



Sen. Patricia Van Pelt

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10200SB0920sam001

LRB102 04768 KMF 24589 a

1 AMENDMENT TO SENATE BILL 920

2 AMENDMENT NO. _____. Amend Senate Bill 920 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Forensic Laboratory Impact Note Act. References in this
6 Article to "this Act" mean this Article.

7 Section 5. Scope. Every bill, the purpose or effect of
8 which is, either directly or indirectly, to:

9 (1) increase or decrease the number of crime laboratories;

10 (2) increase or decrease the cost of operating crime
11 laboratories;

12 (3) impact on efficiencies and case loads as well as
13 provide other facts, data, research, and science relevant to
14 the legislative matter; or

15 (4) result in alteration in any process involving or used
16 by crime laboratories,

1 shall have prepared for it prior to second reading in the house
2 of introduction a brief explanatory statement of the estimated
3 total annual cost of such changes to the State and units of
4 local government affected by those changes (if any). These
5 statements shall be known as "Forensic Laboratory Impact
6 Notes".

7 Section 10. Procedure. The sponsor of each bill referred
8 to in Section 5 shall present a copy of the bill, with his or
9 her requirements for a Note, to the Illinois Forensic Science
10 Commission. The Note shall be prepared by the Illinois
11 Forensic Science Commission and furnished to the sponsor of
12 the bill within 5 calendar days thereafter; except that
13 whenever, because of the complexity of the measure, additional
14 time is required for the preparation of the Note the
15 Commission may so inform the sponsor of the bill and the
16 sponsor may approve an extension of the time within which the
17 note should be furnished, not to extend, however, beyond May
18 15 the odd numbered year following the date of request.

19 Whenever the sponsor of any measure is of the opinion that
20 no Note is necessary, any member of either house may
21 thereafter request that a Note be obtained, and in such case
22 the matter shall be decided by majority vote of those present
23 and voting in the house of which he or she is a member.

24 Section 15. Purpose. The purpose of the Note shall be to

1 identify the fiscal and practical effects of proposed
2 legislation, including, but not limited to, analysis of
3 technology, additional, alterations, improvements, or
4 practices of forensic analyses for use in criminal
5 proceedings, impact on the following headcount, space,
6 equipment, instruments, accreditation, volume of cases for
7 analysis, scientific controls and quality assurance.

8 Section 20. Content. The Note shall be factual in nature,
9 as brief and concise as may be, and shall provide a reliable
10 estimate of the annual cost to crime laboratories for which
11 the change is required. If it is determined that such need can
12 not be ascertained, the Note shall contain a statement to that
13 effect, setting forth the reasons why a determination of need
14 cannot be given.

15 Whenever any measure by which a Note is requested affects
16 both the State and one or more units of local government, such
17 effect must be set forth in the Note.

18 No comment or opinion shall be included in the Note
19 regarding the merits of the measure for which the Note is
20 prepared; however, technical or mechanical defects may be
21 noted. The name of the Illinois Forensic Science Commission
22 shall appear at the end of the note and the original of the
23 Note shall be signed by a designee of the Commission.

24 Section 25. Committee appearances. The fact that a Note is

1 prepared for any bill shall not preclude or restrict the
2 appearance before any committee of the General Assembly of any
3 official or authorized employee of the Commission, or any
4 State board, commission, department, agency, or other entity,
5 who desires to be heard in support of or in opposition to the
6 measure.

7 Section 30. Amendments.

8 (a) Whenever any committee of either house reports any
9 bill with amendments of such a nature as will either, directly
10 or indirectly, as stated in the Note relating to the measure at
11 the time of its referral to the committee:

12 (1) increase or decrease the number of crime
13 laboratories; increase or decrease the cost of operating
14 crime laboratories;

15 (2) impact on efficiencies and case loads as well as
16 provide other facts, data, research, and science relevant
17 to the legislative matter; or

18 (3) result in alteration in any process involving or
19 used by crime laboratories,

20 there shall be included with the report of the committee a
21 statement of the effect of the change proposed by the
22 amendment reported as desired by a majority of the committee.

23 (b) Whenever any measure is amended on the floor of either
24 house in such manner as will, either directly or indirectly,
25 as stated in the Note relating to the measure prior to such

1 amendment:

2 (1) increase or decrease the number of crime
3 laboratories; increase or decrease the cost of operating
4 crime laboratories; impact on efficiencies and case loads
5 as well as provide other facts, data, research, and
6 science relevant to the legislative matter; or

7 (2) result in alteration in any process involving or
8 used by crime laboratories,

9 a majority of such house may propose that no action shall be
10 taken upon the amendment until the sponsor of the amendment
11 shows to the members a statement of the effect of his or her
12 proposed amendment.

13 Section 50. The Department of State Police Law of the
14 Civil Administrative Code of Illinois is amended by adding
15 Section 2605-615 as follows:

16 (20 ILCS 2605/2605-615 new)

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

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

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

21 (1) Provide guidance to ensure the efficient delivery
22 of forensic services and the sound practice of forensic
23 science.

24 (2) Provide a forum for discussions between forensic

1 science stakeholders to improve communication and
2 coordination and to monitor the important issues impacting
3 all stakeholders.

4 (3) Take a systems-based approach in reviewing all
5 aspects of the delivery of forensic services and the sound
6 practice of forensic science with the goal of reducing or
7 eliminating the factors and inefficiencies that contribute
8 to backlogs and errors, with a focus on education and
9 training, funding, hiring, procurement, and other aspects
10 identified by the Commission.

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

15 (5) Subject to appropriation, provide educational,
16 research, and professional training opportunities for
17 practicing forensic scientists, police officers, judges,
18 State's Attorneys and Assistant State's Attorneys, Public
19 Defenders, and defense attorneys comporting with the sound
20 practice of forensic science.

21 (6) Collect and analyze information related to the
22 impact of current laws, rules, policies, and practices on
23 forensic crime laboratories and the practice of forensic
24 science; evaluate the impact of those laws, rules,
25 policies, and practices on forensic crime laboratories and
26 the practice of forensic science; identify new policies

1 and approaches, together with changes in science, and
2 technology; and make recommendations for changes to those
3 laws, rules, policies, and practices that will yield
4 better results in the criminal justice system consistent
5 with the sound practice of forensic science.

6 (7) Perform such other studies or tasks pertaining to
7 forensic crime laboratories as may be requested by the
8 General Assembly by resolution or the Governor, and
9 perform such other functions as may be required by law or
10 as are necessary to carry out the purposes and goals of the
11 Commission prescribed in this Section.

12 (8) Ensure that adequate resources and facilities are
13 available for carrying out the changes proposed in
14 legislation and that rational priorities are established
15 for the use of those resources.

16 To do so, the Commission shall prepare Forensic Laboratory
17 Impact Notes identifying the fiscal and practical effects of
18 proposed legislation according to the provisions of the
19 Forensic Laboratory Impact Note Act, including, but not
20 limited to, staffing, resources, and a professional opinion on
21 the value of the change or changes proposed and related
22 science.

23 (c) Members. The Commission shall be composed of the
24 Director of the Illinois State Police, or his or her designee,
25 together with the following members appointed for a term of 4
26 years by the Governor with the advice and consent of the

1 Senate:

2 (1) One crime laboratory director or administrator
3 from each publicly-funded forensic laboratory system.

4 (2) One member with experience in the admission of
5 forensic evidence in trials from a statewide association
6 representing prosecutors.

7 (3) One member with experience in the admission of
8 forensic evidence in trials from a statewide association
9 representing criminal defense attorneys.

10 (4) Three forensic scientists with bench work
11 background from various forensic disciplines (e.g., DNA,
12 chemistry, pattern evidence, etc.).

13 (5) One retired circuit court judge or associate
14 circuit court judge with criminal trial experience,
15 including experience in the admission of forensic evidence
16 in trials.

17 (6) One academic specializing in the field of forensic
18 sciences.

19 (7) One or more community representatives (e.g.,
20 victim advocates, innocence project organizations, sexual
21 assault examiners, etc.).

22 The Governor shall designate one of the members of the
23 Commission to serve as the chair of the Commission. The
24 members of the Commission shall elect from their number such
25 other officers as they may determine. Members of the
26 Commission shall serve without compensation, but may be

1 reimbursed for reasonable expenses incurred in the performance
2 of their duties from funds appropriated for that purpose.

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

13 (e) Meetings. The Commission shall meet quarterly, at the
14 call of the chairperson. Facilities for meeting, whether
15 remotely or in person, shall be provided for the Commission by
16 the Illinois State Police.

17 (f) Reporting by publicly-funded forensic laboratories.
18 All State and local publicly-funded forensic laboratory
19 systems, including, but not limited to, the DuPage County
20 Forensic Science Center, the Northeastern Illinois Regional
21 Crime Laboratory, and the Illinois State Police, shall
22 annually provide to the Commission a report summarizing its
23 significant non-conformities with the efficient delivery of
24 forensic services and the sound practice of forensic science.
25 The report will identify: each significant non-conformity or
26 deficient method; how the non-conformity or deficient method

1 was detected; the nature and extent of the non-conformity or
2 deficient method; all corrective actions implemented to
3 address the non-conformity or deficient method; and an
4 analysis of the effectiveness of the corrective actions taken.

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

7 Section 60. The Code of Criminal Procedure of 1963 is
8 amended by adding Sections 111-9 and 116-6 as follows:

9 (725 ILCS 5/111-9 new)

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

19 Section 65. The Sexual Assault Evidence Submission Act is
20 amended by changing Section 50 as follows:

21 (725 ILCS 202/50)

22 Sec. 50. Sexual assault evidence tracking system.

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

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

- 21 (1) be electronic and web-based;
- 22 (2) be administered by the Department of State Police;
- 23 (3) have help desk availability at all times;
- 24 (4) ensure the law enforcement agency contact
25 information is accessible to the victim or his or her
26 designee through the tracking system, so there is contact

1 information for questions;

2 (5) have the option for external connectivity to
3 evidence management systems, laboratory information
4 management systems, or other electronic data systems
5 already in existence by any of the stakeholders to
6 minimize additional burdens or tasks on stakeholders;

7 (6) allow for the victim to opt in for automatic
8 notifications when status updates are entered in the
9 system, if the system allows;

10 (7) include at each step in the process, a brief
11 explanation of the general purpose of that step and a
12 general indication of how long the step may take to
13 complete;

14 (8) contain minimum fields for tracking and reporting,
15 as follows:

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

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

19 (ii) the date the sexual evidence kit was sent
20 to the health care facility.

21 (B) for health care facility fields:

22 (i) the date sexual assault evidence was
23 collected; and

24 (ii) the date notification was made to the law
25 enforcement agency that the sexual assault
26 evidence was collected.

1 (C) for law enforcement agency fields:

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

7 (ii) the law enforcement agency complaint
8 number;

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

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

20 (v) if the victim did not consent for analysis
21 of the sexual assault evidence, the date on which
22 the law enforcement agency is no longer required
23 to store the sexual assault evidence;

24 (vi) a mechanism for the law enforcement
25 agency to document why the sexual assault evidence
26 was not submitted to the laboratory for analysis,

1 if applicable;

2 (vii) the date the law enforcement agency
3 received the sexual assault evidence results back
4 from the laboratory;

5 (viii) the date statutory notifications were
6 made to the victim or documentation of why
7 notification was not made; and

8 (ix) the date the law enforcement agency
9 turned over the case information to the State's
10 Attorney office, if applicable.

11 (D) for forensic lab fields:

12 (i) the date the sexual assault evidence is
13 received from the law enforcement agency by the
14 forensic lab for analysis;

15 (ii) the laboratory case number, visible to
16 the law enforcement agency and State's Attorney
17 office; and

18 (iii) the date the laboratory completes the
19 analysis of the sexual assault evidence.

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

21 (i) the date the State's Attorney office
22 received the sexual assault evidence results from
23 the laboratory, if applicable; and

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

25 (a-2) The Commission also developed guidelines for secure
26 electronic access to a tracking system for a victim, or his or

1 her designee to access information on the status of the
2 evidence collected. The Commission recommended minimum
3 guidelines in order to safeguard confidentiality of the
4 information contained within this statewide tracking system.
5 These recommendations are that the sexual assault evidence
6 tracking system must:

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

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

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

19 (4) enable a sexual assault evidence to be tracked and
20 identified through the unique sexual assault evidence kit
21 identification number or barcode that the vendor applies
22 to each sexual assault evidence kit per the Department of
23 State Police's contract;

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

26 (6) provide users the option to either scan the bar

1 code or manually enter the sexual assault evidence kit
2 number into the tracking program;

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

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

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

9 (10) contain report functions including:

10 (A) health care facility compliance with
11 applicable laws;

12 (B) law enforcement agency compliance with
13 applicable laws;

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

16 (D) forensic lab compliance with applicable laws;
17 and

18 (11) provide automatic notifications to the law
19 enforcement agency when:

20 (A) a health care facility has collected sexual
21 assault evidence;

22 (B) unreleased sexual assault evidence that is
23 being stored by the law enforcement agency has met the
24 minimum storage requirement by law; and

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

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

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

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

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

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

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

15 Section 99. Effective date. This Act takes effect upon
16 becoming law.".