

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" has
22 the meaning ascribed to it in Section 115-21 of the Code of
23 Criminal Procedure of 1963.

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

25 Section 10. The Code of Criminal Procedure of 1963 is
26 amended by adding Section 115-21 as follows:

27 (725 ILCS 5/115-21 new)

28 Sec. 115-21. Nurse testimony.

29 (a) In a criminal prosecution for criminal sexual
30 assault, aggravated criminal sexual assault, predatory
31 criminal sexual assault of a child, criminal sexual abuse, or
32 aggravated criminal sexual abuse, a sexual assault nurse

1 examiner who uses the State Police Evidence Collection Kit
2 (S.P.E.C.K.) at a licensed hospital to collect evidence of a
3 sexual assault or abuse from alleged sexual assault or abuse
4 survivors under the Sexual Assault Survivors Emergency
5 Treatment Act is qualified to testify at trial as an expert
6 on emergency services provided to sexual assault survivors if
7 the hospital in which the sexual assault nurse examiner is
8 employed uses the Kit in accordance with the rules adopted by
9 the Illinois State Police under that Act.

10 (b) In this Section, "sexual assault nurse examiner"
11 means a registered nurse who has completed a sexual assault
12 nurse examiner (SANE) training program that meets the
13 Forensic Sexual Assault Nurse Examiner Education Guidelines
14 established by the International Association of Forensic
15 Nurses.