

1 AN ACT concerning government.

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

4 Section 5. The Department of State Police Law of the Civil
5 Administrative Code of Illinois is amended by adding Section
6 2605-615 as follows:

7 (20 ILCS 2605/2605-615 new)

8 Sec. 2605-615. Illinois Forensic Science Commission.

9 (a) Creation. There is created within the Illinois State
10 Police the Illinois Forensic Science Commission.

11 (b) Duties and purpose. The Commission shall:

12 (1) Provide guidance to ensure the efficient delivery
13 of forensic services and the sound practice of forensic
14 science.

15 (2) Provide a forum for discussions between forensic
16 science stakeholders to improve communication and
17 coordination and to monitor the important issues impacting
18 all stakeholders.

19 (3) Take a systems-based approach in reviewing all
20 aspects of the delivery of forensic services and the sound
21 practice of forensic science with the goal of reducing or
22 eliminating the factors and inefficiencies that contribute
23 to backlogs and errors, with a focus on education and

1 training, funding, hiring, procurement, and other aspects
2 identified by the Commission.

3 (4) Review significant non-conformities with the sound
4 practice of forensic science documented by each publicly
5 funded forensic laboratory and offer recommendations for
6 the correction thereof.

7 (5) Subject to appropriation, provide educational,
8 research, and professional training opportunities for
9 practicing forensic scientists, police officers, judges,
10 State's Attorneys and Assistant State's Attorneys, Public
11 Defenders, and defense attorneys comporting with the sound
12 practice of forensic science.

13 (6) Collect and analyze information related to the
14 impact of current laws, rules, policies, and practices on
15 forensic crime laboratories and the practice of forensic
16 science; evaluate the impact of those laws, rules,
17 policies, and practices on forensic crime laboratories and
18 the practice of forensic science; identify new policies
19 and approaches, together with changes in science, and
20 technology; and make recommendations for changes to those
21 laws, rules, policies, and practices that will yield
22 better results in the criminal justice system consistent
23 with the sound practice of forensic science.

24 (7) Perform such other studies or tasks pertaining to
25 forensic crime laboratories as may be requested by the
26 General Assembly by resolution or the Governor, and

1 perform such other functions as may be required by law or
2 as are necessary to carry out the purposes and goals of the
3 Commission prescribed in this Section.

4 (8) Ensure that adequate resources and facilities are
5 available for carrying out the changes proposed in
6 legislation, rules, or policies and that rational
7 priorities are established for the use of those resources.
8 To do so, the Commission may prepare statements to the
9 Governor and General Assembly identifying the fiscal and
10 practical effects of proposed legislation, rules, or
11 policy changes. Such statements may include, but are not
12 limited to: the impact on present levels of staffing and
13 resources; a professional opinion on the practical value
14 of the change or changes; the increase or decrease the
15 number of crime laboratories; the increase or decrease the
16 cost of operating crime laboratories; the impact on
17 efficiencies and caseloads; other information, including
18 but not limited to, facts, data, research, and science
19 relevant to the legislation, rule, or policy; the direct
20 or indirect alteration in any process involving or used by
21 crime laboratories of such proposed legislation, rules, or
22 policy changes; an analysis of the impact, either directly
23 or indirectly, on the technology, improvements, or
24 practices of forensic analyses for use in criminal
25 proceedings; together with the direct or indirect impact
26 on headcount, space, equipment, instruments,

1 accreditation, the volume of cases for analysis,
2 scientific controls, and quality assurance.

3 (c) Members. The Commission shall be composed of the
4 Director of the Illinois State Police, or his or her designee,
5 together with the following members appointed for a term of 4
6 years by the Governor with the advice and consent of the
7 Senate:

8 (1) One crime laboratory director or administrator
9 from each publicly funded forensic laboratory system.

10 (2) One member with experience in the admission of
11 forensic evidence in trials from a statewide association
12 representing prosecutors.

13 (3) One member with experience in the admission of
14 forensic evidence in trials from a statewide association
15 representing criminal defense attorneys.

16 (4) Three forensic scientists with bench work
17 background from various forensic disciplines (e.g., DNA,
18 chemistry, pattern evidence, etc.).

19 (5) One retired circuit court judge or associate
20 circuit court judge with criminal trial experience,
21 including experience in the admission of forensic evidence
22 in trials.

23 (6) One academic specializing in the field of forensic
24 sciences.

25 (7) One or more community representatives (e.g.,
26 victim advocates, innocence project organizations, sexual

1 assault examiners, etc.).

2 The Governor shall designate one of the members of the
3 Commission to serve as the chair of the Commission. The
4 members of the Commission shall elect from their number such
5 other officers as they may determine. Members of the
6 Commission shall serve without compensation, but may be
7 reimbursed for reasonable expenses incurred in the performance
8 of their duties from funds appropriated for that purpose.

9 (d) Subcommittees. The Commission may form subcommittees
10 to study specific issues identified under paragraph (3) of
11 subsection (b), including, but not limited to, subcommittees
12 on education and training, procurement, funding and hiring. Ad
13 hoc subcommittees may also be convened to address other
14 issues. Such subcommittees shall meet as needed to complete
15 their work, and shall report their findings back to the
16 Commission. Subcommittees shall include members of the
17 Commission, and may also include non-members such as forensic
18 science stakeholders and subject matter experts.

19 (e) Meetings. The Commission shall meet quarterly, at the
20 call of the chairperson. Facilities for meeting, whether
21 remotely or in person, shall be provided for the Commission by
22 the Illinois State Police.

23 (f) Reporting by publicly funded forensic laboratories.
24 All State and local publicly funded forensic laboratory
25 systems, including, but not limited to, the DuPage County
26 Forensic Science Center, the Northeastern Illinois Regional

1 Crime Laboratory, and the Illinois State Police, shall
2 annually provide to the Commission a report summarizing its
3 significant non-conformities with the efficient delivery of
4 forensic services and the sound practice of forensic science.
5 The report will identify: each significant non-conformity or
6 deficient method; how the non-conformity or deficient method
7 was detected; the nature and extent of the non-conformity or
8 deficient method; all corrective actions implemented to
9 address the non-conformity or deficient method; and an
10 analysis of the effectiveness of the corrective actions taken.

11 (g) Definition. As used in this Section, "Commission"
12 means the Illinois Forensic Science Commission.

13 Section 10. The Code of Criminal Procedure of 1963 is
14 amended by adding Sections 111-9 and 116-6 as follows:

15 (725 ILCS 5/111-9 new)

16 Sec. 111-9. Notification to forensic laboratories. Unless
17 the Supreme Court shall by Rule provide otherwise, upon
18 disposition, withdrawal, or dismissal of any charge, the
19 State's Attorney shall promptly notify the forensic laboratory
20 or laboratories in possession of evidence, reports, or other
21 materials or information related to that charge. Notification
22 may be given by any reasonable means under the circumstances,
23 including, but not limited to, the Illinois State Police
24 Laboratory Information Management System, email, or telephone.

1 Section 15. The Sexual Assault Evidence Submission Act is
2 amended by changing Section 50 as follows:

3 (725 ILCS 202/50)

4 Sec. 50. Sexual assault evidence tracking system.

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

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

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

1 (B) for health care facility fields:

2 (i) the date sexual assault evidence was
3 collected; and

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

7 (C) for law enforcement agency fields:

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

13 (ii) the law enforcement agency complaint
14 number;

15 (iii) if the law enforcement agency that takes
16 possession of the sexual assault evidence from a
17 health care facility is not the law enforcement
18 agency with jurisdiction in which the offense
19 occurred, the date when the law enforcement agency
20 notified the law enforcement agency having
21 jurisdiction that the agency has sexual assault
22 evidence required under subsection (c) of Section
23 20 of the Sexual Assault Incident Procedure Act;

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

26 (v) if the victim did not consent for analysis

1 of the sexual assault evidence, the date on which
2 the law enforcement agency is no longer required
3 to store the sexual assault evidence;

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

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

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

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

17 (D) for forensic lab fields:

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

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

24 (iii) the date the laboratory completes the
25 analysis of the sexual assault evidence.

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

1 (i) the date the State's Attorney office
2 received the sexual assault evidence results from
3 the laboratory, if applicable; and

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

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

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

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

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

25 (4) enable a sexual assault evidence to be tracked and
26 identified through the unique sexual assault evidence kit

1 identification number or barcode that the vendor applies
2 to each sexual assault evidence kit per the Department of
3 State Police's contract;

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

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

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

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

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

15 (10) contain report functions including:

16 (A) health care facility compliance with
17 applicable laws;

18 (B) law enforcement agency compliance with
19 applicable laws;

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

22 (D) forensic lab compliance with applicable laws;

23 and

24 (11) provide automatic notifications to the law
25 enforcement agency when:

26 (A) a health care facility has collected sexual

1 assault evidence;

2 (B) unreleased sexual assault evidence that is
3 being stored by the law enforcement agency has met the
4 minimum storage requirement by law; and

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

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

21 (c) A treatment hospital, a treatment hospital with
22 approved pediatric transfer, an out-of-state hospital approved
23 by the Department of Public Health to receive transfers of
24 Illinois sexual assault survivors, or an approved pediatric
25 health care facility defined in Section 1a of the Sexual
26 Assault Survivors Emergency Treatment Act shall participate in

1 the sexual assault evidence tracking system created under this
2 Section and in accordance with rules adopted under subsection
3 (b), including, but not limited to, the collection of sexual
4 assault evidence and providing information regarding that
5 evidence, including, but not limited to, providing notice to
6 law enforcement that the evidence has been collected.

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

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

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

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

21 Section 99. Effective date. This Act takes effect upon
22 becoming law.