under 18 years of age

1 unless the sex offender meets specified exemptions. The  
2 registration information must include whether the person is a  
3 sex offender as defined in the Sex Offender Community  
4 Notification Law. Within 3 days, the registering law  
5 enforcement agency shall forward any required information to  
6 the Department of State Police. The registering law enforcement  
7 agency shall enter the information into the Law Enforcement  
8 Agencies Data System (LEADS) as provided in Sections 6 and 7 of  
9 the Intergovernmental Missing Child Recovery Act of 1984.

10 (b) (Blank). ~~DNA submission. Every person registering as a~~  
11 ~~sex offender pursuant to this Act, regardless of the date of~~  
12 ~~conviction or the date of initial registration who is required~~  
13 ~~to submit specimens of blood, saliva, or tissue for DNA~~  
14 ~~analysis as required by subsection (a) of Section 5-4-3 of the~~  
15 ~~Unified Code of Corrections shall submit the specimens as~~  
16 ~~required by that Section. Registered sex offenders who have~~  
17 ~~previously submitted a DNA specimen which has been uploaded to~~  
18 ~~the Illinois DNA database shall not be required to submit an~~  
19 ~~additional specimen pursuant to this Section.~~

20 (Source: P.A. 97-383, eff. 1-1-12; 97-1150, eff. 1-25-13.)

1 INDEX

2 Statutes amended in order of appearance

3 210 ILCS 85/6.27 new

4 725 ILCS 5/103-10 new

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

6 730 ILCS 150/8 from Ch. 38, par. 228