



Sen. Patricia Van Pelt

Filed: 4/16/2021

10200SB0920sam002

LRB102 04768 KMF 25373 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 5. The Department of State Police Law of the
5 Civil Administrative Code of Illinois is amended by adding
6 Section 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

1 coordination and to monitor the important issues impacting
2 all stakeholders.

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

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

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

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

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

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

11 (8) Ensure that adequate resources and facilities are
12 available for carrying out the changes proposed in
13 legislation, rules, or policies and that rational
14 priorities are established for the use of those resources.
15 To do so, the Commission may prepare statements to the
16 Governor and General Assembly identifying the fiscal and
17 practical effects of proposed legislation, rules, or
18 policy changes, Such statements may include, but are not
19 limited to: the impact on present levels of staffing and
20 resources; a professional opinion on the practical value
21 of the change or changes; the increase or decrease the
22 number of crime laboratories; the increase or decrease the
23 cost of operating crime laboratories; the impact on
24 efficiencies and caseloads; other information, including
25 but not limited to, facts, data, research, and science
26 relevant to the legislation, rule, or policy; the direct

1 or indirect alteration in any process involving or used by
2 crime laboratories of such proposed legislation, rules, or
3 policy changes; an analysis of the impact, either directly
4 or indirectly, on the technology, improvements, or
5 practices of forensic analyses for use in criminal
6 proceedings; together with the direct or indirect impact
7 on headcount, space, equipment, instruments,
8 accreditation, the volume of cases for analysis,
9 scientific controls, and quality assurance.

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

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

17 (2) One member with experience in the admission of
18 forensic evidence in trials from a statewide association
19 representing prosecutors.

20 (3) One member with experience in the admission of
21 forensic evidence in trials from a statewide association
22 representing criminal defense attorneys.

23 (4) Three forensic scientists with bench work
24 background from various forensic disciplines (e.g., DNA,
25 chemistry, pattern evidence, etc.).

26 (5) One retired circuit court judge or associate

1 circuit court judge with criminal trial experience,
2 including experience in the admission of forensic evidence
3 in trials.

4 (6) One academic specializing in the field of forensic
5 sciences.

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

9 The Governor shall designate one of the members of the
10 Commission to serve as the chair of the Commission. The
11 members of the Commission shall elect from their number such
12 other officers as they may determine. Members of the
13 Commission shall serve without compensation, but may be
14 reimbursed for reasonable expenses incurred in the performance
15 of their duties from funds appropriated for that purpose.

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

26 (e) Meetings. The Commission shall meet quarterly, at the

1 call of the chairperson. Facilities for meeting, whether
2 remotely or in person, shall be provided for the Commission by
3 the Illinois State Police.

4 (f) Reporting by publicly-funded forensic laboratories.
5 All State and local publicly-funded forensic laboratory
6 systems, including, but not limited to, the DuPage County
7 Forensic Science Center, the Northeastern Illinois Regional
8 Crime Laboratory, and the Illinois State Police, shall
9 annually provide to the Commission a report summarizing its
10 significant non-conformities with the efficient delivery of
11 forensic services and the sound practice of forensic science.
12 The report will identify: each significant non-conformity or
13 deficient method; how the non-conformity or deficient method
14 was detected; the nature and extent of the non-conformity or
15 deficient method; all corrective actions implemented to
16 address the non-conformity or deficient method; and an
17 analysis of the effectiveness of the corrective actions taken.

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

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

22 (725 ILCS 5/111-9 new)

23 Sec. 111-9. Notification to forensic laboratories. Unless
24 the Supreme Court shall by Rule provide otherwise, upon

1 disposition, withdrawal, or dismissal of any charge, the
2 State's Attorney shall promptly notify the forensic laboratory
3 or laboratories in possession of evidence, reports, or other
4 materials or information related to that charge. Notification
5 may be given by any reasonable means under the circumstances,
6 including, but not limited to, the Illinois State Police
7 Laboratory Information Management System, email, or telephone.

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

10 (725 ILCS 202/50)

11 Sec. 50. Sexual assault evidence tracking system.

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

21 (a-1) Due to the complex nature of a statewide tracking
22 system for sexual assault evidence and to ensure all
23 stakeholders, including, but not limited to, victims and their
24 designees, health care facilities, law enforcement agencies,

1 forensic labs, and State's Attorneys offices are integrated,
2 the Commission recommended the purchase of an electronic
3 off-the-shelf tracking system. The system must be able to
4 communicate with all stakeholders and provide real-time
5 information to a victim or his or her designee on the status of
6 the evidence that was collected. The sexual assault evidence
7 tracking system must:

8 (1) be electronic and web-based;

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

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

11 (4) ensure the law enforcement agency contact
12 information is accessible to the victim or his or her
13 designee through the tracking system, so there is contact
14 information for questions;

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

20 (6) allow for the victim to opt in for automatic
21 notifications when status updates are entered in the
22 system, if the system allows;

23 (7) include at each step in the process, a brief
24 explanation of the general purpose of that step and a
25 general indication of how long the step may take to
26 complete;

1 (8) contain minimum fields for tracking and reporting,
2 as follows:

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

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

6 (ii) the date the sexual evidence kit was sent
7 to the health care facility.

8 (B) for health care facility fields:

9 (i) the date sexual assault evidence was
10 collected; and

11 (ii) the date notification was made to the law
12 enforcement agency that the sexual assault
13 evidence was collected.

14 (C) for law enforcement agency fields:

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

20 (ii) the law enforcement agency complaint
21 number;

22 (iii) if the law enforcement agency that takes
23 possession of the sexual assault evidence from a
24 health care facility is not the law enforcement
25 agency with jurisdiction in which the offense
26 occurred, the date when the law enforcement agency

1 notified the law enforcement agency having
2 jurisdiction that the agency has sexual assault
3 evidence required under subsection (c) of Section
4 20 of the Sexual Assault Incident Procedure Act;

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

7 (v) if the victim did not consent for analysis
8 of the sexual assault evidence, the date on which
9 the law enforcement agency is no longer required
10 to store the sexual assault evidence;

11 (vi) a mechanism for the law enforcement
12 agency to document why the sexual assault evidence
13 was not submitted to the laboratory for analysis,
14 if applicable;

15 (vii) the date the law enforcement agency
16 received the sexual assault evidence results back
17 from the laboratory;

18 (viii) the date statutory notifications were
19 made to the victim or documentation of why
20 notification was not made; and

21 (ix) the date the law enforcement agency
22 turned over the case information to the State's
23 Attorney office, if applicable.

24 (D) for forensic lab fields:

25 (i) the date the sexual assault evidence is
26 received from the law enforcement agency by the

1 forensic lab for analysis;

2 (ii) the laboratory case number, visible to
3 the law enforcement agency and State's Attorney
4 office; and

5 (iii) the date the laboratory completes the
6 analysis of the sexual assault evidence.

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

8 (i) the date the State's Attorney office
9 received the sexual assault evidence results from
10 the laboratory, if applicable; and

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

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

20 (1) allow for secure access, controlled by an
21 administering body who can restrict user access and allow
22 different permissions based on the need of that particular
23 user and health care facility users may include
24 out-of-state border hospitals, if authorized by the
25 Department of State Police to obtain this State's kits
26 from vendor;

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

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

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

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

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

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

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

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

22 (10) contain report functions including:

23 (A) health care facility compliance with
24 applicable laws;

25 (B) law enforcement agency compliance with
26 applicable laws;

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

3 (D) forensic lab compliance with applicable laws;
4 and

5 (11) provide automatic notifications to the law
6 enforcement agency when:

7 (A) a health care facility has collected sexual
8 assault evidence;

9 (B) unreleased sexual assault evidence that is
10 being stored by the law enforcement agency has met the
11 minimum storage requirement by law; and

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

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

1 continues to be a useful tool for law enforcement.

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

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

19 (e) To ensure that the sexual assault evidence tracking
20 system is operational, the Department may adopt emergency
21 rules to implement the provisions of this Section under
22 subsection (ff) of Section 5-45 of the Illinois Administrative
23 Procedure Act.

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

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

2 Section 99. Effective date. This Act takes effect upon
3 becoming law.".