



Rep. Maura Hirschauer

Filed: 3/22/2021

10200HB1739ham001

LRB102 11380 KMF 24227 a

1 AMENDMENT TO HOUSE BILL 1739

2 AMENDMENT NO. _____. Amend House Bill 1739 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Sexual Assault Evidence Submission Act is
5 amended by changing Section 50 as follows:

6 (725 ILCS 202/50)

7 Sec. 50. Sexual assault evidence tracking system.

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

1 (a-1) Due to the complex nature of a statewide tracking
2 system for sexual assault evidence and to ensure all
3 stakeholders, including, but not limited to, victims and their
4 designees, health care facilities, law enforcement agencies,
5 forensic labs, and State's Attorneys offices are integrated,
6 the Commission recommended the purchase of an electronic
7 off-the-shelf tracking system. The system must be able to
8 communicate with all stakeholders and provide real-time
9 information to a victim or his or her designee on the status of
10 the evidence that was collected. The sexual assault evidence
11 tracking system must:

12 (1) be electronic and web-based;

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

14 (3) have help desk availability at all times;

15 (4) ensure the law enforcement agency contact
16 information is accessible to the victim or his or her
17 designee through the tracking system, so there is contact
18 information for questions;

19 (5) have the option for external connectivity to
20 evidence management systems, laboratory information
21 management systems, or other electronic data systems
22 already in existence by any of the stakeholders to
23 minimize additional burdens or tasks on stakeholders;

24 (6) allow for the victim to opt in for automatic
25 notifications when status updates are entered in the
26 system, if the system allows;

1 (7) include at each step in the process, a brief
2 explanation of the general purpose of that step and a
3 general indication of how long the step may take to
4 complete;

5 (8) contain minimum fields for tracking and reporting,
6 as follows:

7 (A) for sexual assault evidence kit vendor fields:

8 (i) each sexual evidence kit identification
9 number provided to each health care facility; and

10 (ii) the date the sexual evidence kit was sent
11 to the health care facility.

12 (B) for health care facility fields:

13 (i) the date sexual assault evidence was
14 collected; and

15 (ii) the date notification was made to the law
16 enforcement agency that the sexual assault
17 evidence was collected.

18 (C) for law enforcement agency fields:

19 (i) the date the law enforcement agency took
20 possession of the sexual assault evidence from the
21 health care facility, another law enforcement
22 agency, or victim if he or she did not go through a
23 health care facility;

24 (ii) the law enforcement agency complaint
25 number;

26 (iii) if the law enforcement agency that takes

1 possession of the sexual assault evidence from a
2 health care facility is not the law enforcement
3 agency with jurisdiction in which the offense
4 occurred, the date when the law enforcement agency
5 notified the law enforcement agency having
6 jurisdiction that the agency has sexual assault
7 evidence required under subsection (c) of Section
8 20 of the Sexual Assault Incident Procedure Act;

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

11 (v) if the victim did not consent for analysis
12 of the sexual assault evidence, the date on which
13 the law enforcement agency is no longer required
14 to store the sexual assault evidence;

15 (vi) a mechanism for the law enforcement
16 agency to document why the sexual assault evidence
17 was not submitted to the laboratory for analysis,
18 if applicable;

19 (vii) the date the law enforcement agency
20 received the sexual assault evidence results back
21 from the laboratory;

22 (viii) the date statutory notifications were
23 made to the victim or documentation of why
24 notification was not made; and

25 (ix) the date the law enforcement agency
26 turned over the case information to the State's

1 Attorney office, if applicable.

2 (D) for forensic lab fields:

3 (i) the date the sexual assault evidence is
4 received from the law enforcement agency by the
5 forensic lab for analysis;

6 (ii) the laboratory case number, visible to
7 the law enforcement agency and State's Attorney
8 office; and

9 (iii) the date the laboratory completes the
10 analysis of the sexual assault evidence.

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

12 (i) the date the State's Attorney office
13 received the sexual assault evidence results from
14 the laboratory, if applicable; and

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

16 (a-2) The Commission also developed guidelines for secure
17 electronic access to a tracking system for a victim, or his or
18 her designee to access information on the status of the
19 evidence collected. The Commission recommended minimum
20 guidelines in order to safeguard confidentiality of the
21 information contained within this statewide tracking system.
22 These recommendations are that the sexual assault evidence
23 tracking system must:

24 (1) allow for secure access, controlled by an
25 administering body who can restrict user access and allow
26 different permissions based on the need of that particular

1 user and health care facility users may include
2 out-of-state border hospitals, if authorized by the
3 Department of State Police to obtain this State's kits
4 from vendor;

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

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

10 (4) enable a sexual assault evidence to be tracked and
11 identified through the unique sexual assault evidence kit
12 identification number or barcode that the vendor applies
13 to each sexual assault evidence kit per the Department of
14 State Police's contract;

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

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

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

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

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

26 (10) contain report functions including:

1 (A) health care facility compliance with
2 applicable laws;

3 (B) law enforcement agency compliance with
4 applicable laws;

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

7 (D) forensic lab compliance with applicable laws;
8 and

9 (11) provide automatic notifications to the law
10 enforcement agency when:

11 (A) a health care facility has collected sexual
12 assault evidence;

13 (B) unreleased sexual assault evidence that is
14 being stored by the law enforcement agency has met the
15 minimum storage requirement by law; and

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

18 (b) The Department ~~may shall~~ develop rules to implement a
19 sexual assault evidence tracking system that conforms with
20 subsections (a-1) and (a-2) of this Section. The Department
21 shall design the criteria for the sexual assault evidence
22 tracking system so that, to the extent reasonably possible,
23 the system can use existing technologies and products,
24 including, but not limited to, currently available tracking
25 systems. The sexual assault evidence tracking system shall be
26 operational and shall begin tracking and reporting sexual

1 assault evidence no later than one year after the effective
2 date of this amendatory Act of the 101st General Assembly. The
3 Department may adopt additional rules as it deems necessary to
4 ensure that the sexual assault evidence tracking system
5 continues to be a useful tool for law enforcement.

6 (c) A treatment hospital, a treatment hospital with
7 approved pediatric transfer, an out-of-state hospital approved
8 by the Department of Public Health to receive transfers of
9 Illinois sexual assault survivors, or an approved pediatric
10 health care facility defined in Section 1a of the Sexual
11 Assault Survivors Emergency Treatment Act shall participate in
12 the sexual assault evidence tracking system created under this
13 Section and in accordance with rules adopted under subsection
14 (b), including, but not limited to, the collection of sexual
15 assault evidence and providing information regarding that
16 evidence, including, but not limited to, providing notice to
17 law enforcement that the evidence has been collected.

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

23 (e) To ensure that the sexual assault evidence tracking
24 system is operational, the Department may adopt emergency
25 rules to implement the provisions of this Section under
26 subsection (ff) of Section 5-45 of the Illinois Administrative

1 Procedure Act.

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

5 (Source: P.A. 101-377, eff. 8-16-19.)

6 Section 10. The Sexual Assault Incident Procedure Act is
7 amended by changing Sections 25 and 35 and by adding Section 11
8 as follows:

9 (725 ILCS 203/11 new)

10 Sec. 11. Victim Notification. Using the contact
11 information provided, a health care provider or local law
12 enforcement agency must take reasonable steps to notify
13 victims about the tracking system after an Illinois Sexual
14 Assault Evidence Collection Kit has been collected.

15 (725 ILCS 203/25)

16 Sec. 25. Report; victim notice.

17 (a) At the time of first contact with the victim, law
18 enforcement shall:

19 (1) Advise the victim about the following by providing
20 a form, the contents of which shall be prepared by the
21 Office of the Attorney General and posted on its website,
22 written in a language appropriate for the victim or in
23 Braille, or communicating in appropriate sign language

1 that includes, but is not limited to:

2 (A) information about seeking medical attention
3 and preserving evidence, including specifically,
4 collection of evidence during a medical forensic
5 examination at a hospital and photographs of injury
6 and clothing;

7 (B) notice that the victim will not be charged for
8 hospital emergency and medical forensic services;

9 (C) information advising the victim that evidence
10 can be collected at the hospital up to 7 days after the
11 sexual assault or sexual abuse but that the longer the
12 victim waits the likelihood of obtaining evidence
13 decreases;

14 (C-5) notice that the sexual assault forensic
15 evidence collected will not be used to prosecute the
16 victim for any offense related to the use of alcohol,
17 cannabis, or a controlled substance;

18 (D) the location of nearby hospitals that provide
19 emergency medical and forensic services and, if known,
20 whether the hospitals employ any sexual assault nurse
21 examiners;

22 (E) a summary of the procedures and relief
23 available to victims of sexual assault or sexual abuse
24 under the Civil No Contact Order Act or the Illinois
25 Domestic Violence Act of 1986;

26 (F) the law enforcement officer's name and badge

1 number;

2 (G) at least one referral to an accessible service
3 agency and information advising the victim that rape
4 crisis centers can assist with obtaining civil no
5 contact orders and orders of protection; and

6 (H) if the sexual assault or sexual abuse occurred
7 in another jurisdiction, provide in writing the
8 address and phone number of a specific contact at the
9 law enforcement agency having jurisdiction.

10 (2) Offer to provide or arrange accessible
11 transportation for the victim to a hospital for emergency
12 and forensic services, including contacting emergency
13 medical services.

14 (2.5) Notify victims about the Illinois State Police
15 sexual assault evidence tracking system and the Illinois
16 Sexual Assault Evidence Collection kit.

17 (3) Offer to provide or arrange accessible
18 transportation for the victim to the nearest available
19 circuit judge or associate judge so the victim may file a
20 petition for an emergency civil no contact order under the
21 Civil No Contact Order Act or an order of protection under
22 the Illinois Domestic Violence Act of 1986 after the close
23 of court business hours, if a judge is available.

24 (b) At the time of the initial contact with a person making
25 a third-party report under Section 22 of this Act, a law
26 enforcement officer shall provide the written information

1 prescribed under paragraph (1) of subsection (a) of this
2 Section to the person making the report and request the person
3 provide the written information to the victim of the sexual
4 assault or sexual abuse.

5 (c) If the first contact with the victim occurs at a
6 hospital, a law enforcement officer may request the hospital
7 provide interpretive services.

8 (Source: P.A. 99-801, eff. 1-1-17; 100-1087, eff. 1-1-19.)

9 (725 ILCS 203/35)

10 Sec. 35. Release of information.

11 (a) Upon the request of the victim who has consented to the
12 release of sexual assault evidence for testing, the law
13 enforcement agency having jurisdiction shall notify the victim
14 about the Illinois State Police sexual assault evidence
15 tracking system and the Sexual Assault Evidence Collection Kit
16 and provide the following information in writing:

17 (1) the date the sexual assault evidence was sent to a
18 Department of State Police forensic laboratory or
19 designated laboratory;

20 (2) test results provided to the law enforcement
21 agency by a Department of State Police forensic laboratory
22 or designated laboratory, including, but not limited to:

23 (A) whether a DNA profile was obtained from the
24 testing of the sexual assault evidence from the
25 victim's case;

1 (B) whether the DNA profile developed from the
2 sexual assault evidence has been searched against the
3 DNA Index System or any state or federal DNA database;

4 (C) whether an association was made to an
5 individual whose DNA profile is consistent with the
6 sexual assault evidence DNA profile, provided that
7 disclosure would not impede or compromise an ongoing
8 investigation; and

9 (D) whether any drugs were detected in a urine or
10 blood sample analyzed for drug facilitated sexual
11 assault and information about any drugs detected.

12 (b) The information listed in paragraph (1) of subsection
13 (a) of this Section shall be provided to the victim within 7
14 days of the transfer of the evidence to the laboratory. The
15 information listed in paragraph (2) of subsection (a) of this
16 Section shall be provided to the victim within 7 days of the
17 receipt of the information by the law enforcement agency
18 having jurisdiction.

19 (c) At the time the sexual assault evidence is released
20 for testing, the victim shall be provided written information
21 by the law enforcement agency having jurisdiction or the
22 hospital providing emergency services and forensic services to
23 the victim informing him or her of the right to request
24 information under subsection (a) of this Section. A victim may
25 designate another person or agency to receive this
26 information.

1 (d) The victim or the victim's designee shall keep the law
2 enforcement agency having jurisdiction informed of the name,
3 address, telephone number, and email address of the person to
4 whom the information should be provided, and any changes of
5 the name, address, telephone number, and email address, if an
6 email address is available.
7 (Source: P.A. 99-801, eff. 1-1-17.)".