

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 Illinois Administrative Procedure Act is
5 amended by changing Section 5-45 as follows:

6 (5 ILCS 100/5-45) (from Ch. 127, par. 1005-45)

7 Sec. 5-45. Emergency rulemaking.

8 (a) "Emergency" means the existence of any situation that
9 any agency finds reasonably constitutes a threat to the public
10 interest, safety, or welfare.

11 (b) If any agency finds that an emergency exists that
12 requires adoption of a rule upon fewer days than is required by
13 Section 5-40 and states in writing its reasons for that
14 finding, the agency may adopt an emergency rule without prior
15 notice or hearing upon filing a notice of emergency rulemaking
16 with the Secretary of State under Section 5-70. The notice
17 shall include the text of the emergency rule and shall be
18 published in the Illinois Register. Consent orders or other
19 court orders adopting settlements negotiated by an agency may
20 be adopted under this Section. Subject to applicable
21 constitutional or statutory provisions, an emergency rule
22 becomes effective immediately upon filing under Section 5-65 or
23 at a stated date less than 10 days thereafter. The agency's

1 finding and a statement of the specific reasons for the finding
2 shall be filed with the rule. The agency shall take reasonable
3 and appropriate measures to make emergency rules known to the
4 persons who may be affected by them.

5 (c) An emergency rule may be effective for a period of not
6 longer than 150 days, but the agency's authority to adopt an
7 identical rule under Section 5-40 is not precluded. No
8 emergency rule may be adopted more than once in any 24-month
9 period, except that this limitation on the number of emergency
10 rules that may be adopted in a 24-month period does not apply
11 to (i) emergency rules that make additions to and deletions
12 from the Drug Manual under Section 5-5.16 of the Illinois
13 Public Aid Code or the generic drug formulary under Section
14 3.14 of the Illinois Food, Drug and Cosmetic Act, (ii)
15 emergency rules adopted by the Pollution Control Board before
16 July 1, 1997 to implement portions of the Livestock Management
17 Facilities Act, (iii) emergency rules adopted by the Illinois
18 Department of Public Health under subsections (a) through (i)
19 of Section 2 of the Department of Public Health Act when
20 necessary to protect the public's health, (iv) emergency rules
21 adopted pursuant to subsection (n) of this Section, (v)
22 emergency rules adopted pursuant to subsection (o) of this
23 Section, or (vi) emergency rules adopted pursuant to subsection
24 (c-5) of this Section. Two or more emergency rules having
25 substantially the same purpose and effect shall be deemed to be
26 a single rule for purposes of this Section.

1 (c-5) To facilitate the maintenance of the program of group
2 health benefits provided to annuitants, survivors, and retired
3 employees under the State Employees Group Insurance Act of
4 1971, rules to alter the contributions to be paid by the State,
5 annuitants, survivors, retired employees, or any combination
6 of those entities, for that program of group health benefits,
7 shall be adopted as emergency rules. The adoption of those
8 rules shall be considered an emergency and necessary for the
9 public interest, safety, and welfare.

10 (d) In order to provide for the expeditious and timely
11 implementation of the State's fiscal year 1999 budget,
12 emergency rules to implement any provision of Public Act 90-587
13 or 90-588 or any other budget initiative for fiscal year 1999
14 may be adopted in accordance with this Section by the agency
15 charged with administering that provision or initiative,
16 except that the 24-month limitation on the adoption of
17 emergency rules and the provisions of Sections 5-115 and 5-125
18 do not apply to rules adopted under this subsection (d). The
19 adoption of emergency rules authorized by this subsection (d)
20 shall be deemed to be necessary for the public interest,
21 safety, and welfare.

22 (e) In order to provide for the expeditious and timely
23 implementation of the State's fiscal year 2000 budget,
24 emergency rules to implement any provision of Public Act 91-24
25 or any other budget initiative for fiscal year 2000 may be
26 adopted in accordance with this Section by the agency charged

1 with administering that provision or initiative, except that
2 the 24-month limitation on the adoption of emergency rules and
3 the provisions of Sections 5-115 and 5-125 do not apply to
4 rules adopted under this subsection (e). The adoption of
5 emergency rules authorized by this subsection (e) shall be
6 deemed to be necessary for the public interest, safety, and
7 welfare.

8 (f) In order to provide for the expeditious and timely
9 implementation of the State's fiscal year 2001 budget,
10 emergency rules to implement any provision of Public Act 91-712
11 or any other budget initiative for fiscal year 2001 may be
12 adopted in accordance with this Section by the agency charged
13 with administering that provision or initiative, except that
14 the 24-month limitation on the adoption of emergency rules and
15 the provisions of Sections 5-115 and 5-125 do not apply to
16 rules adopted under this subsection (f). The adoption of
17 emergency rules authorized by this subsection (f) shall be
18 deemed to be necessary for the public interest, safety, and
19 welfare.

20 (g) In order to provide for the expeditious and timely
21 implementation of the State's fiscal year 2002 budget,
22 emergency rules to implement any provision of Public Act 92-10
23 or any other budget initiative for fiscal year 2002 may be
24 adopted in accordance with this Section by the agency charged
25 with administering that provision or initiative, except that
26 the 24-month limitation on the adoption of emergency rules and

1 the provisions of Sections 5-115 and 5-125 do not apply to
2 rules adopted under this subsection (g). The adoption of
3 emergency rules authorized by this subsection (g) shall be
4 deemed to be necessary for the public interest, safety, and
5 welfare.

6 (h) In order to provide for the expeditious and timely
7 implementation of the State's fiscal year 2003 budget,
8 emergency rules to implement any provision of Public Act 92-597
9 or any other budget initiative for fiscal year 2003 may be
10 adopted in accordance with this Section by the agency charged
11 with administering that provision or initiative, except that
12 the 24-month limitation on the adoption of emergency rules and
13 the provisions of Sections 5-115 and 5-125 do not apply to
14 rules adopted under this subsection (h). The adoption of
15 emergency rules authorized by this subsection (h) shall be
16 deemed to be necessary for the public interest, safety, and
17 welfare.

18 (i) In order to provide for the expeditious and timely
19 implementation of the State's fiscal year 2004 budget,
20 emergency rules to implement any provision of Public Act 93-20
21 or any other budget initiative for fiscal year 2004 may be
22 adopted in accordance with this Section by the agency charged
23 with administering that provision or initiative, except that
24 the 24-month limitation on the adoption of emergency rules and
25 the provisions of Sections 5-115 and 5-125 do not apply to
26 rules adopted under this subsection (i). The adoption of

1 emergency rules authorized by this subsection (i) shall be
2 deemed to be necessary for the public interest, safety, and
3 welfare.

4 (j) In order to provide for the expeditious and timely
5 implementation of the provisions of the State's fiscal year
6 2005 budget as provided under the Fiscal Year 2005 Budget
7 Implementation (Human Services) Act, emergency rules to
8 implement any provision of the Fiscal Year 2005 Budget
9 Implementation (Human Services) Act may be adopted in
10 accordance with this Section by the agency charged with
11 administering that provision, except that the 24-month
12 limitation on the adoption of emergency rules and the
13 provisions of Sections 5-115 and 5-125 do not apply to rules
14 adopted under this subsection (j). The Department of Public Aid
15 may also adopt rules under this subsection (j) necessary to
16 administer the Illinois Public Aid Code and the Children's
17 Health Insurance Program Act. The adoption of emergency rules
18 authorized by this subsection (j) shall be deemed to be
19 necessary for the public interest, safety, and welfare.

20 (k) In order to provide for the expeditious and timely
21 implementation of the provisions of the State's fiscal year
22 2006 budget, emergency rules to implement any provision of
23 Public Act 94-48 or any other budget initiative for fiscal year
24 2006 may be adopted in accordance with this Section by the
25 agency charged with administering that provision or
26 initiative, except that the 24-month limitation on the adoption

1 of emergency rules and the provisions of Sections 5-115 and
2 5-125 do not apply to rules adopted under this subsection (k).
3 The Department of Healthcare and Family Services may also adopt
4 rules under this subsection (k) necessary to administer the
5 Illinois Public Aid Code, the Senior Citizens and Persons with
6 Disabilities Property Tax Relief Act, the Senior Citizens and
7 Disabled Persons Prescription Drug Discount Program Act (now
8 the Illinois Prescription Drug Discount Program Act), and the
9 Children's Health Insurance Program Act. The adoption of
10 emergency rules authorized by this subsection (k) shall be
11 deemed to be necessary for the public interest, safety, and
12 welfare.

13 (l) In order to provide for the expeditious and timely
14 implementation of the provisions of the State's fiscal year
15 2007 budget, the Department of Healthcare and Family Services
16 may adopt emergency rules during fiscal year 2007, including
17 rules effective July 1, 2007, in accordance with this
18 subsection to the extent necessary to administer the
19 Department's responsibilities with respect to amendments to
20 the State plans and Illinois waivers approved by the federal
21 Centers for Medicare and Medicaid Services necessitated by the
22 requirements of Title XIX and Title XXI of the federal Social
23 Security Act. The adoption of emergency rules authorized by
24 this subsection (l) shall be deemed to be necessary for the
25 public interest, safety, and welfare.

26 (m) In order to provide for the expeditious and timely

1 implementation of the provisions of the State's fiscal year
2 2008 budget, the Department of Healthcare and Family Services
3 may adopt emergency rules during fiscal year 2008, including
4 rules effective July 1, 2008, in accordance with this
5 subsection to the extent necessary to administer the
6 Department's responsibilities with respect to amendments to
7 the State plans and Illinois waivers approved by the federal
8 Centers for Medicare and Medicaid Services necessitated by the
9 requirements of Title XIX and Title XXI of the federal Social
10 Security Act. The adoption of emergency rules authorized by
11 this subsection (m) shall be deemed to be necessary for the
12 public interest, safety, and welfare.

13 (n) In order to provide for the expeditious and timely
14 implementation of the provisions of the State's fiscal year
15 2010 budget, emergency rules to implement any provision of
16 Public Act 96-45 or any other budget initiative authorized by
17 the 96th General Assembly for fiscal year 2010 may be adopted
18 in accordance with this Section by the agency charged with
19 administering that provision or initiative. The adoption of
20 emergency rules authorized by this subsection (n) shall be
21 deemed to be necessary for the public interest, safety, and
22 welfare. The rulemaking authority granted in this subsection
23 (n) shall apply only to rules promulgated during Fiscal Year
24 2010.

25 (o) In order to provide for the expeditious and timely
26 implementation of the provisions of the State's fiscal year

1 2011 budget, emergency rules to implement any provision of
2 Public Act 96-958 or any other budget initiative authorized by
3 the 96th General Assembly for fiscal year 2011 may be adopted
4 in accordance with this Section by the agency charged with
5 administering that provision or initiative. The adoption of
6 emergency rules authorized by this subsection (o) is deemed to
7 be necessary for the public interest, safety, and welfare. The
8 rulemaking authority granted in this subsection (o) applies
9 only to rules promulgated on or after July 1, 2010 (the
10 effective date of Public Act 96-958) through June 30, 2011.

11 (p) In order to provide for the expeditious and timely
12 implementation of the provisions of Public Act 97-689,
13 emergency rules to implement any provision of Public Act 97-689
14 may be adopted in accordance with this subsection (p) by the
15 agency charged with administering that provision or
16 initiative. The 150-day limitation of the effective period of
17 emergency rules does not apply to rules adopted under this
18 subsection (p), and the effective period may continue through
19 June 30, 2013. The 24-month limitation on the adoption of
20 emergency rules does not apply to rules adopted under this
21 subsection (p). The adoption of emergency rules authorized by
22 this subsection (p) is deemed to be necessary for the public
23 interest, safety, and welfare.

24 (q) In order to provide for the expeditious and timely
25 implementation of the provisions of Articles 7, 8, 9, 11, and
26 12 of Public Act 98-104, emergency rules to implement any

1 provision of Articles 7, 8, 9, 11, and 12 of Public Act 98-104
2 may be adopted in accordance with this subsection (q) by the
3 agency charged with administering that provision or
4 initiative. The 24-month limitation on the adoption of
5 emergency rules does not apply to rules adopted under this
6 subsection (q). The adoption of emergency rules authorized by
7 this subsection (q) is deemed to be necessary for the public
8 interest, safety, and welfare.

9 (r) In order to provide for the expeditious and timely
10 implementation of the provisions of Public Act 98-651,
11 emergency rules to implement Public Act 98-651 may be adopted
12 in accordance with this subsection (r) by the Department of
13 Healthcare and Family Services. The 24-month limitation on the
14 adoption of emergency rules does not apply to rules adopted
15 under this subsection (r). The adoption of emergency rules
16 authorized by this subsection (r) is deemed to be necessary for
17 the public interest, safety, and welfare.

18 (s) In order to provide for the expeditious and timely
19 implementation of the provisions of Sections 5-5b.1 and 5A-2 of
20 the Illinois Public Aid Code, emergency rules to implement any
21 provision of Section 5-5b.1 or Section 5A-2 of the Illinois
22 Public Aid Code may be adopted in accordance with this
23 subsection (s) by the Department of Healthcare and Family
24 Services. The rulemaking authority granted in this subsection
25 (s) shall apply only to those rules adopted prior to July 1,
26 2015. Notwithstanding any other provision of this Section, any

1 emergency rule adopted under this subsection (s) shall only
2 apply to payments made for State fiscal year 2015. The adoption
3 of emergency rules authorized by this subsection (s) is deemed
4 to be necessary for the public interest, safety, and welfare.

5 (t) In order to provide for the expeditious and timely
6 implementation of the provisions of Article II of Public Act
7 99-6, emergency rules to implement the changes made by Article
8 II of Public Act 99-6 to the Emergency Telephone System Act may
9 be adopted in accordance with this subsection (t) by the
10 Department of State Police. The rulemaking authority granted in
11 this subsection (t) shall apply only to those rules adopted
12 prior to July 1, 2016. The 24-month limitation on the adoption
13 of emergency rules does not apply to rules adopted under this
14 subsection (t). The adoption of emergency rules authorized by
15 this subsection (t) is deemed to be necessary for the public
16 interest, safety, and welfare.

17 (u) In order to provide for the expeditious and timely
18 implementation of the provisions of the Burn Victims Relief
19 Act, emergency rules to implement any provision of the Act may
20 be adopted in accordance with this subsection (u) by the
21 Department of Insurance. The rulemaking authority granted in
22 this subsection (u) shall apply only to those rules adopted
23 prior to December 31, 2015. The adoption of emergency rules
24 authorized by this subsection (u) is deemed to be necessary for
25 the public interest, safety, and welfare.

26 (v) In order to provide for the expeditious and timely

1 implementation of the provisions of Public Act 99-516,
2 emergency rules to implement Public Act 99-516 may be adopted
3 in accordance with this subsection (v) by the Department of
4 Healthcare and Family Services. The 24-month limitation on the
5 adoption of emergency rules does not apply to rules adopted
6 under this subsection (v). The adoption of emergency rules
7 authorized by this subsection (v) is deemed to be necessary for
8 the public interest, safety, and welfare.

9 (w) In order to provide for the expeditious and timely
10 implementation of the provisions of Public Act 99-796,
11 emergency rules to implement the changes made by Public Act
12 99-796 may be adopted in accordance with this subsection (w) by
13 the Adjutant General. The adoption of emergency rules
14 authorized by this subsection (w) is deemed to be necessary for
15 the public interest, safety, and welfare.

16 (x) In order to provide for the expeditious and timely
17 implementation of the provisions of Public Act 99-906,
18 emergency rules to implement subsection (i) of Section 16-115D,
19 subsection (g) of Section 16-128A, and subsection (a) of
20 Section 16-128B of the Public Utilities Act may be adopted in
21 accordance with this subsection (x) by the Illinois Commerce
22 Commission. The rulemaking authority granted in this
23 subsection (x) shall apply only to those rules adopted within
24 180 days after June 1, 2017 (the effective date of Public Act
25 99-906). The adoption of emergency rules authorized by this
26 subsection (x) is deemed to be necessary for the public

1 interest, safety, and welfare.

2 (y) In order to provide for the expeditious and timely
3 implementation of the provisions of Public Act 100-23,
4 emergency rules to implement the changes made by Public Act
5 100-23 to Section 4.02 of the Illinois Act on the Aging,
6 Sections 5.5.4 and 5-5.4i of the Illinois Public Aid Code,
7 Section 55-30 of the Alcoholism and Other Drug Abuse and
8 Dependency Act, and Sections 74 and 75 of the Mental Health and
9 Developmental Disabilities Administrative Act may be adopted
10 in accordance with this subsection (y) by the respective
11 Department. The adoption of emergency rules authorized by this
12 subsection (y) is deemed to be necessary for the public
13 interest, safety, and welfare.

14 (z) In order to provide for the expeditious and timely
15 implementation of the provisions of Public Act 100-554,
16 emergency rules to implement the changes made by Public Act
17 100-554 to Section 4.7 of the Lobbyist Registration Act may be
18 adopted in accordance with this subsection (z) by the Secretary
19 of State. The adoption of emergency rules authorized by this
20 subsection (z) is deemed to be necessary for the public
21 interest, safety, and welfare.

22 (aa) In order to provide for the expeditious and timely
23 initial implementation of the changes made to Articles 5, 5A,
24 12, and 14 of the Illinois Public Aid Code under the provisions
25 of Public Act 100-581, the Department of Healthcare and Family
26 Services may adopt emergency rules in accordance with this

1 subsection (aa). The 24-month limitation on the adoption of
2 emergency rules does not apply to rules to initially implement
3 the changes made to Articles 5, 5A, 12, and 14 of the Illinois
4 Public Aid Code adopted under this subsection (aa). The
5 adoption of emergency rules authorized by this subsection (aa)
6 is deemed to be necessary for the public interest, safety, and
7 welfare.

8 (bb) In order to provide for the expeditious and timely
9 implementation of the provisions of Public Act 100-587,
10 emergency rules to implement the changes made by Public Act
11 100-587 to Section 4.02 of the Illinois Act on the Aging,
12 Sections 5.5.4 and 5-5.4i of the Illinois Public Aid Code,
13 subsection (b) of Section 55-30 of the Alcoholism and Other
14 Drug Abuse and Dependency Act, Section 5-104 of the Specialized
15 Mental Health Rehabilitation Act of 2013, and Section 75 and
16 subsection (b) of Section 74 of the Mental Health and
17 Developmental Disabilities Administrative Act may be adopted
18 in accordance with this subsection (bb) by the respective
19 Department. The adoption of emergency rules authorized by this
20 subsection (bb) is deemed to be necessary for the public
21 interest, safety, and welfare.

22 (cc) In order to provide for the expeditious and timely
23 implementation of the provisions of Public Act 100-587,
24 emergency rules may be adopted in accordance with this
25 subsection (cc) to implement the changes made by Public Act
26 100-587 to: Sections 14-147.5 and 14-147.6 of the Illinois

1 Pension Code by the Board created under Article 14 of the Code;
2 Sections 15-185.5 and 15-185.6 of the Illinois Pension Code by
3 the Board created under Article 15 of the Code; and Sections
4 16-190.5 and 16-190.6 of the Illinois Pension Code by the Board
5 created under Article 16 of the Code. The adoption of emergency
6 rules authorized by this subsection (cc) is deemed to be
7 necessary for the public interest, safety, and welfare.

8 (dd) In order to provide for the expeditious and timely
9 implementation of the provisions of Public Act 100-864,
10 emergency rules to implement the changes made by Public Act
11 100-864 to Section 3.35 of the Newborn Metabolic Screening Act
12 may be adopted in accordance with this subsection (dd) by the
13 Secretary of State. The adoption of emergency rules authorized
14 by this subsection (dd) is deemed to be necessary for the
15 public interest, safety, and welfare.

16 (ee) In order to provide for the expeditious and timely
17 implementation of the provisions of this amendatory Act of the
18 100th General Assembly, emergency rules implementing the
19 Illinois Underground Natural Gas Storage Safety Act may be
20 adopted in accordance with this subsection by the Department of
21 Natural Resources. The adoption of emergency rules authorized
22 by this subsection is deemed to be necessary for the public
23 interest, safety, and welfare.

24 (ff) In order to provide for the expeditious and timely
25 implementation of the provisions of this amendatory Act of the
26 101st General Assembly, emergency rules may be adopted by the

1 Department of Labor in accordance with this subsection (ff) to
2 implement the changes made by this amendatory Act of the 101st
3 General Assembly to the Minimum Wage Law. The adoption of
4 emergency rules authorized by this subsection (ff) is deemed to
5 be necessary for the public interest, safety, and welfare.

6 (gg) In order to provide for the expeditious and timely
7 implementation of the provisions of Section 50 of the Sexual
8 Assault Evidence Submission Act, emergency rules to implement
9 Section 50 of the Sexual Assault Evidence Submission Act may be
10 adopted in accordance with this subsection (gg) by the
11 Department of State Police. The adoption of emergency rules
12 authorized by this subsection (gg) is deemed to be necessary
13 for the public interest, safety, and welfare.

14 (Source: P.A. 100-23, eff. 7-6-17; 100-554, eff. 11-16-17;
15 100-581, eff. 3-12-18; 100-587, Article 95, Section 95-5, eff.
16 6-4-18; 100-587, Article 110, Section 110-5, eff. 6-4-18;
17 100-864, eff. 8-14-18; 100-1172, eff. 1-4-19; 101-1, eff.
18 2-19-19.)

19 Section 10. The Freedom of Information Act is amended by
20 changing Section 7.5 as follows:

21 (5 ILCS 140/7.5)

22 Sec. 7.5. Statutory exemptions. To the extent provided for
23 by the statutes referenced below, the following shall be exempt
24 from inspection and copying:

1 (a) All information determined to be confidential
2 under Section 4002 of the Technology Advancement and
3 Development Act.

4 (b) Library circulation and order records identifying
5 library users with specific materials under the Library
6 Records Confidentiality Act.

7 (c) Applications, related documents, and medical
8 records received by the Experimental Organ Transplantation
9 Procedures Board and any and all documents or other records
10 prepared by the Experimental Organ Transplantation
11 Procedures Board or its staff relating to applications it
12 has received.

13 (d) Information and records held by the Department of
14 Public Health and its authorized representatives relating
15 to known or suspected cases of sexually transmissible
16 disease or any information the disclosure of which is
17 restricted under the Illinois Sexually Transmissible
18 Disease Control Act.

19 (e) Information the disclosure of which is exempted
20 under Section 30 of the Radon Industry Licensing Act.

21 (f) Firm performance evaluations under Section 55 of
22 the Architectural, Engineering, and Land Surveying
23 Qualifications Based Selection Act.

24 (g) Information the disclosure of which is restricted
25 and exempted under Section 50 of the Illinois Prepaid
26 Tuition Act.

1 (h) Information the disclosure of which is exempted
2 under the State Officials and Employees Ethics Act, and
3 records of any lawfully created State or local inspector
4 general's office that would be exempt if created or
5 obtained by an Executive Inspector General's office under
6 that Act.

7 (i) Information contained in a local emergency energy
8 plan submitted to a municipality in accordance with a local
9 emergency energy plan ordinance that is adopted under
10 Section 11-21.5-5 of the Illinois Municipal Code.

11 (j) Information and data concerning the distribution
12 of surcharge moneys collected and remitted by carriers
13 under the Emergency Telephone System Act.

14 (k) Law enforcement officer identification information
15 or driver identification information compiled by a law
16 enforcement agency or the Department of Transportation
17 under Section 11-212 of the Illinois Vehicle Code.

18 (l) Records and information provided to a residential
19 health care facility resident sexual assault and death
20 review team or the Executive Council under the Abuse
21 Prevention Review Team Act.

22 (m) Information provided to the predatory lending
23 database created pursuant to Article 3 of the Residential
24 Real Property Disclosure Act, except to the extent
25 authorized under that Article.

26 (n) Defense budgets and petitions for certification of

1 compensation and expenses for court appointed trial
2 counsel as provided under Sections 10 and 15 of the Capital
3 Crimes Litigation Act. This subsection (n) shall apply
4 until the conclusion of the trial of the case, even if the
5 prosecution chooses not to pursue the death penalty prior
6 to trial or sentencing.

7 (o) Information that is prohibited from being
8 disclosed under Section 4 of the Illinois Health and
9 Hazardous Substances Registry Act.

10 (p) Security portions of system safety program plans,
11 investigation reports, surveys, schedules, lists, data, or
12 information compiled, collected, or prepared by or for the
13 Regional Transportation Authority under Section 2.11 of
14 the Regional Transportation Authority Act or the St. Clair
15 County Transit District under the Bi-State Transit Safety
16 Act.

17 (q) Information prohibited from being disclosed by the
18 Personnel Record ~~Records~~ Review Act.

19 (r) Information prohibited from being disclosed by the
20 Illinois School Student Records Act.

21 (s) Information the disclosure of which is restricted
22 under Section 5-108 of the Public Utilities Act.

23 (t) All identified or deidentified health information
24 in the form of health data or medical records contained in,
25 stored in, submitted to, transferred by, or released from
26 the Illinois Health Information Exchange, and identified

1 or deidentified health information in the form of health
2 data and medical records of the Illinois Health Information
3 Exchange in the possession of the Illinois Health
4 Information Exchange Authority due to its administration
5 of the Illinois Health Information Exchange. The terms
6 "identified" and "deidentified" shall be given the same
7 meaning as in the Health Insurance Portability and
8 Accountability Act of 1996, Public Law 104-191, or any
9 subsequent amendments thereto, and any regulations
10 promulgated thereunder.

11 (u) Records and information provided to an independent
12 team of experts under the Developmental Disability and
13 Mental Health Safety Act (also known as Brian's Law).

14 (v) Names and information of people who have applied
15 for or received Firearm Owner's Identification Cards under
16 the Firearm Owners Identification Card Act or applied for
17 or received a concealed carry license under the Firearm
18 Concealed Carry Act, unless otherwise authorized by the
19 Firearm Concealed Carry Act; and databases under the
20 Firearm Concealed Carry Act, records of the Concealed Carry
21 Licensing Review Board under the Firearm Concealed Carry
22 Act, and law enforcement agency objections under the
23 Firearm Concealed Carry Act.

24 (w) Personally identifiable information which is
25 exempted from disclosure under subsection (g) of Section
26 19.1 of the Toll Highway Act.

1 (x) Information which is exempted from disclosure
2 under Section 5-1014.3 of the Counties Code or Section
3 8-11-21 of the Illinois Municipal Code.

4 (y) Confidential information under the Adult
5 Protective Services Act and its predecessor enabling
6 statute, the Elder Abuse and Neglect Act, including
7 information about the identity and administrative finding
8 against any caregiver of a verified and substantiated
9 decision of abuse, neglect, or financial exploitation of an
10 eligible adult maintained in the Registry established
11 under Section 7.5 of the Adult Protective Services Act.

12 (z) Records and information provided to a fatality
13 review team or the Illinois Fatality Review Team Advisory
14 Council under Section 15 of the Adult Protective Services
15 Act.

16 (aa) Information which is exempted from disclosure
17 under Section 2.37 of the Wildlife Code.

18 (bb) Information which is or was prohibited from
19 disclosure by the Juvenile Court Act of 1987.

20 (cc) Recordings made under the Law Enforcement
21 Officer-Worn Body Camera Act, except to the extent
22 authorized under that Act.

23 (dd) Information that is prohibited from being
24 disclosed under Section 45 of the Condominium and Common
25 Interest Community Ombudsperson Act.

26 (ee) Information that is exempted from disclosure

1 under Section 30.1 of the Pharmacy Practice Act.

2 (ff) Information that is exempted from disclosure
3 under the Revised Uniform Unclaimed Property Act.

4 (gg) Information that is prohibited from being
5 disclosed under Section 7-603.5 of the Illinois Vehicle
6 Code.

7 (hh) Records that are exempt from disclosure under
8 Section 1A-16.7 of the Election Code.

9 (ii) Information which is exempted from disclosure
10 under Section 2505-800 of the Department of Revenue Law of
11 the Civil Administrative Code of Illinois.

12 (jj) Information and reports that are required to be
13 submitted to the Department of Labor by registering day and
14 temporary labor service agencies but are exempt from
15 disclosure under subsection (a-1) of Section 45 of the Day
16 and Temporary Labor Services Act.

17 (kk) Information prohibited from disclosure under the
18 Seizure and Forfeiture Reporting Act.

19 (ll) Information the disclosure of which is restricted
20 and exempted under Section 5-30.8 of the Illinois Public
21 Aid Code.

22 (mm) ~~(ll)~~ Records that are exempt from disclosure under
23 Section 4.2 of the Crime Victims Compensation Act.

24 (nn) ~~(ll)~~ Information that is exempt from disclosure
25 under Section 70 of the Higher Education Student Assistance
26 Act.

1 (oo) Information that is exempt from disclosure under
2 Section 50 of the Sexual Assault Evidence Submission Act.

3 (Source: P.A. 99-78, eff. 7-20-15; 99-298, eff. 8-6-15; 99-352,
4 eff. 1-1-16; 99-642, eff. 7-28-16; 99-776, eff. 8-12-16;
5 99-863, eff. 8-19-16; 100-20, eff. 7-1-17; 100-22, eff. 1-1-18;
6 100-201, eff. 8-18-17; 100-373, eff. 1-1-18; 100-464, eff.
7 8-28-17; 100-465, eff. 8-31-17; 100-512, eff. 7-1-18; 100-517,
8 eff. 6-1-18; 100-646, eff. 7-27-18; 100-690, eff. 1-1-19;
9 100-863, eff. 8-14-18; 100-887, eff. 8-14-18; revised
10 10-12-18.)

11 Section 15. The Sexual Assault Survivors Emergency
12 Treatment Act is amended by changing Section 5 as follows:

13 (410 ILCS 70/5) (from Ch. 111 1/2, par. 87-5)

14 Sec. 5. Minimum requirements for medical forensic services
15 provided to sexual assault survivors by hospitals and approved
16 pediatric health care facilities.

17 (a) Every hospital and approved pediatric health care
18 facility providing medical forensic services to sexual assault
19 survivors under this Act shall, as minimum requirements for
20 such services, provide, with the consent of the sexual assault
21 survivor, and as ordered by the attending physician, an
22 advanced practice registered nurse, or a physician assistant,
23 the services set forth in subsection (a-5).

24 Beginning January 1, 2022, a qualified medical provider

1 must provide the services set forth in subsection (a-5).

2 (a-5) A treatment hospital, a treatment hospital with
3 approved pediatric transfer, or an approved pediatric health
4 care facility shall provide the following services in
5 accordance with subsection (a):

6 (1) Appropriate medical forensic services without
7 delay, in a private, age-appropriate or
8 developmentally-appropriate space, required to ensure the
9 health, safety, and welfare of a sexual assault survivor
10 and which may be used as evidence in a criminal proceeding
11 against a person accused of the sexual assault, in a
12 proceeding under the Juvenile Court Act of 1987, or in an
13 investigation under the Abused and Neglected Child
14 Reporting Act.

15 Records of medical forensic services, including
16 results of examinations and tests, the Illinois State
17 Police Medical Forensic Documentation Forms, the Illinois
18 State Police Patient Discharge Materials, and the Illinois
19 State Police Patient Consent: Collect and Test Evidence or
20 Collect and Hold Evidence Form, shall be maintained by the
21 hospital or approved pediatric health care facility as part
22 of the patient's electronic medical record.

23 Records of medical forensic services of sexual assault
24 survivors under the age of 18 shall be retained by the
25 hospital for a period of 60 years after the sexual assault
26 survivor reaches the age of 18. Records of medical forensic

1 services of sexual assault survivors 18 years of age or
2 older shall be retained by the hospital for a period of 20
3 years after the date the record was created.

4 Records of medical forensic services may only be
5 disseminated in accordance with Section 6.5 of this Act and
6 other State and federal law.

7 (1.5) An offer to complete the Illinois Sexual Assault
8 Evidence Collection Kit for any sexual assault survivor who
9 presents within a minimum of the last 7 days of the assault
10 or who has disclosed past sexual assault by a specific
11 individual and was in the care of that individual within a
12 minimum of the last 7 days.

13 (A) Appropriate oral and written information
14 concerning evidence-based guidelines for the
15 appropriateness of evidence collection depending on
16 the sexual development of the sexual assault survivor,
17 the type of sexual assault, and the timing of the
18 sexual assault shall be provided to the sexual assault
19 survivor. Evidence collection is encouraged for
20 prepubescent sexual assault survivors who present to a
21 hospital or approved pediatric health care facility
22 with a complaint of sexual assault within a minimum of
23 96 hours after the sexual assault.

24 Before January 1, 2022, the information required
25 under this subparagraph shall be provided in person by
26 the health care professional providing medical

1 forensic services directly to the sexual assault
2 survivor.

3 On and after January 1, 2022, the information
4 required under this subparagraph shall be provided in
5 person by the qualified medical provider providing
6 medical forensic services directly to the sexual
7 assault survivor.

8 The written information provided shall be the
9 information created in accordance with Section 10 of
10 this Act.

11 (B) Following the discussion regarding the
12 evidence-based guidelines for evidence collection in
13 accordance with subparagraph (A), evidence collection
14 must be completed at the sexual assault survivor's
15 request. A sexual assault nurse examiner conducting an
16 examination using the Illinois State Police Sexual
17 Assault Evidence Collection Kit may do so without the
18 presence or participation of a physician.

19 (2) Appropriate oral and written information
20 concerning the possibility of infection, sexually
21 transmitted infection, including an evaluation of the
22 sexual assault survivor's risk of contracting human
23 immunodeficiency virus (HIV) from sexual assault, and
24 pregnancy resulting from sexual assault.

25 (3) Appropriate oral and written information
26 concerning accepted medical procedures, laboratory tests,

1 medication, and possible contraindications of such
2 medication available for the prevention or treatment of
3 infection or disease resulting from sexual assault.

4 (3.5) After ~~after~~ a medical evidentiary or physical
5 examination, access to a shower at no cost, unless
6 showering facilities are unavailable.†

7 (4) An amount of medication, including HIV
8 prophylaxis, for treatment at the hospital or approved
9 pediatric health care facility and after discharge as is
10 deemed appropriate by the attending physician, an advanced
11 practice registered nurse, or a physician assistant in
12 accordance with the Centers for Disease Control and
13 Prevention guidelines and consistent with the hospital's
14 or approved pediatric health care facility's current
15 approved protocol for sexual assault survivors.

16 (5) Photo documentation of the sexual assault
17 survivor's injuries, anatomy involved in the assault, or
18 other visible evidence on the sexual assault survivor's
19 body to supplement the medical forensic history and written
20 documentation of physical findings and evidence beginning
21 July 1, 2019. Photo documentation does not replace written
22 documentation of the injury.

23 (6) Written and oral instructions indicating the need
24 for follow-up examinations and laboratory tests after the
25 sexual assault to determine the presence or absence of
26 sexually transmitted infection.

1 (7) Referral by hospital or approved pediatric health
2 care facility personnel for appropriate counseling.

3 (8) Medical advocacy services provided by a rape crisis
4 counselor whose communications are protected under Section
5 8-802.1 of the Code of Civil Procedure, if there is a
6 memorandum of understanding between the hospital or
7 approved pediatric health care facility and a rape crisis
8 center. With the consent of the sexual assault survivor, a
9 rape crisis counselor shall remain in the exam room during
10 the medical forensic examination.

11 (9) Written information regarding services provided by
12 a Children's Advocacy Center and rape crisis center, if
13 applicable.

14 (10) A treatment hospital, a treatment hospital with
15 approved pediatric transfer, an out-of-state hospital as
16 defined in Section 5.4, or an approved pediatric health
17 care facility shall comply with the rules relating to the
18 collection and tracking of sexual assault evidence adopted
19 by the Department of State Police under Section 50 of the
20 Sexual Assault Evidence Submission Act.

21 (a-7) By January 1, 2022, every hospital with a treatment
22 plan approved by the Department shall employ or contract with a
23 qualified medical provider to initiate medical forensic
24 services to a sexual assault survivor within 90 minutes of the
25 patient presenting to the treatment hospital or treatment
26 hospital with approved pediatric transfer. The provision of

1 medical forensic services by a qualified medical provider shall
2 not delay the provision of life-saving medical care.

3 (b) Any person who is a sexual assault survivor who seeks
4 medical forensic services or follow-up healthcare under this
5 Act shall be provided such services without the consent of any
6 parent, guardian, custodian, surrogate, or agent. If a sexual
7 assault survivor is unable to consent to medical forensic
8 services, the services may be provided under the Consent by
9 Minors to Medical Procedures Act, the Health Care Surrogate
10 Act, or other applicable State and federal laws.

11 (b-5) Every hospital or approved pediatric health care
12 facility providing medical forensic services to sexual assault
13 survivors shall issue a voucher to any sexual assault survivor
14 who is eligible to receive one in accordance with Section 5.2
15 of this Act. The hospital shall make a copy of the voucher and
16 place it in the medical record of the sexual assault survivor.
17 The hospital shall provide a copy of the voucher to the sexual
18 assault survivor after discharge upon request.

19 (c) Nothing in this Section creates a physician-patient
20 relationship that extends beyond discharge from the hospital or
21 approved pediatric health care facility.

22 (Source: P.A. 99-173, eff. 7-29-15; 99-454, eff. 1-1-16;
23 99-642, eff. 7-28-16; 100-513, eff. 1-1-18; 100-775, eff.
24 1-1-19; 100-1087, eff. 1-1-19; revised 10-24-18.)

25 Section 20. The Sexual Assault Evidence Submission Act is

1 amended by adding Section 50 as follows:

2 (725 ILCS 202/50 new)

3 Sec. 50. Sexual assault evidence tracking system.

4 (a) On June 26, 2018 the Sexual Assault Evidence Tracking
5 and Reporting Commission issued its report as required under
6 Section 43. It is the intention of the General Assembly in
7 enacting the provisions of this amendatory Act of the 101st
8 General Assembly to implement the recommendations of the Sexual
9 Assault Evidence Tracking and Reporting Commission set forth in
10 that report in a manner that utilizes the current resources of
11 law enforcement agencies whenever possible and that is
12 adaptable to changing technologies and circumstances.

13 (a-1) Due to the complex nature of a statewide tracking
14 system for sexual assault evidence and to ensure all
15 stakeholders, including, but not limited to, victims and their
16 designees, health care facilities, law enforcement agencies,
17 forensic labs, and State's Attorneys offices are integrated,
18 the Commission recommended the purchase of an electronic
19 off-the-shelf tracking system. The system must be able to
20 communicate with all stakeholders and provide real-time
21 information to a victim or his or her designee on the status of
22 the evidence that was collected. The sexual assault evidence
23 tracking system must:

24 (1) be electronic and web-based;

25 (2) be administered by the Department of State Police;

- 1 (3) have help desk availability at all times;
- 2 (4) ensure the law enforcement agency contact
3 information is accessible to the victim or his or her her
4 designee through the tracking system, so there is contact
5 information for questions;
- 6 (5) have the option for external connectivity to
7 evidence management systems, laboratory information
8 management systems, or other electronic data systems
9 already in existence by any of the stakeholders to minimize
10 additional burdens or tasks on stakeholders;
- 11 (6) allow for the victim to opt in for automatic
12 notifications when status updates are entered in the
13 system, if the system allows;
- 14 (7) include at each step in the process, a brief
15 explanation of the general purpose of that step and a
16 general indication of how long the step may take to
17 complete;
- 18 (8) contain minimum fields for tracking and reporting,
19 as follows:
- 20 (A) for sexual assault evidence kit vendor fields:
- 21 (i) each sexual evidence kit identification
22 number provided to each health care facility; and
- 23 (ii) the date the sexual evidence kit was sent
24 to the health care facility.
- 25 (B) for health care facility fields:
- 26 (i) the date sexual assault evidence was

1 collected; and

2 (ii) the date notification was made to the law
3 enforcement agency that the sexual assault
4 evidence was collected.

5 (C) for law enforcement agency fields:

6 (i) the date the law enforcement agency took
7 possession of the sexual assault evidence from the
8 health care facility, another law enforcement
9 agency, or victim if he or she did not go through a
10 health care facility;

11 (ii) the law enforcement agency complaint
12 number;

13 (iii) if the law enforcement agency that takes
14 possession of the sexual assault evidence from a
15 health care facility is not the law enforcement
16 agency with jurisdiction in which the offense
17 occurred, the date when the law enforcement agency
18 notified the law enforcement agency having
19 jurisdiction that the agency has sexual assault
20 evidence required under subsection (c) of Section
21 20 of the Sexual Assault Incident Procedure Act;

22 (iv) an indication if the victim consented for
23 analysis of the sexual assault evidence;

24 (v) if the victim did not consent for analysis
25 of the sexual assault evidence, the date on which
26 the law enforcement agency is no longer required to

1 store the sexual assault evidence;

2 (vi) a mechanism for the law enforcement
3 agency to document why the sexual assault evidence
4 was not submitted to the laboratory for analysis,
5 if applicable;

6 (vii) the date the law enforcement agency
7 received the sexual assault evidence results back
8 from the laboratory;

9 (viii) the date statutory notifications were
10 made to the victim victim or documentation of why
11 notification was not made; and

12 (ix) the date the law enforcement agency
13 turned over the case information to the State's
14 Attorney office, if applicable.

15 (D) for forensic lab fields:

16 (i) the date the sexual assault evidence is
17 received from the law enforcement agency by the
18 forensic lab for analysis;

19 (ii) the laboratory case number, visible to
20 the law enforcement agency and State's Attorney
21 office; and

22 (iii) the date the laboratory completes the
23 analysis of the sexual assault evidence.

24 (E) for State's Attorney office fields:

25 (i) the date the State's Attorney office
26 received the sexual assault evidence results from

1 the laboratory, if applicable; and

2 (ii) the disposition or status of the case.

3 (a-2) The Commission also developed guidelines for secure
4 electronic access to a tracking system for a victim, or his or
5 her designee to access information on the status of the
6 evidence collected. The Commission recommended minimum
7 guidelines in order to safeguard confidentiality of the
8 information contained within this statewide tracking system.
9 These recommendations are that the sexual assault evidence
10 tracking system must:

11 (1) allow for secure access, controlled by an
12 administering body who can restrict user access and allow
13 different permissions based on the need of that particular
14 user and health care facility users may include
15 out-of-state border hospitals, if authorized by the
16 Department of State Police to obtain this State's kits from
17 vendor;

18 (2) provide for users, other than victims, the ability
19 to provide for any individual who is granted access to the
20 program their own unique user ID and password;

21 (3) provide for a mechanism for a victim to enter the
22 system and only access his or her own information;

23 (4) enable a sexual assault evidence to be tracked and
24 identified through the unique sexual assault evidence kit
25 identification number or barcode that the vendor applies to
26 each sexual assault evidence kit per the Department of

1 State Police's contract;

2 (5) have a mechanism to inventory unused kits provided
3 to a health care facility from the vendor;

4 (6) provide users the option to either scan the bar
5 code or manually enter the sexual assault evidence kit
6 number into the tracking program;

7 (7) provide a mechanism to create a separate unique
8 identification number for cases in which a sexual evidence
9 kit was not collected, but other evidence was collected;

10 (8) provide the ability to record date, time, and user
11 ID whenever any user accesses the system;

12 (9) provide for real-time entry and update of data;

13 (10) contain report functions including:

14 (A) health care facility compliance with
15 applicable laws;

16 (B) law enforcement agency compliance with
17 applicable laws;

18 (C) law enforcement agency annual inventory of
19 cases to each State's Attorney office; and

20 (D) forensic lab compliance with applicable laws;

21 and

22 (11) provide automatic notifications to the law
23 enforcement agency when:

24 (A) a health care facility has collected sexual
25 assault evidence;

26 (B) unreleased sexual assault evidence that is

1 being stored by the law enforcement agency has met the
2 minimum storage requirement by law; and

3 (C) timelines as required by law are not met for a
4 particular case, if not otherwise documented.

5 (b) The Department shall develop rules to implement a
6 sexual assault evidence tracking system that conforms with
7 subsections (a-1) and (a-2) of this Section. The Department
8 shall design the criteria for the sexual assault evidence
9 tracking system so that, to the extent reasonably possible, the
10 system can use existing technologies and products, including,
11 but not limited to, currently available tracking systems. The
12 sexual assault evidence tracking system shall be operational
13 and shall begin tracking and reporting sexual assault evidence
14 no later than one year after the effective date of this
15 amendatory Act of the 101st General Assembly. The Department
16 may adopt additional rules as it deems necessary to ensure that
17 the sexual assault evidence tracking system continues to be a
18 useful tool for law enforcement.

19 (c) A treatment hospital, a treatment hospital with
20 approved pediatric transfer, an out-of-state hospital approved
21 by the Department of Public Health to receive transfers of
22 Illinois sexual assault survivors, or an approved pediatric
23 health care facility defined in Section 1a of the Sexual
24 Assault Survivors Emergency Treatment Act shall participate in
25 the sexual assault evidence tracking system created under this
26 Section and in accordance with rules adopted under subsection

1 (b), including, but not limited to, the collection of sexual
2 assault evidence and providing information regarding that
3 evidence, including, but not limited to, providing notice to
4 law enforcement that the evidence has been collected.

5 (d) The operations of the sexual assault evidence tracking
6 system shall be funded by moneys appropriated for that purpose
7 from the State Crime Laboratory Fund and funds provided to the
8 Department through asset forfeiture, together with such other
9 funds as the General Assembly may appropriate.

10 (e) To ensure that the sexual assault evidence tracking
11 system is operational, the Department may adopt emergency rules
12 to implement the provisions of this Section under subsection
13 (ff) of Section 5-45 of the Illinois Administrative Procedure
14 Act.

15 (f) Information, including, but not limited to, evidence
16 and records in the sexual assault evidence tracking system is
17 exempt from disclosure under the Freedom of Information Act.

18 Section 25. The Unified Code of Corrections is amended by
19 changing Section 5-9-1.4 as follows:

20 (730 ILCS 5/5-9-1.4) (from Ch. 38, par. 1005-9-1.4)

21 (Text of Section before amendment by P.A. 100-987)

22 Sec. 5-9-1.4. (a) "Crime laboratory" means any
23 not-for-profit laboratory registered with the Drug Enforcement
24 Administration of the United States Department of Justice,

1 substantially funded by a unit or combination of units of local
2 government or the State of Illinois, which regularly employs at
3 least one person engaged in the analysis of controlled
4 substances, cannabis, methamphetamine, or steroids for
5 criminal justice agencies in criminal matters and provides
6 testimony with respect to such examinations.

7 (b) When a person has been adjudged guilty of an offense in
8 violation of the Cannabis Control Act, the Illinois Controlled
9 Substances Act, the Methamphetamine Control and Community
10 Protection Act, or the Steroid Control Act, in addition to any
11 other disposition, penalty or fine imposed, a criminal
12 laboratory analysis fee of \$100 for each offense for which he
13 was convicted shall be levied by the court. Any person placed
14 on probation pursuant to Section 10 of the Cannabis Control
15 Act, Section 410 of the Illinois Controlled Substances Act,
16 Section 70 of the Methamphetamine Control and Community
17 Protection Act, or Section 10 of the Steroid Control Act or
18 placed on supervision for a violation of the Cannabis Control
19 Act, the Illinois Controlled Substances Act or the Steroid
20 Control Act shall be assessed a criminal laboratory analysis
21 fee of \$100 for each offense for which he was charged. Upon
22 verified petition of the person, the court may suspend payment
23 of all or part of the fee if it finds that the person does not
24 have the ability to pay the fee.

25 (c) In addition to any other disposition made pursuant to
26 the provisions of the Juvenile Court Act of 1987, any minor

1 adjudicated delinquent for an offense which if committed by an
2 adult would constitute a violation of the Cannabis Control Act,
3 the Illinois Controlled Substances Act, the Methamphetamine
4 Control and Community Protection Act, or the Steroid Control
5 Act shall be assessed a criminal laboratory analysis fee of
6 \$100 for each adjudication. Upon verified petition of the
7 minor, the court may suspend payment of all or part of the fee
8 if it finds that the minor does not have the ability to pay the
9 fee. The parent, guardian or legal custodian of the minor may
10 pay some or all of such fee on the minor's behalf.

11 (d) All criminal laboratory analysis fees provided for by
12 this Section shall be collected by the clerk of the court and
13 forwarded to the appropriate crime laboratory fund as provided
14 in subsection (f).

15 (e) Crime laboratory funds shall be established as follows:

16 (1) Any unit of local government which maintains a
17 crime laboratory may establish a crime laboratory fund
18 within the office of the county or municipal treasurer.

19 (2) Any combination of units of local government which
20 maintains a crime laboratory may establish a crime
21 laboratory fund within the office of the treasurer of the
22 county where the crime laboratory is situated.

23 (3) The State Crime Laboratory Fund is hereby created
24 as a special fund in the State Treasury.

25 (f) The analysis fee provided for in subsections (b) and
26 (c) of this Section shall be forwarded to the office of the

1 treasurer of the unit of local government that performed the
2 analysis if that unit of local government has established a
3 crime laboratory fund, or to the State Crime Laboratory Fund if
4 the analysis was performed by a laboratory operated by the
5 Illinois State Police. If the analysis was performed by a crime
6 laboratory funded by a combination of units of local
7 government, the analysis fee shall be forwarded to the
8 treasurer of the county where the crime laboratory is situated
9 if a crime laboratory fund has been established in that county.
10 If the unit of local government or combination of units of
11 local government has not established a crime laboratory fund,
12 then the analysis fee shall be forwarded to the State Crime
13 Laboratory Fund. The clerk of the circuit court may retain the
14 amount of \$10 from each collected analysis fee to offset
15 administrative costs incurred in carrying out the clerk's
16 responsibilities under this Section.

17 (g) Fees deposited into a crime laboratory fund created
18 pursuant to paragraphs (1) or (2) of subsection (e) of this
19 Section shall be in addition to any allocations made pursuant
20 to existing law and shall be designated for the exclusive use
21 of the crime laboratory. These uses may include, but are not
22 limited to, the following:

23 (1) costs incurred in providing analysis for
24 controlled substances in connection with criminal
25 investigations conducted within this State;

26 (2) purchase and maintenance of equipment for use in

1 performing analyses; and

2 (3) continuing education, training and professional
3 development of forensic scientists regularly employed by
4 these laboratories.

5 (h) Fees deposited in the State Crime Laboratory Fund
6 created pursuant to paragraph (3) of subsection (d) of this
7 Section shall be used by State crime laboratories as designated
8 by the Director of State Police. These funds shall be in
9 addition to any allocations made pursuant to existing law and
10 shall be designated for the exclusive use of State crime
11 laboratories or for the sexual assault evidence tracking system
12 created under Section 50 of the Sexual Assault Evidence
13 Submission Act. These uses may include those enumerated in
14 subsection (g) of this Section.

15 (Source: P.A. 94-556, eff. 9-11-05.)

16 (Text of Section after amendment by P.A. 100-987)

17 Sec. 5-9-1.4. (a) "Crime laboratory" means any
18 not-for-profit laboratory registered with the Drug Enforcement
19 Administration of the United States Department of Justice,
20 substantially funded by a unit or combination of units of local
21 government or the State of Illinois, which regularly employs at
22 least one person engaged in the analysis of controlled
23 substances, cannabis, methamphetamine, or steroids for
24 criminal justice agencies in criminal matters and provides
25 testimony with respect to such examinations.

1 (b) (Blank).

2 (c) In addition to any other disposition made pursuant to
3 the provisions of the Juvenile Court Act of 1987, any minor
4 adjudicated delinquent for an offense which if committed by an
5 adult would constitute a violation of the Cannabis Control Act,
6 the Illinois Controlled Substances Act, the Methamphetamine
7 Control and Community Protection Act, or the Steroid Control
8 Act shall be required to pay a criminal laboratory analysis
9 assessment of \$100 for each adjudication. Upon verified
10 petition of the minor, the court may suspend payment of all or
11 part of the assessment if it finds that the minor does not have
12 the ability to pay the assessment. The parent, guardian or
13 legal custodian of the minor may pay some or all of such
14 assessment on the minor's behalf.

15 (d) All criminal laboratory analysis fees provided for by
16 this Section shall be collected by the clerk of the court and
17 forwarded to the appropriate crime laboratory fund as provided
18 in subsection (f).

19 (e) Crime laboratory funds shall be established as follows:

20 (1) Any unit of local government which maintains a
21 crime laboratory may establish a crime laboratory fund
22 within the office of the county or municipal treasurer.

23 (2) Any combination of units of local government which
24 maintains a crime laboratory may establish a crime
25 laboratory fund within the office of the treasurer of the
26 county where the crime laboratory is situated.

1 (3) The State Crime Laboratory Fund is hereby created
2 as a special fund in the State Treasury.

3 (f) The analysis assessment provided for in subsection (c)
4 of this Section shall be forwarded to the office of the
5 treasurer of the unit of local government that performed the
6 analysis if that unit of local government has established a
7 crime laboratory fund, or to the State Crime Laboratory Fund if
8 the analysis was performed by a laboratory operated by the
9 Illinois State Police. If the analysis was performed by a crime
10 laboratory funded by a combination of units of local
11 government, the analysis assessment shall be forwarded to the
12 treasurer of the county where the crime laboratory is situated
13 if a crime laboratory fund has been established in that county.
14 If the unit of local government or combination of units of
15 local government has not established a crime laboratory fund,
16 then the analysis assessment shall be forwarded to the State
17 Crime Laboratory Fund.

18 (g) Moneys deposited into a crime laboratory fund created
19 pursuant to paragraphs (1) or (2) of subsection (e) of this
20 Section shall be in addition to any allocations made pursuant
21 to existing law and shall be designated for the exclusive use
22 of the crime laboratory. These uses may include, but are not
23 limited to, the following:

24 (1) costs incurred in providing analysis for
25 controlled substances in connection with criminal
26 investigations conducted within this State;

1 (2) purchase and maintenance of equipment for use in
2 performing analyses; and

3 (3) continuing education, training and professional
4 development of forensic scientists regularly employed by
5 these laboratories.

6 (h) Moneys deposited in the State Crime Laboratory Fund
7 created pursuant to paragraph (3) of subsection (d) of this
8 Section shall be used by State crime laboratories as designated
9 by the Director of State Police. These funds shall be in
10 addition to any allocations made pursuant to existing law and
11 shall be designated for the exclusive use of State crime
12 laboratories or for the sexual assault evidence tracking system
13 created under Section 50 of the Sexual Assault Evidence
14 Submission Act. These uses may include those enumerated in
15 subsection (g) of this Section.

16 (Source: P.A. 100-987, eff. 7-1-19.)

17 Section 90. The State Mandates Act is amended by adding
18 Section 8.43 as follows:

19 (30 ILCS 805/8.43 new)

20 Sec. 8.43. Exempt mandate. Notwithstanding Sections 6 and 8
21 of this Act, no reimbursement by the State is required for the
22 implementation of any mandate created by this amendatory Act of
23 the 101st General Assembly.

1 Section 95. No acceleration or delay. Where this Act makes
2 changes in a statute that is represented in this Act by text
3 that is not yet or no longer in effect (for example, a Section
4 represented by multiple versions), the use of that text does
5 not accelerate or delay the taking effect of (i) the changes
6 made by this Act or (ii) provisions derived from any other
7 Public Act.

8 Section 99. Effective date. This Act takes effect upon
9 becoming law.