



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB5308

Introduced 2/9/2024, by Rep. Lilian Jiménez

SYNOPSIS AS INTRODUCED:

705 ILCS 405/5-915

730 ILCS 5/5-4-3

from Ch. 38, par. 1005-4-3

Amends the Juvenile Court Act of 1987. Provides that the automatic expungement of juvenile law enforcement records and court records includes juvenile DNA records. Provides that in cases involving juvenile records that are not subject to automatic expungement, a person may petition for the expungement of the person's juvenile DNA records. Amends the Unified Code of Corrections. Deletes a provision that DNA shall be collected from a person who received a disposition of supervision under the Juvenile Court Act of 1987. Provides that whenever expungement is granted under the Juvenile Court Act of 1987, the DNA record shall be expunged from the DNA identification index, and the Illinois State Police shall by rule prescribe procedures to ensure that the record and any specimens, analyses, or other documents relating to such record, whether in the possession of the Illinois State Police or any law enforcement or police agency, or any forensic DNA laboratory, including any duplicates or copies thereof, are destroyed and a letter is sent to the court verifying the expungement is completed. Provides that for specimens required to be collected prior to conviction, unless the individual has other charges or convictions that require submission of a specimen, the DNA shall not be submitted into the Federal Bureau of Investigation's Combined DNA Index System (CODIS).

LRB103 37498 RLC 69547 b

1 AN ACT concerning juvenile records.

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

4 Section 5. The Juvenile Court Act of 1987 is amended by
5 changing Section 5-915 as follows:

6 (705 ILCS 405/5-915)

7 Sec. 5-915. Expungement of juvenile law enforcement, ~~and~~
8 juvenile court and juvenile DNA records.

9 (0.01) For purposes of this Section, law enforcement and
10 court records subject to expungement include DNA records.

11 (0.05) (Blank).

12 (0.1) (a) The Illinois State Police and all law enforcement
13 agencies within the State shall automatically expunge, on or
14 before January 1 of each year, except as described in
15 paragraph (c) of this subsection (0.1), all juvenile law
16 enforcement records and DNA records stored in State or
17 national DNA identification indices relating to events
18 occurring before an individual's 18th birthday if:

19 (1) one year or more has elapsed since the date of the
20 arrest or law enforcement interaction documented in the
21 records;

22 (2) no petition for delinquency or criminal charges
23 were filed with the clerk of the circuit court relating to

1 the arrest or law enforcement interaction documented in
2 the records; and

3 (3) 6 months have elapsed since the date of the arrest
4 without an additional subsequent arrest or filing of a
5 petition for delinquency or criminal charges whether
6 related or not to the arrest or law enforcement
7 interaction documented in the records.

8 (b) If the law enforcement agency is unable to verify
9 satisfaction of conditions (2) and (3) of this subsection
10 (0.1), records that satisfy condition (1) of this subsection
11 (0.1) shall be automatically expunged if the records relate to
12 an offense that if committed by an adult would not be an
13 offense classified as a Class 2 felony or higher, an offense
14 under Article 11 of the Criminal Code of 1961 or Criminal Code
15 of 2012, or an offense under Section 12-13, 12-14, 12-14.1,
16 12-15, or 12-16 of the Criminal Code of 1961.

17 (c) If the juvenile law enforcement record was received
18 through a public submission to a statewide student
19 confidential reporting system administered by the Illinois
20 State Police, the record will be maintained for a period of 5
21 years according to all other provisions in this subsection
22 (0.1).

23 (0.15) If a juvenile law enforcement record meets
24 paragraph (a) of subsection (0.1) of this Section, a juvenile
25 law enforcement record created:

26 (1) prior to January 1, 2018, but on or after January

1 1, 2013 shall be automatically expunged prior to January
2 1, 2020;

3 (2) prior to January 1, 2013, but on or after January
4 1, 2000, shall be automatically expunged prior to January
5 1, 2023; and

6 (3) prior to January 1, 2000 shall not be subject to
7 the automatic expungement provisions of this Act.

8 Nothing in this subsection (0.15) shall be construed to
9 restrict or modify an individual's right to have the person's
10 juvenile law enforcement records expunged except as otherwise
11 may be provided in this Act.

12 (0.2) (a) Upon dismissal of a petition alleging delinquency
13 or upon a finding of not delinquent, the successful
14 termination of an order of supervision, or the successful
15 termination of an adjudication for an offense which would be a
16 Class B misdemeanor, Class C misdemeanor, or a petty or
17 business offense if committed by an adult, the court shall
18 automatically order the expungement of the juvenile court
19 records, ~~and~~ juvenile law enforcement records, and juvenile
20 DNA records. The clerk shall deliver a certified copy of the
21 expungement order to the Illinois State Police and the
22 arresting agency. Upon request, the State's Attorney shall
23 furnish the name of the arresting agency. The expungement
24 shall be completed within 60 business days after the receipt
25 of the expungement order.

26 (b) If the chief law enforcement officer of the agency, or

1 the chief law enforcement officer's designee, certifies in
2 writing that certain information is needed for a pending
3 investigation involving the commission of a felony, that
4 information, and information identifying the juvenile, may be
5 retained until the statute of limitations for the felony has
6 run. If the chief law enforcement officer of the agency, or the
7 chief law enforcement officer's designee, certifies in writing
8 that certain information is needed with respect to an internal
9 investigation of any law enforcement office, that information
10 and information identifying the juvenile may be retained
11 within an intelligence file until the investigation is
12 terminated or the disciplinary action, including appeals, has
13 been completed, whichever is later. Retention of a portion of
14 a juvenile's law enforcement record does not disqualify the
15 remainder of a juvenile's record from immediate automatic
16 expungement.

17 (0.3) (a) Upon an adjudication of delinquency based on any
18 offense except a disqualified offense, the juvenile court
19 shall automatically order the expungement of the juvenile
20 court, ~~and~~ law enforcement, and juvenile DNA records 2 years
21 after the juvenile's case was closed if no delinquency or
22 criminal proceeding is pending and the person has had no
23 subsequent delinquency adjudication or criminal conviction.
24 The clerk shall deliver a certified copy of the expungement
25 order to the Illinois State Police and the arresting agency.
26 Upon request, the State's Attorney shall furnish the name of

1 the arresting agency. The expungement shall be completed
2 within 60 business days after the receipt of the expungement
3 order. In this subsection (0.3), "disqualified offense" means
4 any of the following offenses: Section 8-1.2, 9-1, 9-1.2, 9-2,
5 9-2.1, 9-3, 9-3.2, 10-1, 10-2, 10-3, 10-3.1, 10-4, 10-5, 10-9,
6 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-6.5,
7 12-2, 12-3.05, 12-3.3, 12-4.4a, 12-5.02, 12-6.2, 12-6.5,
8 12-7.1, 12-7.5, 12-20.5, 12-32, 12-33, 12-34, 12-34.5, 18-1,
9 18-2, 18-3, 18-4, 18-6, 19-3, 19-6, 20-1, 20-1.1, 24-1.2,
10 24-1.2-5, 24-1.5, 24-3A, 24-3B, 24-3.2, 24-3.8, 24-3.9,
11 29D-14.9, 29D-20, 30-1, 31-1a, 32-4a, or 33A-2 of the Criminal
12 Code of 2012, or subsection (b) of Section 8-1, paragraph (4)
13 of subsection (a) of Section 11-14.4, subsection (a-5) of
14 Section 12-3.1, paragraph (1), (2), or (3) of subsection (a)
15 of Section 12-6, subsection (a-3) or (a-5) of Section 12-7.3,
16 paragraph (1) or (2) of subsection (a) of Section 12-7.4,
17 subparagraph (i) of paragraph (1) of subsection (a) of Section
18 12-9, subparagraph (H) of paragraph (3) of subsection (a) of
19 Section 24-1.6, paragraph (1) of subsection (a) of Section
20 25-1, or subsection (a-7) of Section 31-1 of the Criminal Code
21 of 2012.

22 (b) If the chief law enforcement officer of the agency, or
23 the chief law enforcement officer's designee, certifies in
24 writing that certain information is needed for a pending
25 investigation involving the commission of a felony, that
26 information, and information identifying the juvenile, may be

1 retained in an intelligence file until the investigation is
2 terminated or for one additional year, whichever is sooner.
3 Retention of a portion of a juvenile's juvenile law
4 enforcement record does not disqualify the remainder of a
5 juvenile's record from immediate automatic expungement.

6 (0.4) Automatic expungement for the purposes of this
7 Section shall not require law enforcement agencies to
8 obliterate or otherwise destroy juvenile law enforcement
9 records that would otherwise need to be automatically expunged
10 under this Act, except after 2 years following the subject
11 arrest for purposes of use in civil litigation against a
12 governmental entity or its law enforcement agency or personnel
13 which created, maintained, or used the records. However, these
14 juvenile law enforcement records shall be considered expunged
15 for all other purposes during this period and the offense,
16 which the records or files concern, shall be treated as if it
17 never occurred as required under Section 5-923.

18 (0.5) Subsection (0.1) or (0.2) of this Section does not
19 apply to violations of traffic, boating, fish and game laws,
20 or county or municipal ordinances.

21 (0.6) Juvenile law enforcement records of a plaintiff who
22 has filed civil litigation against the governmental entity or
23 its law enforcement agency or personnel that created,
24 maintained, or used the records, or juvenile law enforcement
25 records that contain information related to the allegations
26 set forth in the civil litigation may not be expunged until

1 after 2 years have elapsed after the conclusion of the
2 lawsuit, including any appeal.

3 (0.7) Officer-worn body camera recordings shall not be
4 automatically expunged except as otherwise authorized by the
5 Law Enforcement Officer-Worn Body Camera Act.

6 (1) Whenever a person has been arrested, charged, or
7 adjudicated delinquent for an incident occurring before a
8 person's 18th birthday that if committed by an adult would be
9 an offense, and that person's juvenile law enforcement, ~~and~~
10 juvenile court records, and juvenile DNA records are not
11 eligible for automatic expungement under subsection (0.1),
12 (0.2), or (0.3), the person may petition the court at any time
13 at no cost to the person for expungement of juvenile law
14 enforcement records, ~~and~~ juvenile court records, and juvenile
15 DNA records relating to the incident and, upon termination of
16 all juvenile court proceedings relating to that incident, the
17 court shall order the expungement of all records in the
18 possession of the Illinois State Police, the clerk of the
19 circuit court, and law enforcement agencies relating to the
20 incident, but only in any of the following circumstances:

21 (a) the minor was arrested and no petition for
22 delinquency was filed with the clerk of the circuit court;

23 (a-5) the minor was charged with an offense and the
24 petition or petitions were dismissed without a finding of
25 delinquency;

26 (b) the minor was charged with an offense and was

1 found not delinquent of that offense;

2 (c) the minor was placed under supervision under
3 Section 5-615, and the order of supervision has since been
4 successfully terminated; or

5 (d) the minor was adjudicated for an offense which
6 would be a Class B misdemeanor, Class C misdemeanor, or a
7 petty or business offense if committed by an adult.

8 (1.5) At no cost to the person, the Illinois State Police
9 shall allow a person to use the Access and Review process,
10 established in the Illinois State Police, for verifying that
11 the person's juvenile law enforcement records relating to
12 incidents occurring before the person's 18th birthday eligible
13 under this Act have been expunged.

14 (1.6) (Blank).

15 (1.7) (Blank).

16 (1.8) (Blank).

17 (2) Any person whose delinquency adjudications are not
18 eligible for automatic expungement under subsection (0.3) of
19 this Section may petition the court at no cost to the person to
20 expunge all juvenile law enforcement and juvenile DNA records
21 relating to any incidents occurring before the person's 18th
22 birthday which did not result in proceedings in criminal court
23 and all juvenile court and juvenile DNA records with respect
24 to any adjudications except those based upon first degree
25 murder or an offense under Article 11 of the Criminal Code of
26 2012 if the person is required to register under the Sex

1 Offender Registration Act at the time the person petitions the
2 court for expungement; provided that 2 years have elapsed
3 since all juvenile court proceedings relating to the person
4 have been terminated and the person's commitment to the
5 Department of Juvenile Justice under this Act has been
6 terminated.

7 (2.5) If a minor is arrested and no petition for
8 delinquency is filed with the clerk of the circuit court at the
9 time the minor is released from custody, the youth officer, if
10 applicable, or other designated person from the arresting
11 agency, shall notify verbally and in writing to the minor or
12 the minor's parents or guardians that the minor shall have an
13 arrest record and, if applicable, a DNA record and shall
14 provide the minor and the minor's parents or guardians with an
15 expungement information packet, information regarding this
16 State's expungement laws including a petition to expunge
17 juvenile law enforcement and juvenile court records obtained
18 from the clerk of the circuit court.

19 (2.6) If a minor is referred to court, then, at the time of
20 sentencing, dismissal of the case, or successful completion of
21 supervision, the judge shall inform the delinquent minor of
22 the minor's rights regarding expungement and the clerk of the
23 circuit court shall provide an expungement information packet
24 to the minor, written in plain language, including information
25 regarding this State's expungement laws and a petition for
26 expungement, a sample of a completed petition, expungement

1 instructions that shall include information informing the
2 minor that (i) once the case is expunged, it shall be treated
3 as if it never occurred, (ii) the minor shall not be charged a
4 fee to petition for expungement, (iii) once the minor obtains
5 an expungement, the minor may not be required to disclose that
6 the minor had a juvenile law enforcement , juvenile DNA, or
7 juvenile court record, and (iv) if petitioning the minor may
8 file the petition on the minor's own or with the assistance of
9 an attorney. The failure of the judge to inform the delinquent
10 minor of the minor's right to petition for expungement as
11 provided by law does not create a substantive right, nor is
12 that failure grounds for: (i) a reversal of an adjudication of
13 delinquency; (ii) a new trial; or (iii) an appeal.

14 (2.7) (Blank).

15 (2.8) (Blank).

16 (3) (Blank).

17 (3.1) (Blank).

18 (3.2) (Blank).

19 (3.3) (Blank).

20 (4) (Blank).

21 (5) (Blank).

22 (5.5) Whether or not expunged, records eligible for
23 automatic expungement under subdivision (0.1)(a), (0.2)(a), or
24 (0.3)(a) may be treated as expunged by the individual subject
25 to the records.

26 (6) (Blank).

1 (6.5) The Illinois State Police or any employee of the
2 Illinois State Police shall be immune from civil or criminal
3 liability for failure to expunge any records of arrest that
4 are subject to expungement under this Section because of
5 inability to verify a record. Nothing in this Section shall
6 create Illinois State Police liability or responsibility for
7 the expungement of juvenile law enforcement records it does
8 not possess.

9 (7) (Blank).

10 (7.5) (Blank).

11 (8) The expungement of juvenile law enforcement, juvenile
12 DNA, or juvenile court records under subsection (0.1), (0.2),
13 or (0.3) of this Section shall be funded by appropriation by
14 the General Assembly for that purpose.

15 (9) (Blank).

16 (10) (Blank).

17 (Source: P.A. 102-538, eff. 8-20-21; 102-558, eff. 8-20-21;
18 102-752, eff. 1-1-23; 103-22, eff. 8-8-23; 103-154, eff.
19 6-30-23; 103-379, eff. 7-28-23; revised 8-30-23.)

20 Section 10. The Unified Code of Corrections is amended by
21 changing Section 5-4-3 as follows:

22 (730 ILCS 5/5-4-3) (from Ch. 38, par. 1005-4-3)

23 Sec. 5-4-3. Specimens; genetic marker groups.

24 (a) Any person convicted of or ~~7~~ found guilty under the

1 Juvenile Court Act of 1987 for, ~~or who received a disposition~~
2 ~~of court supervision for,~~ a qualifying offense or attempt of a
3 qualifying offense, convicted ~~or found guilty~~ of any offense
4 classified as a felony under Illinois law, convicted or found
5 guilty of any offense requiring registration under the Sex
6 Offender Registration Act, found guilty ~~or given supervision~~
7 for any offense classified as a felony under the Juvenile
8 Court Act of 1987, convicted or found guilty of, under the
9 Juvenile Court Act of 1987, any offense requiring registration
10 under the Sex Offender Registration Act, ~~or~~ institutionalized
11 as a sexually dangerous person under the Sexually Dangerous
12 Persons Act, or committed as a sexually violent person under
13 the Sexually Violent Persons Commitment Act shall, regardless
14 of the sentence or disposition imposed, be required to submit
15 specimens of blood, saliva, or tissue to the Illinois State
16 Police in accordance with the provisions of this Section,
17 provided such person is:

18 (1) convicted of a qualifying offense or attempt of a
19 qualifying offense on or after July 1, 1990 and sentenced
20 to a term of imprisonment, periodic imprisonment, fine,
21 probation in which judgment is not withheld, or
22 conditional discharge ~~or any other form of sentence, or~~
23 ~~given a disposition of court supervision for the offense;~~

24 (1.5) found guilty ~~or given supervision~~ under the
25 Juvenile Court Act of 1987 for a qualifying offense or
26 attempt of a qualifying offense on or after January 1,

1 1997;

2 (2) ordered institutionalized as a sexually dangerous
3 person on or after July 1, 1990;

4 (3) convicted of a qualifying offense or attempt of a
5 qualifying offense before July 1, 1990 and is presently
6 confined as a result of such conviction in any State
7 correctional facility or county jail or is presently
8 serving a sentence of probation, conditional discharge or
9 periodic imprisonment as a result of such conviction;

10 (3.5) convicted ~~or found guilty~~ of any offense
11 classified as a felony under Illinois law or found guilty
12 ~~or given supervision~~ for such an offense under the
13 Juvenile Court Act of 1987 on or after August 22, 2002;

14 (4) presently institutionalized as a sexually
15 dangerous person or presently institutionalized as a
16 person found guilty but mentally ill of a sexual offense
17 or attempt to commit a sexual offense; or

18 (4.5) ordered committed as a sexually violent person
19 on or after January 1, 1998 (the effective date of the
20 Sexually Violent Persons Commitment Act).

21 (a-1) Any person incarcerated in a facility of the
22 Illinois Department of Corrections or the Illinois Department
23 of Juvenile Justice on or after August 22, 2002, whether for a
24 term of years or natural life, who has not yet submitted a
25 specimen of blood, saliva, or tissue shall be required to
26 submit a specimen of blood, saliva, or tissue prior to his or

1 her final discharge, or release on parole, aftercare release,
2 or mandatory supervised release, as a condition of his or her
3 parole, aftercare release, or mandatory supervised release, or
4 within 6 months from August 13, 2009 (the effective date of
5 Public Act 96-426), whichever is sooner. A person incarcerated
6 on or after August 13, 2009 (the effective date of Public Act
7 96-426) shall be required to submit a specimen within 45 days
8 of incarceration, or prior to his or her final discharge, or
9 release on parole, aftercare release, or mandatory supervised
10 release, as a condition of his or her parole, aftercare
11 release, or mandatory supervised release, whichever is sooner.
12 These specimens shall be placed into the State or national DNA
13 database, to be used in accordance with other provisions of
14 this Section, by the Illinois State Police.

15 (a-2) Any person sentenced to life imprisonment in a
16 facility of the Illinois Department of Corrections after June
17 13, 2005 (the effective date of Public Act 94-16) ~~this~~
18 ~~amendatory Act of the 94th General Assembly~~ shall be required
19 to provide a specimen of blood, saliva, or tissue within 45
20 days after sentencing or disposition at a collection site
21 designated by the Illinois State Police. Any person serving a
22 sentence of life imprisonment in a facility of the Illinois
23 Department of Corrections on June 13, 2005 (the effective date
24 of Public Act 94-16) ~~this amendatory Act of the 94th General~~
25 ~~Assembly~~ or any person who is under a sentence of death on June
26 13, 2005 (the effective date of Public Act 94-16) ~~this~~

1 ~~amendatory Act of the 94th General Assembly~~ shall be required
2 to provide a specimen of blood, saliva, or tissue upon request
3 at a collection site designated by the Illinois State Police.

4 (a-3) Any person seeking transfer to or residency in
5 Illinois under Sections 3-3-11.05 through 3-3-11.5 of this
6 Code, the Interstate Compact for Adult Offender Supervision,
7 or the Interstate Agreements on Sexually Dangerous Persons Act
8 shall be required to provide a specimen of blood, saliva, or
9 tissue within 45 days after transfer to or residency in
10 Illinois at a collection site designated by the Illinois State
11 Police.

12 (a-3.1) Any person required by an order of the court to
13 submit a DNA specimen shall be required to provide a specimen
14 of blood, saliva, or tissue within 45 days after the court
15 order at a collection site designated by the Illinois State
16 Police.

17 (a-3.2) On or after January 1, 2012 (the effective date of
18 Public Act 97-383), any person arrested for any of the
19 following offenses, after an indictment has been returned by a
20 grand jury, or following a hearing pursuant to Section 109-3
21 of the Code of Criminal Procedure of 1963 and a judge finds
22 there is probable cause to believe the arrestee has committed
23 one of the designated offenses, or an arrestee has waived a
24 preliminary hearing shall be required to provide a specimen of
25 blood, saliva, or tissue within 14 days after such indictment
26 or hearing at a collection site designated by the Illinois

1 State Police:

2 (A) first degree murder;

3 (B) home invasion;

4 (C) predatory criminal sexual assault of a child;

5 (D) aggravated criminal sexual assault; or

6 (E) criminal sexual assault.

7 (a-3.3) Any person required to register as a sex offender
8 under the Sex Offender Registration Act, regardless of the
9 date of conviction as set forth in subsection (c-5.2) shall be
10 required to provide a specimen of blood, saliva, or tissue
11 within the time period prescribed in subsection (c-5.2) at a
12 collection site designated by the Illinois State Police.

13 (a-5) Any person who was otherwise convicted of ~~or~~
14 ~~received a disposition of court supervision for~~ any other
15 offense under the Criminal Code of 1961 or the Criminal Code of
16 2012 or who was found guilty ~~or given supervision~~ for such a
17 violation under the Juvenile Court Act of 1987, may,
18 regardless of the sentence imposed, be required by an order of
19 the court to submit specimens of blood, saliva, or tissue to
20 the Illinois State Police in accordance with the provisions of
21 this Section.

22 (b) Any person required by paragraphs (a) (1), ~~(a) (1.5),~~
23 (a) (2), (a) (3.5), and (a-5) to provide specimens of blood,
24 saliva, or tissue shall provide specimens of blood, saliva, or
25 tissue within 45 days after sentencing or disposition at a
26 collection site designated by the Illinois State Police.

1 (b-5) Any person required by paragraph (a)(1.5) to provide
2 specimens of blood, saliva, or tissue shall provide specimens
3 of blood, saliva, or tissue within 45 days after all appeals
4 have been completed.

5 (c) Any person required by paragraphs (a)(3), (a)(4), and
6 (a)(4.5) to provide specimens of blood, saliva, or tissue
7 shall be required to provide such specimens prior to final
8 discharge or within 6 months from August 13, 2009 (the
9 effective date of Public Act 96-426), whichever is sooner.
10 These specimens shall be placed into the State or national DNA
11 database, to be used in accordance with other provisions of
12 this Act, by the Illinois State Police.

13 (c-5) Any person required by paragraph (a-3) to provide
14 specimens of blood, saliva, or tissue shall, where feasible,
15 be required to provide the specimens before being accepted for
16 conditioned residency in Illinois under the interstate compact
17 or agreement, but no later than 45 days after arrival in this
18 State.

19 (c-5.2) Unless it is determined that a registered sex
20 offender has previously submitted a specimen of blood, saliva,
21 or tissue that has been placed into the State DNA database, a
22 person registering as a sex offender shall be required to
23 submit a specimen at the time of his or her initial
24 registration pursuant to the Sex Offender Registration Act or,
25 for a person registered as a sex offender on or prior to
26 January 1, 2012 (the effective date of Public Act 97-383),

1 within one year of January 1, 2012 (the effective date of
2 Public Act 97-383) or at the time of his or her next required
3 registration.

4 (c-6) The Illinois State Police may determine which type
5 of specimen or specimens, blood, saliva, or tissue, is
6 acceptable for submission to the Division of Forensic Services
7 for analysis. The Illinois State Police may require the
8 submission of fingerprints from anyone required to give a
9 specimen under this Act.

10 (d) The Illinois State Police shall provide all equipment
11 and instructions necessary for the collection of blood
12 specimens. The collection of specimens shall be performed in a
13 medically approved manner. Only a physician authorized to
14 practice medicine, a registered nurse or other qualified
15 person trained in venipuncture may withdraw blood for the
16 purposes of this Act. The specimens shall thereafter be
17 forwarded to the Illinois State Police, Division of Forensic
18 Services, for analysis and categorizing into genetic marker
19 groupings.

20 (d-1) The Illinois State Police shall provide all
21 equipment and instructions necessary for the collection of
22 saliva specimens. The collection of saliva specimens shall be
23 performed in a medically approved manner. Only a person
24 trained in the instructions promulgated by the Illinois State
25 Police on collecting saliva may collect saliva for the
26 purposes of this Section. The specimens shall thereafter be

1 forwarded to the Illinois State Police, Division of Forensic
2 Services, for analysis and categorizing into genetic marker
3 groupings.

4 (d-2) The Illinois State Police shall provide all
5 equipment and instructions necessary for the collection of
6 tissue specimens. The collection of tissue specimens shall be
7 performed in a medically approved manner. Only a person
8 trained in the instructions promulgated by the Illinois State
9 Police on collecting tissue may collect tissue for the
10 purposes of this Section. The specimens shall thereafter be
11 forwarded to the Illinois State Police, Division of Forensic
12 Services, for analysis and categorizing into genetic marker
13 groupings.

14 (d-5) To the extent that funds are available, the Illinois
15 State Police shall contract with qualified personnel and
16 certified laboratories for the collection, analysis, and
17 categorization of known specimens, except as provided in
18 subsection (n) of this Section.

19 (d-6) Agencies designated by the Illinois State Police and
20 the Illinois State Police may contract with third parties to
21 provide for the collection or analysis of DNA, or both, of an
22 offender's blood, saliva, and tissue specimens, except as
23 provided in subsection (n) of this Section.

24 (e) The genetic marker groupings shall be maintained by
25 the Illinois State Police, Division of Forensic Services.

26 (f) The genetic marker grouping analysis information

1 obtained pursuant to this Act shall be confidential and shall
2 be released only to peace officers of the United States, of
3 other states or territories, of the insular possessions of the
4 United States, of foreign countries duly authorized to receive
5 the same, to all peace officers of the State of Illinois and to
6 all prosecutorial agencies, and to defense counsel as provided
7 by Section 116-5 of the Code of Criminal Procedure of 1963. The
8 genetic marker grouping analysis information obtained pursuant
9 to this Act shall be used only for (i) valid law enforcement
10 identification purposes and as required by the Federal Bureau
11 of Investigation for participation in the National DNA
12 database, (ii) technology validation purposes, (iii) a
13 population statistics database, (iv) quality assurance
14 purposes if personally identifying information is removed, (v)
15 assisting in the defense of the criminally accused pursuant to
16 Section 116-5 of the Code of Criminal Procedure of 1963, or
17 (vi) identifying and assisting in the prosecution of a person
18 who is suspected of committing a sexual assault as defined in
19 Section 1a of the Sexual Assault Survivors Emergency Treatment
20 Act. Notwithstanding any other statutory provision to the
21 contrary, all information obtained under this Section shall be
22 maintained in a single State data base, which may be uploaded
23 into a national database, and which information may be subject
24 to expungement only as set forth in subsection (f-1).

25 (f-1) Upon receipt of notification of a reversal of a
26 conviction based on actual innocence, or of the granting of a

1 pardon pursuant to Section 12 of Article V of the Illinois
2 Constitution, if that pardon document specifically states that
3 the reason for the pardon is the actual innocence of an
4 individual whose DNA record has been stored in the State or
5 national DNA identification index in accordance with this
6 Section by the Illinois State Police, the DNA record shall be
7 expunged from the DNA identification index, and the Department
8 shall by rule prescribe procedures to ensure that the record
9 and any specimens, analyses, or other documents relating to
10 such record, whether in the possession of the Department or
11 any law enforcement or police agency, or any forensic DNA
12 laboratory, including any duplicates or copies thereof, are
13 destroyed and a letter is sent to the court verifying the
14 expungement is completed. For specimens required to be
15 collected prior to conviction, unless the individual has other
16 charges or convictions that require submission of a specimen,
17 the DNA record for an individual shall be expunged from the DNA
18 identification databases and the specimen destroyed upon
19 receipt of a certified copy of a final court order for each
20 charge against an individual in which the charge has been
21 dismissed, resulted in acquittal, or that the charge was not
22 filed within the applicable time period. The Department shall
23 by rule prescribe procedures to ensure that the record and any
24 specimens in the possession or control of the Department are
25 destroyed and a letter is sent to the court verifying the
26 expungement is completed.

1 (f-2) Whenever expungement is granted under Section 5-915
2 of the Juvenile Court Act of 1987, the DNA record shall be
3 expunged from the DNA identification index, and the Illinois
4 State Police shall by rule prescribe procedures to ensure that
5 the record and any specimens, analyses, or other documents
6 relating to such record, whether in the possession of the
7 Illinois State Police or any law enforcement or police agency,
8 or any forensic DNA laboratory, including any duplicates or
9 copies thereof, are destroyed and a letter is sent to the court
10 verifying the expungement is completed. For specimens required
11 to be collected prior to conviction, unless the individual has
12 other charges or convictions that require submission of a
13 specimen, the DNA shall not be submitted into the Federal
14 Bureau of Investigation's Combined DNA Index System (CODIS).

15 (f-5) Any person who intentionally uses genetic marker
16 grouping analysis information, or any other information
17 derived from a DNA specimen, beyond the authorized uses as
18 provided under this Section, or any other Illinois law, is
19 guilty of a Class 4 felony, and shall be subject to a fine of
20 not less than \$5,000.

21 (f-6) The Illinois State Police may contract with third
22 parties for the purposes of implementing Public Act 93-216
23 ~~this amendatory Act of the 93rd General Assembly,~~ except as
24 provided in subsection (n) of this Section. Any other party
25 contracting to carry out the functions of this Section shall
26 be subject to the same restrictions and requirements of this

1 Section insofar as applicable, as the Illinois State Police,
2 and to any additional restrictions imposed by the Illinois
3 State Police.

4 (g) For the purposes of this Section, "qualifying offense"
5 means any of the following:

6 (1) any violation or inchoate violation of Section
7 11-1.50, 11-1.60, 11-6, 11-9.1, 11-11, 11-18.1, 12-15, or
8 12-16 of the Criminal Code of 1961 or the Criminal Code of
9 2012;

10 (1.1) any violation or inchoate violation of Section
11 9-1, 9-2, 10-1, 10-2, 12-11, 12-11.1, 18-1, 18-2, 18-3,
12 18-4, 18-6, 19-1, 19-2, or 19-6 of the Criminal Code of
13 1961 or the Criminal Code of 2012 for which persons are
14 convicted on or after July 1, 2001;

15 (2) any former statute of this State which defined a
16 felony sexual offense;

17 (3) (blank);

18 (4) any inchoate violation of Section 9-3.1, 9-3.4,
19 11-9.3, 12-7.3, or 12-7.4 of the Criminal Code of 1961 or
20 the Criminal Code of 2012; or

21 (5) any violation or inchoate violation of Article 29D
22 of the Criminal Code of 1961 or the Criminal Code of 2012.

23 (g-5) (Blank).

24 (h) The Illinois State Police shall be the State central
25 repository for all genetic marker grouping analysis
26 information obtained pursuant to this Act. The Illinois State

1 Police may promulgate rules for the form and manner of the
2 collection of blood, saliva, or tissue specimens and other
3 procedures for the operation of this Act. The provisions of
4 the Administrative Review Law shall apply to all actions taken
5 under the rules so promulgated.

6 (i)(1) A person required to provide a blood, saliva, or
7 tissue specimen shall cooperate with the collection of the
8 specimen and any deliberate act by that person intended to
9 impede, delay or stop the collection of the blood, saliva, or
10 tissue specimen is a Class 4 felony.

11 (2) In the event that a person's DNA specimen is not
12 adequate for any reason, the person shall provide another DNA
13 specimen for analysis. Duly authorized law enforcement and
14 corrections personnel may employ reasonable force in cases in
15 which an individual refuses to provide a DNA specimen required
16 under this Act.

17 (j) (Blank).

18 (k) All analysis and categorization assessments provided
19 under the Criminal and Traffic Assessment ~~Assessments~~ Act to
20 the State Crime Laboratory Fund shall be regulated as follows:

21 (1) (Blank).

22 (2) (Blank).

23 (3) Moneys deposited into the State Crime Laboratory
24 Fund shall be used by Illinois State Police crime
25 laboratories as designated by the Director of the Illinois
26 State Police. These funds shall be in addition to any

1 allocations made pursuant to existing laws and shall be
2 designated for the exclusive use of State crime
3 laboratories. These uses may include, but are not limited
4 to, the following:

5 (A) Costs incurred in providing analysis and
6 genetic marker categorization as required by
7 subsection (d).

8 (B) Costs incurred in maintaining genetic marker
9 groupings as required by subsection (e).

10 (C) Costs incurred in the purchase and maintenance
11 of equipment for use in performing analyses.

12 (D) Costs incurred in continuing research and
13 development of new techniques for analysis and genetic
14 marker categorization.

15 (E) Costs incurred in continuing education,
16 training, and professional development of forensic
17 scientists regularly employed by these laboratories.

18 (1) The failure of a person to provide a specimen, or of
19 any person or agency to collect a specimen, shall in no way
20 alter the obligation of the person to submit such specimen, or
21 the authority of the Illinois State Police or persons
22 designated by the Illinois State Police to collect the
23 specimen, or the authority of the Illinois State Police to
24 accept, analyze and maintain the specimen or to maintain or
25 upload results of genetic marker grouping analysis information
26 into a State or national database.

1 (m) If any provision of Public Act 93-216 ~~this amendatory~~
2 ~~Act of the 93rd General Assembly~~ is held unconstitutional or
3 otherwise invalid, the remainder of Public Act 93-216 ~~this~~
4 ~~amendatory Act of the 93rd General Assembly~~ is not affected.

5 (n) Neither the Illinois State Police, the Division of
6 Forensic Services, nor any laboratory of the Division of
7 Forensic Services may contract out forensic testing for the
8 purpose of an active investigation or a matter pending before
9 a court of competent jurisdiction without the written consent
10 of the prosecuting agency. For the purposes of this subsection
11 (n), "forensic testing" includes the analysis of physical
12 evidence in an investigation or other proceeding for the
13 prosecution of a violation of the Criminal Code of 1961 or the
14 Criminal Code of 2012 or for matters adjudicated under the
15 Juvenile Court Act of 1987, and includes the use of forensic
16 databases and databanks, including DNA, firearm, and
17 fingerprint databases, and expert testimony.

18 (o) Mistake does not invalidate a database match. The
19 detention, arrest, or conviction of a person based upon a
20 database match or database information is not invalidated if
21 it is determined that the specimen was obtained or placed in
22 the database by mistake.

23 (p) This Section may be referred to as the Illinois DNA
24 Database Law of 2011.

25 (Source: P.A. 102-505, eff. 8-20-21; 102-538, eff. 8-20-21;
26 103-51, eff. 1-1-24; revised 1-2-24.)