

1 AN ACT concerning civil law.

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

4 Section 5. The Mental Health and Developmental
5 Disabilities Confidentiality Act is amended by changing
6 Section 12.2 as follows:

7 (740 ILCS 110/12.2) (from Ch. 91 1/2, par. 812.2)

8 Sec. 12.2. (a) When a recipient who has been judicially or
9 involuntarily admitted, or is a forensic recipient admitted to
10 a developmental disability or mental health facility, as
11 defined in Section 1-107 or 1-114 of the Mental Health and
12 Developmental Disabilities Code, is on an unauthorized absence
13 or otherwise has left the facility without being discharged or
14 being free to do so, the facility director shall immediately
15 furnish and disclose to the appropriate local law enforcement
16 agency identifying information, as defined in this Section, and
17 all further information unrelated to the diagnosis, treatment
18 or evaluation of the recipient's mental or physical health that
19 would aid the law enforcement agency in locating and
20 apprehending the recipient and returning him to the facility.
21 When a forensic recipient is on an unauthorized absence or
22 otherwise has left the facility without being discharged or
23 being free to do so, the facility director, or designee, of a

1 mental health facility or developmental facility operated by
2 the Department shall also immediately notify, in like manner,
3 the Department of State Police.

4 (b) If a law enforcement agency requests information from a
5 developmental disability or mental health facility, as defined
6 in Section 1-107 or 1-114 of the Mental Health and
7 Developmental Disabilities Code, relating to a recipient who
8 has been admitted to the facility and for whom a missing person
9 report has been filed with a law enforcement agency, the
10 facility director shall, except in the case of a voluntary
11 recipient wherein the recipient's permission in writing must
12 first be obtained, furnish and disclose to the law enforcement
13 agency identifying information as is necessary to confirm or
14 deny whether that person is, or has been since the missing
15 person report was filed, a resident of that facility. The
16 facility director shall notify the law enforcement agency if
17 the missing person is admitted after the request. Any person
18 participating in good faith in the disclosure of information in
19 accordance with this provision shall have immunity from any
20 liability, civil, criminal, or otherwise, if the information is
21 disclosed relying upon the representation of an officer of a
22 law enforcement agency that a missing person report has been
23 filed.

24 (c) Upon the request of a law enforcement agency in
25 connection with the investigation of a particular felony or sex
26 offense, when the investigation case file number is furnished

1 by the law enforcement agency, a facility director shall
2 immediately disclose to that law enforcement agency
3 identifying information on any forensic recipient who is
4 admitted to a developmental disability or mental health
5 facility, as defined in Section 1-107 or 1-114 of the Mental
6 Health and Developmental Disabilities Code, who was or may have
7 been away from the facility at or about the time of the
8 commission of a particular felony or sex offense, and: (1)
9 whose description, clothing, or both reasonably match the
10 physical description of any person allegedly involved in that
11 particular felony or sex offense; or (2) whose past modus
12 operandi matches the modus operandi of that particular felony
13 or sex offense.

14 (d) For the purposes of this Section and Section 12.1, "law
15 enforcement agency" means an agency of the State or unit of
16 local government that is vested by law or ordinance with the
17 duty to maintain public order and to enforce criminal laws or
18 ordinances, the Federal Bureau of Investigation, the Central
19 Intelligence Agency, and the United States Secret Service.

20 (e) For the purpose of this Section, "identifying
21 information" means the name, address, age, and a physical
22 description, including clothing, of the recipient of services,
23 the names and addresses of the recipient's nearest known
24 relatives, where the recipient was known to have been during
25 any past unauthorized absences from a facility, whether the
26 recipient may be suicidal, and the condition of the recipient's

1 physical health as it relates to exposure to the weather.
2 Except as provided in Section 11, in no case shall the facility
3 director disclose to the law enforcement agency any information
4 relating to the diagnosis, treatment, or evaluation of the
5 recipient's mental or physical health, unless the disclosure is
6 deemed necessary by the facility director to insure the safety
7 of the investigating officers or general public.

8 (f) For the purpose of this Section, "forensic recipient"
9 means a recipient who is placed in a developmental disability
10 facility or mental health facility, as defined in Section 1-107
11 or 1-114 of the Mental Health and Developmental Disabilities
12 Code, pursuant to Article 104 of the Code of Criminal Procedure
13 or Sections 3-8-5, 3-10-5 or 5-2-4 of the Unified Code of
14 Corrections.

15 (Source: P.A. 85-666; 85-971; 86-1417.)

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