

1 AN ACT in relation to 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 Survivors Emergency  
5 Treatment Act is amended by changing Section 6.4 as follows:

6 (410 ILCS 70/6.4) (from Ch. 111 1/2, par. 87-6.4)

7 Sec. 6.4. Sexual assault evidence collection program.

8 (a) There is created a statewide sexual assault evidence  
9 collection program to facilitate the prosecution of persons  
10 accused of sexual assault. This program shall be  
11 administered by the Illinois State Police. The program shall  
12 consist of the following: (1) distribution of sexual assault  
13 evidence collection kits which have been approved by the  
14 Illinois State Police to hospitals that request them, or  
15 arranging for such distribution by the manufacturer of the  
16 kits, (2) collection of the kits from hospitals after the  
17 kits have been used to collect evidence, (3) analysis of the  
18 collected evidence and conducting of laboratory tests, and  
19 (4) maintaining the chain of custody and safekeeping of the  
20 evidence for use in a legal proceeding. The standardized  
21 evidence collection kit for the State of Illinois shall be  
22 the State Police Evidence Collection Kit, also known as  
23 "S.P.E.C.K.". A sexual assault evidence collection kit may  
24 not be released by a hospital without the written consent of  
25 the sexual assault survivor. In the case of a survivor who  
26 is a minor 13 years of age or older, evidence and information  
27 concerning the alleged sexual assault may be released at the  
28 written request of the minor. If the survivor is a minor who  
29 is under 13 years of age, evidence and information concerning  
30 the alleged sexual assault may be released at the written  
31 request of the parent, guardian, investigating law

1 enforcement officer, or Department of Children and Family  
2 Services. Any health care professional, including any  
3 physician or nurse, sexual assault nurse examiner, and any  
4 health care institution, including any hospital, who provides  
5 evidence or information to a law enforcement officer pursuant  
6 to a written request as specified in this Section is immune  
7 from any civil or professional liability that might arise  
8 from those actions, with the exception of willful or wanton  
9 misconduct. The immunity provision applies only if all of  
10 the requirements of this Section are met.

11 (b) The Illinois State Police shall administer a program  
12 to train hospitals and hospital personnel participating in  
13 the sexual assault evidence collection program, in the  
14 correct use and application of the sexual assault evidence  
15 collection kits. A sexual assault nurse examiner is  
16 competent to conduct examinations using the sexual assault  
17 evidence collection kits. The Department of Public Health  
18 shall cooperate with the Illinois State Police in this  
19 program as it pertains to medical aspects of the evidence  
20 collection.

21 (c) In this Section, "sexual assault nurse examiner"  
22 means a registered nurse who has completed a sexual assault  
23 nurse examiner (SANE) training program that meets the  
24 Forensic Sexual Assault Nurse Examiner Education Guidelines  
25 established by the International Association of Forensic  
26 Nurses.

27 (Source: P.A. 90-587, eff. 7-1-98; 91-888, eff. 7-6-00.)