



Sen. John J. Millner

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09600SB3390sam001

LRB096 17959 AJT 36866 a

1 AMENDMENT TO SENATE BILL 3390

2 AMENDMENT NO. _____. Amend Senate Bill 3390 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by
5 changing 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

1 to the hearsay rule only in prosecutions for any violation of
2 Section 11-501 of this Code or a similar provision of a local
3 ordinance, or in prosecutions for reckless homicide brought
4 under the Criminal Code of 1961, when each of the following
5 criteria are met:

6 (1) the chemical tests performed upon an individual's
7 blood or urine were ordered in the regular course of
8 providing emergency medical treatment and not at the
9 request of law enforcement authorities;

10 (2) the chemical tests performed upon an individual's
11 blood or urine were performed by the laboratory routinely
12 used by the hospital; and

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

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

25 (c) In a prosecution of a person accused of violating
26 Section 11-501 of this Code, reckless homicide under Section

1 9-3 of the Criminal Code of 1961, or a similar provision of a
2 local ordinance, the conversion rate to convert blood serum or
3 blood plasma alcohol level to the whole blood equivalent for
4 grams of alcohol per 100 milliliters of blood shall be to
5 divide the blood serum or plasma level by 1.18.

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

7 Section 10. The Snowmobile Registration and Safety Act is
8 amended by changing Section 5-7.4 as follows:

9 (625 ILCS 40/5-7.4)

10 Sec. 5-7.4. Admissibility of chemical tests of blood or
11 urine conducted in the regular course of providing emergency
12 medical treatment.

13 (a) Notwithstanding any other provision of law, the results
14 of blood or urine tests performed for the purpose of
15 determining the content of alcohol, other drug or drugs,
16 intoxicating compound or compounds, or any combination of them
17 in an individual's blood or urine conducted upon persons
18 receiving medical treatment in a hospital emergency room, are
19 admissible in evidence as a business record exception to the
20 hearsay rule only in prosecutions for a violation of Section
21 5-7 of this Act or a similar provision of a local ordinance or
22 in prosecutions for reckless homicide brought under the
23 Criminal Code of 1961.

24 The results of the tests are admissible only when each of

1 the following criteria are met:

2 1. The chemical tests performed upon an individual's
3 blood or urine were ordered in the regular course of
4 providing emergency treatment and not at the request of law
5 enforcement authorities; and

6 2. The chemical tests performed upon an individual's
7 blood or urine were performed by the laboratory routinely
8 used by the hospital.

9 3. (Blank).

10 Results of chemical tests performed upon an individual's
11 blood or urine are admissible into evidence regardless of the
12 time that the records were prepared.

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

22 (c) In a prosecution of a person accused of violating
23 Section 5-7 of this Act, reckless homicide under Section 9-3 of
24 the Criminal Code of 1961, or a similar provision of a local
25 ordinance, the conversion rate to convert blood serum or blood
26 plasma alcohol level to the whole blood equivalent for grams of

1 alcohol per 100 milliliters of blood shall be to divide the
2 blood serum or plasma level by 1.18.

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

4 Section 15. The Boat Registration and Safety Act is amended
5 by changing Section 5-16a as follows:

6 (625 ILCS 45/5-16a) (from Ch. 95 1/2, par. 315-11a)

7 Sec. 5-16a. 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 written
11 results of blood or urine alcohol tests conducted upon persons
12 receiving medical treatment in a hospital emergency room are
13 admissible in evidence as a business record exception to the
14 hearsay rule only in prosecutions for any violation of Section
15 5-16 of this Act or a similar provision of a local ordinance or
16 in prosecutions for reckless homicide brought under the
17 Criminal Code of 1961, when:

18 (1) the chemical tests performed upon an individual's
19 blood or urine were ordered in the regular course of
20 providing emergency treatment and not at the request of law
21 enforcement authorities; and

22 (2) the chemical tests performed upon an individual's
23 blood or urine were performed by the laboratory routinely
24 used by the hospital.

1 Results of chemical tests performed upon an individual's
2 blood or urine are admissible into evidence regardless of the
3 time that the records were prepared.

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

13 (c) In a prosecution of a person accused of violating
14 Section 5-16 of this Act, reckless homicide under Section 9-3
15 of the Criminal Code of 1961, or a similar provision of a local
16 ordinance, the conversion rate to convert blood serum or blood
17 plasma alcohol level to the whole blood equivalent for grams of
18 alcohol per 100 milliliters of blood shall be to divide the
19 blood serum or plasma level by 1.18.

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

21 Section 99. Effective date. This Act takes effect upon
22 becoming law."