



HJ0007HAM002

LRB101 04007 MST 56712 a

1                                    AMENDMENT TO HOUSE JOINT RESOLUTION 7

2            AMENDMENT NO. \_\_\_\_ . Amend House Joint Resolution 7 by  
3 replacing everything after the heading with the following:

4            "WHEREAS, In order to minimize the serious impact of all  
5 types of crime, especially violent crime, upon Illinois  
6 residents, it is necessary for Illinois to be protected by a  
7 crime lab that is operated by the Illinois State Police in a  
8 manner that complies with state-of-the-art specifications for  
9 the rapid processing of evidence and identification of criminal  
10 suspects; and

11           WHEREAS, In response to this need, the Illinois State  
12 Police has established a Division of Forensic Services,  
13 commonly referred to as the "State crime lab"; and

14           WHEREAS, It has been nationally recognized for several  
15 years that there is a serious backlog of biological evidence to

1 be processed in the time required for the establishment of  
2 admissible forensic evidence after that forensic evidence has  
3 been recovered from crime scenes, processed by law enforcement,  
4 and transferred to crime laboratories; and

5 WHEREAS, This backlog in the examination process includes  
6 numerous cases where the processing of evidence collected  
7 following incidents of violent crimes, including murders,  
8 shootings, and criminal sexual assaults, is seriously delayed;  
9 and

10 WHEREAS, It typically takes at least one year for  
11 biological evidence to be processed by the Illinois State  
12 Police crime lab; and

13 WHEREAS, DNA evidence is critical to the solution of  
14 crimes, especially in murder cases and sexual assaults, where  
15 the biological evidence may be the last resort, the only thing  
16 tying a murderer or rapist to a crime scene and a victim in a  
17 way that can be proved in a court of law; and

18 WHEREAS, In today's climate where police and prosecutors  
19 are increasingly scrutinized about their procedures, DNA  
20 evidence is crucial to the successful prosecution of criminal  
21 cases in the courtroom; and

1           WHEREAS, Modern biochemistry has developed the Rapid DNA  
2 system, a system to enable the fully automated generation of a  
3 full DNA profile from a cheek swab without human intervention;  
4 the ability of Rapid DNA to carry out the efficient profiling  
5 of criminal suspects has led Congress to pass the federal Rapid  
6 DNA Act of 2017, which has been signed into federal law as P.L.  
7 115-50; and

8           WHEREAS, The Federal Bureau of Investigation (FBI) will  
9 conduct a pilot study in Arizona, California, Florida,  
10 Louisiana, and Texas in 2019 to evaluate Rapid DNA  
11 instrumentation in booking stations where buccal (cheek) swab  
12 samples will be processed from individuals arrested, indicted,  
13 or convicted of specific criminal offenses, and, upon  
14 completion of this pilot study, the FBI will identify  
15 NDIS-approved Rapid DNA instrumentation for use in booking  
16 stations; and

17           WHEREAS, This federal law directs the FBI to issue  
18 standards and procedures to create a nationwide police protocol  
19 for using Rapid DNA instruments to analyze DNA samples of  
20 criminal offenders and criminal suspects and to compile the  
21 data gathered therein within the Combined DNA Index System or  
22 CODIS; and

23           WHEREAS, The 50 states and their residents will not enjoy

1 the benefits of Rapid DNA technology and the ability to conduct  
2 instant CODIS identification of criminal suspects who have  
3 already been taken into custody until they take steps to comply  
4 with the protocol outlined in the Rapid DNA Act of 2017 and  
5 implemented by FBI standards and procedures; and

6 WHEREAS, The usefulness of the CODIS system as a nationwide  
7 database will depend upon the relative compliance of local law  
8 enforcement throughout all 50 states; for reasons of both local  
9 criminal justice and so that our State can do its part, it is  
10 essential that Illinois law enforcement be granted the support  
11 tools they need to appropriately deploy the Rapid DNA  
12 instrumentation in booking stations and forensic laboratories  
13 accredited in DNA analysis across Illinois; therefore, be it

14 RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE ONE  
15 HUNDRED FIRST GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE  
16 SENATE CONCURRING HEREIN, that the Illinois State Police is  
17 directed to review and evaluate its varied duties and  
18 responsibilities to determine the most effective and efficient  
19 use of Rapid DNA technology and to recommend improvements to  
20 Illinois' DNA submission laws with the goal of taking full  
21 advantage of Rapid DNA technology throughout Illinois; and be  
22 it further

23 RESOLVED, That the Illinois State Police may consult with

1 any State and local agencies they determine necessary, which  
2 may include, but not be limited to, the Department of  
3 Innovation and Technology, the Department of Corrections, and  
4 any State, county, or local law enforcement agency which  
5 utilizes State funds to identify and apprehend criminal  
6 offenders; and be it further

7       RESOLVED, That the examination include, but not be limited  
8 to, an examination of equipment, procedures, staffing levels,  
9 required legislation, administrative rules, funding, and  
10 information technology infrastructure, including status and  
11 recommended improvements to Illinois' DNA arrestee submission  
12 law to fully take advantage of Rapid DNA technology, with the  
13 goal of identifying and reporting to the General Assembly as  
14 soon as possible on barriers and choke points in the way of  
15 Illinois State Police, local law enforcement, booking  
16 stations, and accredited NDIS-participating forensic  
17 laboratories across Illinois enabling full compliance with  
18 existing and future protocols approved by the FBI created by  
19 the federal Rapid DNA Act of 2017; and be it further

20       RESOLVED, That the Department of Innovation and  
21 Technology, the Department of Corrections, any State agency and  
22 any Illinois law enforcement agency which utilizes State funds  
23 to identify and apprehend criminal offenders are highly  
24 encouraged to assist the Illinois State Police with this

1 report, including elements aimed at identifying the increased  
2 funding, personnel and budgetary support required for the  
3 Illinois State Police, local law enforcement, and the entire  
4 Illinois criminal justice community to appropriately utilize  
5 Rapid DNA instrumentation to achieve full compliance; and be it  
6 further

7 RESOLVED, That the Illinois State Police commence this  
8 examination and submit a report of their findings and  
9 recommendations to the Governor and Illinois General Assembly  
10 by September 30, 2019; and be it further

11 RESOLVED, That the Illinois State Police and its Division  
12 of Forensic Services are directed to take all steps possible to  
13 achieve compliance, or partial compliance, with the federal  
14 Rapid DNA Act of 2017 on the statewide crime lab level to  
15 fulfill implementation; and be it further

16 RESOLVED, That we express continued support to all of  
17 Illinois law enforcement, including but not limited to, the  
18 Illinois State Police, for their tireless and courageous work  
19 to maintain public security in the face of growing challenges  
20 created by drug violence and other social trends; and be it  
21 further

22 RESOLVED, That suitable copies of this resolution be

1 delivered to the Governor of Illinois and the Director of State  
2 Police, Col. Sean Cormier of the Illinois State Police Division  
3 of Forensic Services-Forensic Sciences Command."