

SB3390



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB3390

Introduced 2/10/2010, by Sen. John J. Millner

SYNOPSIS AS INTRODUCED:

625 ILCS 5/11-501.4

from Ch. 95 1/2, par. 11-501.4

Amends the Illinois Vehicle Code. Provides that in a prosecution of a person accused of violating DUI, reckless homicide, or a similar provision of a local ordinance, the conversion rate to convert blood serum or blood plasma alcohol level to the whole blood equivalent for grams of alcohol per 100 milliliters of blood shall be to divide the blood serum or plasma level by 1.18. Effective immediately.

LRB096 17959 AJT 33328 b

A BILL FOR

1 AN ACT concerning transportation.

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

4 Section 5. The Illinois Vehicle Code is amended by changing
5 Section 11-501.4 as follows:

6 (625 ILCS 5/11-501.4) (from Ch. 95 1/2, par. 11-501.4)

7 Sec. 11-501.4. Admissibility of chemical tests of blood or
8 urine conducted in the regular course of providing emergency
9 medical treatment.

10 (a) Notwithstanding any other provision of law, the results
11 of blood or urine tests performed for the purpose of
12 determining the content of alcohol, other drug or drugs, or
13 intoxicating compound or compounds, or any combination
14 thereof, of an individual's blood or urine conducted upon
15 persons receiving medical treatment in a hospital emergency
16 room are admissible in evidence as a business record exception
17 to the hearsay rule only in prosecutions for any violation of
18 Section 11-501 of this Code or a similar provision of a local
19 ordinance, or in prosecutions for reckless homicide brought
20 under the Criminal Code of 1961, when each of the following
21 criteria are met:

22 (1) the chemical tests performed upon an individual's
23 blood or urine were ordered in the regular course of

1 providing emergency medical treatment and not at the
2 request of law enforcement authorities;

3 (2) the chemical tests performed upon an individual's
4 blood or urine were performed by the laboratory routinely
5 used by the hospital; and

6 (3) results of chemical tests performed upon an
7 individual's blood or urine are admissible into evidence
8 regardless of the time that the records were prepared.

9 (b) The confidentiality provisions of law pertaining to
10 medical records and medical treatment shall not be applicable
11 with regard to chemical tests performed upon an individual's
12 blood or urine under the provisions of this Section in
13 prosecutions as specified in subsection (a) of this Section. No
14 person shall be liable for civil damages as a result of the
15 evidentiary use of chemical testing of an individual's blood or
16 urine test results under this Section, or as a result of that
17 person's testimony made available under this Section.

18 (c) In a prosecution of a person accused of violating
19 Section 11-501 of this Code, reckless homicide under Section
20 9-3 of the Criminal Code of 1961, or a similar provision of a
21 local ordinance, the conversion rate to convert blood serum or
22 blood plasma alcohol level to the whole blood equivalent for
23 grams of alcohol per 100 milliliters of blood shall be to
24 divide the blood serum or plasma level by 1.18.

25 (Source: P.A. 96-289, eff. 8-11-09.)

26 Section 99. Effective date. This Act takes effect upon

1 becoming law.