

1 AN ACT concerning State government.

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

4 Section 1. Short title. This Act may be cited as the State
5 Police DNA Backlog Foundation Act.

6 Section 5. Creation of Foundation. The General Assembly
7 authorizes the Department of State Police, in accordance with
8 Section 10 of the State Agency Entity Creation Act, to create
9 the Illinois State Police DNA Backlog Foundation. Under this
10 authority, the Department of State Police shall create the
11 Illinois State Police DNA Backlog Foundation as a
12 not-for-profit foundation. The Department shall file articles
13 of incorporation as required under the General Not For Profit
14 Corporation Act of 1986 to create the Foundation. The
15 Foundation's Board of Directors shall consist of the following
16 members: the Attorney General or his or her designee; 2 members
17 appointed by the President of the Illinois Senate; 2 members
18 appointed by the Minority Leader of the Illinois Senate; 2
19 members appointed by the Speaker of the Illinois House of
20 Representatives; 2 members appointed by the Minority Leader of
21 the Illinois House of Representatives; and 4 members appointed
22 by the Governor. Vacancies shall be filled in the same manner
23 as original appointments. The Director of State Police shall

1 chair the Board of Directors of the Foundation. No member of
2 the Board of Directors may receive additional compensation for
3 his or her services to the Foundation.

4 Section 10. Foundation purposes. The purposes of the
5 Foundation are: to promote, support, assist, sustain, and
6 encourage the continuing improvement of the processing of DNA
7 samples received for testing by the Department of State Police,
8 with a primary focus on the reduction, and future prevention,
9 of any backlog in the processing of DNA samples by the
10 Department of State Police; to solicit and accept aid or
11 contributions consistent with the stated intent of the donor
12 and the goals of the Foundation; to solicit and generate
13 private funding and donations consistent with the foregoing
14 purposes. The Foundation shall operate within the provisions of
15 the General Not For Profit Corporation Act of 1986.

16 Section 15. Organization, powers, and duties of
17 Foundation. As soon as practical after the Foundation is
18 created, the Board of Directors shall meet, organize, and
19 designate, by majority vote, a treasurer, secretary, and any
20 additional officers that may be needed to carry out the
21 activities of the Foundation, and shall adopt bylaws of the
22 Foundation. The Department of State Police may adopt other
23 rules deemed necessary to govern Foundation procedures.

24 The Foundation may accept gifts or grants from the federal

1 government, its agencies or officers, or from any person, firm,
2 or corporation, and may expend receipts on activities that it
3 considers suitable to the performance of its duties under this
4 Act, including the making of grants to the Department of State
5 Police to accomplish the purposes specified in Section 10 of
6 this Act, and consistent with any requirement of the grant,
7 gift, or bequest; however, the Foundation shall not accept
8 gifts, grants, or any other funds from, or on behalf of, an
9 incarcerated person, a person with a pending criminal case in
10 State or federal court, or a person having a familial
11 relationship with such a person. Funds collected by the
12 Foundation shall be considered private funds, except those
13 received from public entities, and shall be held in an
14 appropriate account outside of the State treasury. Private
15 funds collected by the Foundation are not subject to the Public
16 Funds Investment Act. Foundation procurement is exempt from the
17 Illinois Procurement Code when only private funds are used for
18 procurement expenditures. The treasurer of the Foundation
19 shall be custodian of all Foundation funds. The Foundation's
20 accounts and books shall be set up and maintained in a manner
21 approved by the Auditor General, and the Foundation and its
22 officers shall be responsible for the approval of recording of
23 receipts, approval of payments, and the proper filing of
24 required reports. The Foundation may be assisted in carrying
25 out its functions by personnel of the Department of State
26 Police. The Department shall provide reasonable assistance to

1 the Foundation to achieve the purposes of the Foundation. The
2 Foundation shall cooperate fully with the boards, commissions,
3 agencies, departments, and institutions of the State. The funds
4 held and made available by the Illinois State Police DNA
5 Backlog Foundation shall be subject to financial and compliance
6 audits by the Auditor General in compliance with the Illinois
7 State Auditing Act.

8 Section 20. Disclosure to donors of exemption from Public
9 Funds Investment Act. The Foundation must provide a written
10 notice to any entity providing a gift, grant, or bequest to the
11 Foundation that the Foundation is not subject to the provisions
12 of the Public Funds Investment Act which Act places limitations
13 on the types of securities in which a public agency may invest
14 public funds.