

SB2561



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

SB2561

Introduced 1/11/2012, by Sen. William R. Haine

SYNOPSIS AS INTRODUCED:

740 ILCS 110/9.3

Amends the Mental Health and Developmental Disabilities Confidentiality Act. Adds the Departments of Corrections and Juvenile Justice to the government officials or agencies to which there can be disclosure of the mental health records of a person who received services or who was evaluated, investigated, or prosecuted pursuant to the Sexually Violent Persons Commitment Act, without the consent of the person or the treatment provider involved. Effective immediately.

LRB097 14651 AJO 59539 b

A BILL FOR

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 9.3 as follows:

7 (740 ILCS 110/9.3)

8 Sec. 9.3. Disclosure without consent under the Sexually
9 Violent Persons Commitment Act. Disclosure may be made without
10 consent by any therapist or other treatment provider providing
11 mental health or developmental disabilities services pursuant
12 to the provisions of the Sexually Violent Persons Commitment
13 Act or who previously provided any type of mental health or
14 developmental disabilities services to a person who is subject
15 to an evaluation, investigation, or prosecution of a petition
16 under the Sexually Violent Persons Commitment Act. Disclosure
17 may be made to the Attorney General, the State's Attorney
18 participating in the case, the Department of Human Services,
19 the Department of Corrections, the Department of Juvenile
20 Justice, the court, and any other party to whom the court
21 directs disclosure to be made. The information disclosed may
22 include any records or communications in the possession of the
23 Department of Corrections, if those records or communications

1 were relied upon by the therapist in providing mental health or
2 developmental disabilities services pursuant to the Sexually
3 Violent Persons Commitment Act. Any records and any information
4 obtained from those records under this Section may be used only
5 in sexually violent persons commitment proceedings.

6 (Source: P.A. 92-415, eff. 8-17-01.)

7 Section 99. Effective date. This Act takes effect upon
8 becoming law.