



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

HB4856

Introduced 2/7/2024, by Rep. Sonya M. Harper

#### SYNOPSIS AS INTRODUCED:

725 ILCS 202/15  
725 ILCS 202/50

Amends the Sexual Assault Evidence Submission Act. Provides that if a consistent DNA profile has been identified by comparing the submitted sexual assault evidence with a known standard from a suspect or with DNA profiles in the CODIS database, the Illinois State Police shall notify the investigating law enforcement agency of the results in writing within 7 days after notification. Provides that within 5 days after receiving notification, the investigating law enforcement agency must: (1) send acknowledgment to the Illinois State Police or designated laboratory that the law enforcement agency has received the notification; and (2) provide any additional information concerning the match to the Illinois State Police or the designated laboratory as requested by the Illinois State Police or designated laboratory. Provides that the Illinois State Police or designated laboratory shall also provide to the investigating law enforcement agency, within 30 days after a consistent DNA profile has been identified of (i) any case-to case match that may assist in the investigation of a criminal case and (ii) any verified match that identifies a suspect or offender. Provides that the sexual assault evidence tracking system must allow the investigating law enforcement agency to prohibit access to information regarding DNA matches and follow-up investigations to the victim if the law enforcement agency would determine that doing so would interfere with the investigation or prosecution of the crime.

LRB103 39011 RLC 69148 b

1 AN ACT concerning criminal law.

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

4 Section 5. The Sexual Assault Evidence Submission Act is  
5 amended by changing Sections 15 and 50 as follows:

6 (725 ILCS 202/15)

7 Sec. 15. Analysis of evidence; notification.

8 (a) All sexual assault evidence submitted pursuant to  
9 Section 10 of this Act on or after the effective date of this  
10 Act shall be analyzed within 6 months after receipt of all  
11 necessary evidence and standards by the Illinois State Police  
12 Laboratory or other designated laboratory if sufficient  
13 staffing and resources are available.

14 (b) If a consistent DNA profile has been identified by  
15 comparing the submitted sexual assault evidence with a known  
16 standard from a suspect or with DNA profiles in the CODIS  
17 database, the Illinois State Police shall notify the  
18 investigating law enforcement agency of the results in writing  
19 within 7 days after notification, and the Illinois State  
20 Police shall provide an automatic courtesy copy of the written  
21 notification to the appropriate State's Attorney's Office for  
22 tracking and further action, as necessary. Within 5 days after  
23 receiving notification under this subsection, the

1 investigating law enforcement agency must:

2 (1) send acknowledgment to the Illinois State Police  
3 or designated laboratory that the law enforcement agency  
4 has received the notification; and

5 (2) provide any additional information concerning the  
6 match to the Illinois State Police or the designated  
7 laboratory as requested by the Illinois State Police or  
8 designated laboratory.

9 (c) The Illinois State Police or designated laboratory  
10 shall also provide to the investigating law enforcement  
11 agency, within 30 days after a consistent DNA profile has been  
12 identified under subsection (b), of (i) any case-to case match  
13 that may assist in the investigation of a criminal case and  
14 (ii) any verified match that identifies a suspect or offender.

15 (Source: P.A. 102-538, eff. 8-20-21.)

16 (725 ILCS 202/50)

17 Sec. 50. Sexual assault evidence tracking system.

18 (a) On June 26, 2018, the Sexual Assault Evidence Tracking  
19 and Reporting Commission issued its report as required under  
20 Section 43. It is the intention of the General Assembly in  
21 enacting the provisions of this amendatory Act of the 101st  
22 General Assembly to implement the recommendations of the  
23 Sexual Assault Evidence Tracking and Reporting Commission set  
24 forth in that report in a manner that utilizes the current  
25 resources of law enforcement agencies whenever possible and

1 that is adaptable to changing technologies and circumstances.

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

13 (1) be electronic and web-based;

14 (2) be administered by the Illinois State Police;

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

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

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

25 (6) allow for the victim to opt in for automatic  
26 notifications when status updates are entered in the

1 system, if the system allows;

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

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

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

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

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

13 (B) for health care facility fields:

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

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

19 (C) for law enforcement agency fields:

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

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

1 (iii) if the law enforcement agency that takes  
2 possession of the sexual assault evidence from a  
3 health care facility is not the law enforcement  
4 agency with jurisdiction in which the offense  
5 occurred, the date when the law enforcement agency  
6 notified the law enforcement agency having  
7 jurisdiction that the agency has sexual assault  
8 evidence required under subsection (c) of Section  
9 20 of the Sexual Assault Incident Procedure Act;

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

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

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

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

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

26 (ix) the date the law enforcement agency

1 turned over the case information to the State's  
2 Attorney office, if applicable.

3 (D) for forensic lab fields:

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

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

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

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

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

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

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

25 (1) allow for secure access, controlled by an  
26 administering body who can restrict user access and allow

1 different permissions based on the need of that particular  
2 user and health care facility users may include  
3 out-of-state border hospitals, if authorized by the  
4 Illinois State Police to obtain this State's kits from  
5 vendor;

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

9 (3) provide for a mechanism for a victim to enter the  
10 system and only access his or her own information, which  
11 must include the information transferred under Section 15,  
12 except if prohibited by the investigating law enforcement  
13 agency under this subsection. The sexual assault evidence  
14 tracking system must allow the investigating law  
15 enforcement agency to prohibit access to information  
16 regarding DNA matches and follow-up investigations to the  
17 victim if the law enforcement agency would determine that  
18 doing so would interfere with the investigation or  
19 prosecution of the crime;

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

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



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

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

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

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

10          (10) contain report functions including:

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

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

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

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

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

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

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

26           (C) timelines as required by law are not met for a

1 particular case, if not otherwise documented.

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

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

1 evidence, including, but not limited to, providing notice to  
2 law enforcement that the evidence has been collected.

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

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

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

16 (Source: P.A. 101-377, eff. 8-16-19; 102-22, eff. 6-25-21;  
17 102-523, eff. 8-20-21; 102-538, eff. 8-20-21; 102-813, eff.  
18 5-13-22.)