

1 AN ACT concerning the Department of State Police.

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

4 Section 5. The Department of State Police Law of the  
5 Civil Administrative Code of Illinois is amended by changing  
6 Sections 2605-25, 2605-30, 2605-35, 2605-40, 2605-45,  
7 2605-50, 2605-220, and 2605-250 as follows:

8 (20 ILCS 2605/2605-25) (was 20 ILCS 2605/55a-1)

9 Sec. 2605-25. Department organization divisions. The  
10 Department shall be organized as prescribed by the Director.  
11 The Director shall assign and delegate the powers and duties  
12 of the Department to any division, command, bureau, or other  
13 Department entity, as may be necessary, in a manner that  
14 reflects the efficient and effective use of available  
15 resources to administer the provisions of this Law or to  
16 fulfill any other statutory responsibility of the Department.  
17 ~~The--Department--is--divided--into--the--Illinois--State--Police~~  
18 ~~Academy--and--4--divisions:--the--Division--of--Operations,--the~~  
19 ~~Division--of--Forensic--Services,--the--Division--of~~  
20 ~~Administration,--and--the--Division--of--Internal--Investigation.~~  
21 (Source: P.A. 90-130, eff. 1-1-98; 91-239, eff. 1-1-00;  
22 91-760, eff. 1-1-01.)

23 (20 ILCS 2605/2605-30) (was 20 ILCS 2605/55a-2)

24 Sec. 2605-30. Operational functions Division--of  
25 ~~Operations--(formerly--State--Troopers).~~ The Department Division  
26 ~~of--Operations~~ shall exercise the operational following  
27 functions and ~~these~~ in this Section and Section 2605-35:

- 28 (1) Cooperate with federal and State authorities  
29 requesting utilization of the Department's radio network  
30 system under the Illinois Aeronautics Act.

1 (2) Exercise the rights, powers, and duties of the  
2 State Police under the State Police Act.

3 (3) Exercise the rights, powers, and duties vested  
4 by law in the Department by the State Police Radio Act.

5 (4) Exercise the rights, powers, and duties of the  
6 Department vested by law in the Department and the  
7 Illinois State Police by the Illinois Vehicle Code.

8 (5) Exercise other duties that have been or may be  
9 vested by law in the Illinois State Police.

10 (6) Exercise other duties that may be assigned by  
11 the Director in order to fulfill the responsibilities and  
12 to achieve the purposes of the Department.

13 (Source: P.A. 91-239, eff. 1-1-00; 91-760, eff. 1-1-01.)

14 (20 ILCS 2605/2605-35) (was 20 ILCS 2605/55a-3)

15 Sec. 2605-35. Additional operational functions Division  
16 of-Operations-(formerly-Criminal-Investigation).

17 (a) The Department Division-of-Operations shall exercise  
18 the operational following functions and-these in this Section  
19 and Section 2605-30:

20 (1) Exercise the rights, powers, and duties vested  
21 by law in the Department by the Illinois Horse Racing Act  
22 of 1975.

23 (2) Investigate the origins, activities, personnel,  
24 and incidents of crime and enforce the criminal laws of  
25 this State related thereto.

26 (3) Enforce all laws regulating the production,  
27 sale, prescribing, manufacturing, administering,  
28 transporting, having in possession, dispensing,  
29 delivering, distributing, or use of controlled substances  
30 and cannabis.

31 (4) Cooperate with the police of cities, villages,  
32 and incorporated towns and with the police officers of  
33 any county in enforcing the laws of the State and in

1 making arrests and recovering property.

2 (5) Apprehend and deliver up any person charged in  
3 this State or any other state with treason or a felony or  
4 other crime who has fled from justice and is found in  
5 this State.

6 (6) Investigate recipients and providers under the  
7 Illinois Public Aid Code and any personnel involved in  
8 the administration of the Code who are suspected of any  
9 violation of the Code pertaining to fraud in the  
10 administration, receipt, or provision of assistance and  
11 pertaining to any violation of criminal law; and exercise  
12 the functions required under Section 2605-220 in the  
13 conduct of those investigations.

14 (7) Conduct other investigations as provided by law.

15 (8) Exercise the powers and perform the duties that  
16 have been vested in the Department by the Sex Offender  
17 Registration Act and the Sex Offender and Child Murderer  
18 Community Notification Law; and promulgate reasonable  
19 rules and regulations necessitated thereby.

20 (9) Exercise other duties that may be assigned by  
21 the Director in order to fulfill the responsibilities and  
22 achieve the purposes of the Department.

23 (b) There is hereby established in the Department  
24 ~~Division--of--Operations~~ the Office of Coordination of Gang  
25 Prevention, hereafter referred to as the Office.

26 The Office shall consult with units of local government  
27 and school districts to assist them in gang control  
28 activities and to administer a system of grants to units of  
29 local government and school districts that, upon application,  
30 have demonstrated a workable plan to reduce gang activity in  
31 their area. The grants shall not include reimbursement for  
32 personnel, nor shall they exceed 75% of the total request by  
33 any applicant. The grants may be calculated on a  
34 proportional basis, determined by funds available to the

1 Department for this purpose. The Department has the  
2 authority to promulgate appropriate rules and regulations to  
3 administer this program.

4 The Office shall establish mobile units of trained  
5 personnel to respond to gang activities.

6 The Office shall also consult with and use the services  
7 of religious leaders and other celebrities to assist in gang  
8 control activities.

9 The Office may sponsor seminars, conferences, or any  
10 other educational activity to assist communities in their  
11 gang crime control activities.

12 (Source: P.A. 90-193, eff. 7-24-97; 91-239, eff. 1-1-00;  
13 91-760, eff. 1-1-01.)

14 (20 ILCS 2605/2605-40) (was 20 ILCS 2605/55a-4)

15 Sec. 2605-40. Forensic service functions Division-of  
16 Forensic--Services. The Department Division--of--Forensic  
17 Services shall exercise the following forensic service  
18 functions:

19 (1) Exercise the rights, powers, and duties vested  
20 by law in the Department by the Criminal Identification  
21 Act.

22 (2) Exercise the rights, powers, and duties vested  
23 by law in the Department by Section 2605-300 of this Law.

24 (3) Provide assistance to local law enforcement  
25 agencies through training, management, and consultant  
26 services.

27 (4) (Blank).

28 (5) Exercise other duties that may be assigned by  
29 the Director in order to fulfill the responsibilities and  
30 achieve the purposes of the Department.

31 (6) Establish and operate a forensic science  
32 laboratory system, including a forensic toxicological  
33 laboratory service, for the purpose of testing specimens

1 submitted by coroners and other law enforcement officers  
 2 in their efforts to determine whether alcohol, drugs, or  
 3 poisonous or other toxic substances have been involved in  
 4 deaths, accidents, or illness. Forensic toxicological  
 5 laboratories shall be established in Springfield,  
 6 Chicago, and elsewhere in the State as needed.

7 (7) Subject to specific appropriations made for  
 8 these purposes, establish and coordinate a system for  
 9 providing accurate and expedited forensic science and  
 10 other investigative and laboratory services to local law  
 11 enforcement agencies and local State's Attorneys in aid  
 12 of the investigation and trial of capital cases.

13 (Source: P.A. 90-130, eff. 1-1-98; 91-239, eff. 1-1-00;  
 14 91-589, eff. 1-1-00; 91-760, eff. 1-1-01.)

15 (20 ILCS 2605/2605-45) (was 20 ILCS 2605/55a-5)  
 16 Sec. 2605-45. Administrative functions ~~Division--of~~  
 17 ~~Administration.~~ The Department ~~Division--of-Administration~~  
 18 shall exercise the following administrative functions:

19 (1) Exercise the rights, powers, and duties vested  
 20 in the Department by the Bureau of the Budget Act.

21 (2) Pursue research and the publication of studies  
 22 pertaining to local law enforcement activities.

23 (3) Exercise the rights, powers, and duties vested  
 24 in the Department by the Personnel Code.

25 (4) Operate an electronic data processing and  
 26 computer center for the storage and retrieval of data  
 27 pertaining to criminal activity.

28 (5) Exercise the rights, powers, and duties vested  
 29 in the former Division of State Troopers by Section 17 of  
 30 the State Police Act.

31 (6) Exercise the rights, powers, and duties vested  
 32 in the Department by "An Act relating to internal  
 33 auditing in State government", approved August 11, 1967

1 (repealed; now the Fiscal Control and Internal Auditing  
2 Act, 30 ILCS 10/).

3 (6.5) Exercise the rights, powers, and duties  
4 vested in the Department by the Firearm Owners  
5 Identification Card Act.

6 (7) Exercise other duties that may be assigned by  
7 the Director to fulfill the responsibilities and achieve  
8 the purposes of the Department.

9 (Source: P.A. 91-239, eff. 1-1-00; 91-760, eff. 1-1-01.)

10 (20 ILCS 2605/2605-50) (was 20 ILCS 2605/55a-6)

11 Sec. 2605-50. Internal investigation functions Division  
12 of--Internal--Investigation. The Department Division---of  
13 Internal--Investigation shall initiate internal departmental  
14 investigations and, at the direction of the Governor,  
15 investigate complaints and initiate investigations of  
16 official misconduct by State officers and State employees  
17 under the jurisdiction of the Governor.

18 (Source: P.A. 91-239, eff. 1-1-00.)

19 (20 ILCS 2605/2605-220) (was 20 ILCS 2605/55a-7)

20 Sec. 2605-220. Public aid fraud investigations. The  
21 Department,---through---the--Division--of--Operations, shall  
22 investigate recipients and providers under the Illinois  
23 Public Aid Code and any personnel involved in the  
24 administration of the Code who are suspected of any  
25 violations of the Code pertaining to fraud in the  
26 administration, receipt, or provision of assistance and  
27 pertaining to any violation of criminal law. The Department  
28 shall, in addition to functions otherwise authorized by State  
29 and federal law, exercise the following functions:

30 (1) Initiate investigations of suspected cases of  
31 public aid fraud.

32 (2) Investigate cases of public aid fraud.

1 (Source: P.A. 91-239, eff. 1-1-00; 91-760, eff. 1-1-01.)

2 (20 ILCS 2605/2605-250) (was 20 ILCS 2605/55a in part)

3 Sec. 2605-250. Obtaining evidence. To expend the sums  
4 the Director deems necessary from contractual services  
5 appropriations for the Department Division-of-Operations for  
6 the purchase of evidence and for the employment of persons to  
7 obtain evidence. The sums shall be advanced to agents  
8 authorized by the Director to expend funds, on vouchers  
9 signed by the Director.

10 (Source: P.A. 90-18, eff. 7-1-97; 90-130, eff. 1-1-98;  
11 90-372, eff. 7-1-98; 90-590, eff. 1-1-00; 90-655, eff.  
12 7-30-98; 90-793, eff. 8-14-98; 91-239, eff. 1-1-00; 91-760,  
13 eff. 1-1-01.)

14 Section 10. The State Police Act is amended by changing  
15 Section 8 as follows:

16 (20 ILCS 2610/8) (from Ch. 121, par. 307.8)

17 Sec. 8. The Board shall exercise jurisdiction over the  
18 certification for appointment and promotion, and over the  
19 discipline, removal, demotion and suspension of Department of  
20 State Police officers. Pursuant to recognized merit  
21 principles of public employment, the Board shall formulate,  
22 adopt, and put into effect rules, regulations and procedures  
23 for its operation and the transaction of its business. The  
24 Board shall establish a classification of ranks of persons  
25 subject to its jurisdiction and shall set standards and  
26 qualifications for each rank. Each Department of State Police  
27 officer appointed by the Director shall be classified as a  
28 State Police officer as follows: trooper, sergeant, master  
29 sergeant, lieutenant, or captain, ~~or major~~, or as a Special  
30 Agent, Special Agent Sergeant, Special Agent Master Sergeant,  
31 Special Agent Lieutenant, or Special Agent Captain ~~or Special~~

1 Agent-Majer.

2 (Source: P.A. 84-25.)

3 Section 15. The State Finance Act is amended by changing  
4 Section 8.3 as follows:

5 (30 ILCS 105/8.3) (from Ch. 127, par. 144.3)

6 Sec. 8.3. Money in the Road Fund shall, if and when the  
7 State of Illinois incurs any bonded indebtedness for the  
8 construction of permanent highways, be set aside and used for  
9 the purpose of paying and discharging annually the principal  
10 and interest on that bonded indebtedness then due and  
11 payable, and for no other purpose. The surplus, if any, in  
12 the Road Fund after the payment of principal and interest on  
13 that bonded indebtedness then annually due shall be used as  
14 follows:

15 first -- to pay the cost of administration of  
16 Chapters 2 through 10 of the Illinois Vehicle Code,  
17 except the cost of administration of Articles I and II of  
18 Chapter 3 of that Code; and

19 secondly -- for expenses of the Department of  
20 Transportation for construction, reconstruction,  
21 improvement, repair, maintenance, operation, and  
22 administration of highways in accordance with the  
23 provisions of laws relating thereto, or for any purpose  
24 related or incident to and connected therewith, including  
25 the separation of grades of those highways with railroads  
26 and with highways and including the payment of awards  
27 made by the Industrial Commission under the terms of the  
28 Workers' Compensation Act or Workers' Occupational  
29 Diseases Act for injury or death of an employee of the  
30 Division of Highways in the Department of Transportation;  
31 or for the acquisition of land and the erection of  
32 buildings for highway purposes, including the acquisition



1 of highway right-of-way or for investigations to  
2 determine the reasonably anticipated future highway  
3 needs; or for making of surveys, plans, specifications  
4 and estimates for and in the construction and maintenance  
5 of flight strips and of highways necessary to provide  
6 access to military and naval reservations, to defense  
7 industries and defense-industry sites, and to the sources  
8 of raw materials and for replacing existing highways and  
9 highway connections shut off from general public use at  
10 military and naval reservations and defense-industry  
11 sites, or for the purchase of right-of-way, except that  
12 the State shall be reimbursed in full for any expense  
13 incurred in building the flight strips; or for the  
14 operating and maintaining of highway garages; or for  
15 patrolling and policing the public highways and  
16 conserving the peace; or for any of those purposes or any  
17 other purpose that may be provided by law.

18 Appropriations for any of those purposes are payable from  
19 the Road Fund. Appropriations may also be made from the Road  
20 Fund for the administrative expenses of any State agency that  
21 are related to motor vehicles or arise from the use of motor  
22 vehicles.

23 Beginning with fiscal year 1980 and thereafter, no Road  
24 Fund monies shall be appropriated to the following  
25 Departments or agencies of State government for  
26 administration, grants, or operations; but this limitation is  
27 not a restriction upon appropriating for those purposes any  
28 Road Fund monies that are eligible for federal reimbursement;

- 29 1. Department of Public Health;
- 30 2. Department of Transportation, only with respect  
31 to subsidies for one-half fare Student Transportation and  
32 Reduced Fare for Elderly;
- 33 3. Department of Central Management Services,  
34 except for expenditures incurred for group insurance

1 premiums of appropriate personnel;

2 4. Judicial Systems and Agencies.

3 Beginning with fiscal year 1981 and thereafter, no Road  
4 Fund monies shall be appropriated to the following  
5 Departments or agencies of State government for  
6 administration, grants, or operations; but this limitation is  
7 not a restriction upon appropriating for those purposes any  
8 Road Fund monies that are eligible for federal reimbursement:

9 1. Department of State Police, except for  
10 expenditures with respect to its operational functions  
11 ~~the-Division-of-Operations~~;

12 2. Department of Transportation, only with respect  
13 to Intercity Rail Subsidies and Rail Freight Services.

14 Beginning with fiscal year 1982 and thereafter, no Road  
15 Fund monies shall be appropriated to the following  
16 Departments or agencies of State government for  
17 administration, grants, or operations; but this limitation is  
18 not a restriction upon appropriating for those purposes any  
19 Road Fund monies that are eligible for federal reimbursement:

20 Department of Central Management Services, except for awards  
21 made by the Industrial Commission under the terms of the  
22 Workers' Compensation Act or Workers' Occupational Diseases  
23 Act for injury or death of an employee of the Division of  
24 Highways in the Department of Transportation.

25 Beginning with fiscal year 1984 and thereafter, no Road  
26 Fund monies shall be appropriated to the following  
27 Departments or agencies of State government for  
28 administration, grants, or operations; but this limitation is  
29 not a restriction upon appropriating for those purposes any  
30 Road Fund monies that are eligible for federal reimbursement:

31 1. Department of State Police, except not more than  
32 40% of the funds appropriated for its operational  
33 functions ~~the-Division-of-Operations~~;

34 2. State Officers.

1           Beginning with fiscal year 1984 and thereafter, no Road  
2 Fund monies shall be appropriated to any Department or agency  
3 of State government for administration, grants, or operations  
4 except as provided hereafter; but this limitation is not a  
5 restriction upon appropriating for those purposes any Road  
6 Fund monies that are eligible for federal reimbursement. It  
7 shall not be lawful to circumvent the above appropriation  
8 limitations by governmental reorganization or other methods.  
9 Appropriations shall be made from the Road Fund only in  
10 accordance with the provisions of this Section.

11           Money in the Road Fund shall, if and when the State of  
12 Illinois incurs any bonded indebtedness for the construction  
13 of permanent highways, be set aside and used for the purpose  
14 of paying and discharging during each fiscal year the  
15 principal and interest on that bonded indebtedness as it  
16 becomes due and payable as provided in the Transportation  
17 Bond Act, and for no other purpose. The surplus, if any, in  
18 the Road Fund after the payment of principal and interest on  
19 that bonded indebtedness then annually due shall be used as  
20 follows:

21           first -- to pay the cost of administration of  
22 Chapters 2 through 10 of the Illinois Vehicle Code; and  
23           secondly -- no Road Fund monies derived from fees,  
24 excises, or license taxes relating to registration,  
25 operation and use of vehicles on public highways or to  
26 fuels used for the propulsion of those vehicles, shall be  
27 appropriated or expended other than for costs of  
28 administering the laws imposing those fees, excises, and  
29 license taxes, statutory refunds and adjustments allowed  
30 thereunder, administrative costs of the Department of  
31 Transportation, payment of debts and liabilities incurred  
32 in construction and reconstruction of public highways and  
33 bridges, acquisition of rights-of-way for and the cost of  
34 construction, reconstruction, maintenance, repair, and

1 operation of public highways and bridges under the  
2 direction and supervision of the State, political  
3 subdivision, or municipality collecting those monies, and  
4 the costs for patrolling and policing the public highways  
5 (by State, political subdivision, or municipality  
6 collecting that money) for enforcement of traffic laws.  
7 The separation of grades of such highways with railroads  
8 and costs associated with protection of at-grade highway  
9 and railroad crossing shall also be permissible.

10 Appropriations for any of such purposes are payable from  
11 the Road Fund or the Grade Crossing Protection Fund as  
12 provided in Section 8 of the Motor Fuel Tax Law.

13 Beginning with fiscal year 1991 and thereafter, no Road  
14 Fund monies shall be appropriated to the Department of State  
15 Police for the purposes of this Section in excess of its  
16 total fiscal year 1990 Road Fund appropriations for those  
17 purposes unless otherwise provided in Section 5g of this Act.  
18 It shall not be lawful to circumvent this limitation on  
19 appropriations by governmental reorganization or other  
20 methods unless otherwise provided in Section 5g of this Act.

21 In fiscal year 1994, no Road Fund monies shall be  
22 appropriated to the Secretary of State for the purposes of  
23 this Section in excess of the total fiscal year 1991 Road  
24 Fund appropriations to the Secretary of State for those  
25 purposes, plus \$9,800,000. It shall not be lawful to  
26 circumvent this limitation on appropriations by governmental  
27 reorganization or other method.

28 Beginning with fiscal year 1995 and thereafter, no Road  
29 Fund monies shall be appropriated to the Secretary of State  
30 for the purposes of this Section in excess of the total  
31 fiscal year 1994 Road Fund appropriations to the Secretary of  
32 State for those purposes. It shall not be lawful to  
33 circumvent this limitation on appropriations by governmental  
34 reorganization or other methods.

1           Beginning with fiscal year 2000, total Road Fund  
2 appropriations to the Secretary of State for the purposes of  
3 this Section shall not exceed the amounts specified for the  
4 following fiscal years:

5	Fiscal Year 2000	\$80,500,000;
6	Fiscal Year 2001	\$80,500,000;
7	Fiscal Year 2002	\$80,500,000;
8	Fiscal Year 2003	\$80,500,000;
9	Fiscal Year 2004 and	
10	each year thereafter	\$30,500,000.

11           It shall not be lawful to circumvent this limitation on  
12 appropriations by governmental reorganization or other  
13 methods.

14           No new program may be initiated in fiscal year 1991 and  
15 thereafter that is not consistent with the limitations  
16 imposed by this Section for fiscal year 1984 and thereafter,  
17 insofar as appropriation of Road Fund monies is concerned.

18           Nothing in this Section prohibits transfers from the Road  
19 Fund to the State Construction Account Fund under Section 5e  
20 of this Act.

21           (Source: P.A. 91-37, eff. 7-1-99; 91-760, eff. 1-1-01.)

22           Section 20. The Code of Criminal Procedure of 1963 is  
23 amended by changing Section 115-15 as follows:

24           (725 ILCS 5/115-15)

25           Sec. 115-15. Laboratory reports.

26           (a) In any criminal prosecution for a violation of  
27 either the Cannabis Control Act or the Illinois Controlled  
28 Substances Act, a laboratory report from the Department of  
29 State Police, ~~Division of Forensic Services,~~ that is signed  
30 and sworn to by the person performing an analysis and that  
31 states (1) that the substance that is the basis of the  
32 alleged violation has been weighed and analyzed, and (2) the

1 person's findings as to the contents, weight and identity of  
2 the substance, and (3) that it contains any amount of a  
3 controlled substance or cannabis is prima facie evidence of  
4 the contents, identity and weight of the substance. Attached  
5 to the report shall be a copy of a notarized statement by the  
6 signer of the report giving the name of the signer and  
7 stating (i) that he or she is an employee of the Department  
8 of State Police, ~~Division of Forensic Services~~, (ii) the name  
9 and location of the laboratory where the analysis was  
10 performed, (iii) that performing the analysis is a part of  
11 his or her regular duties, and (iv) that the signer is  
12 qualified by education, training and experience to perform  
13 the analysis. The signer shall also allege that  
14 scientifically accepted tests were performed with due caution  
15 and that the evidence was handled in accordance with  
16 established and accepted procedures while in the custody of  
17 the laboratory.

18 (a-5) In any criminal prosecution for reckless homicide  
19 under Section 9-3 of the Criminal Code of 1961 or driving  
20 under the influence of alcohol, other drug, or combination of  
21 both, in violation of Section 11-501 of the Illinois Vehicle  
22 Code or in any civil action held under a statutory summary  
23 suspension hearing under Section 2-118.1 of the Illinois  
24 Vehicle Code, a laboratory report from the Department of  
25 State Police, ~~Division of Forensic Services~~, that is signed  
26 and sworn to by the person performing an analysis, and that  
27 states that the sample of blood or urine was tested for  
28 alcohol or drugs, and contains the person's findings as to  
29 the presence and amount of alcohol or drugs and type of drug  
30 is prima facie evidence of the presence, content, and amount  
31 of the alcohol or drugs analyzed in the blood or urine.  
32 Attached to the report must be a copy of a notarized  
33 statement by the signer of the report giving the name of the  
34 signer and stating (1) that he or she is an employee of the

1 Department of State Police, ~~Division of Forensic Services,~~  
2 (2) the name and location of the laboratory where the  
3 analysis was performed, (3) that performing the analysis is a  
4 part of his or her regular duties, (4) that the signer is  
5 qualified by education, training, and experience to perform  
6 the analysis, and (5) that scientifically accepted tests were  
7 performed with due caution and that the evidence was handled  
8 in accordance with established and accepted procedures while  
9 in the custody of the laboratory.

10 (b) The State's Attorney shall serve a copy of the  
11 report on the attorney of record for the accused, or on the  
12 accused if he or she has no attorney, before any proceeding  
13 in which the report is to be used against the accused other  
14 than at a preliminary hearing or grand jury hearing when the  
15 report may be used without having been previously served upon  
16 the accused.

17 (c) The report shall not be prima facie evidence if the  
18 accused or his or her attorney demands the testimony of the  
19 person signing the report by serving the demand upon the  
20 State's Attorney within 7 days from the accused or his or her  
21 attorney's receipt of the report.

22 (Source: P.A. 90-130, eff. 1-1-98; 91-563, eff. 1-1-00.)

23 Section 25. The Unified Code of Corrections is amended  
24 by changing Section 5-4-3 as follows:

25 (730 ILCS 5/5-4-3) (from Ch. 38, par. 1005-4-3)

26 Sec. 5-4-3. Persons convicted of, or found delinquent  
27 for, qualifying offenses or institutionalized as sexually  
28 dangerous; blood specimens; genetic marker groups.

29 (a) Any person convicted of, found guilty under the  
30 Juvenile Court Act of 1987 for, or who received a disposition  
31 of court supervision for, a qualifying offense or attempt of  
32 a qualifying offense, or institutionalized as a sexually

1 dangerous person under the Sexually Dangerous Persons Act, or  
2 committed as a sexually violent person under the Sexually  
3 Violent Persons Commitment Act shall, regardless of the  
4 sentence or disposition imposed, be required to submit  
5 specimens of blood to the Illinois Department of State Police  
6 in accordance with the provisions of this Section, provided  
7 such person is:

8 (1) convicted of a qualifying offense or attempt of  
9 a qualifying offense on or after the effective date of  
10 this amendatory Act of 1989, and sentenced to a term of  
11 imprisonment, periodic imprisonment, fine, probation,  
12 conditional discharge or any other form of sentence, or  
13 given a disposition of court supervision for the offense,  
14 or

15 (1.5) found guilty or given supervision under the  
16 Juvenile Court Act of 1987 for a qualifying offense or  
17 attempt of a qualifying offense on or after the effective  
18 date of this amendatory Act of 1996, or

19 (2) ordered institutionalized as a sexually  
20 dangerous person on or after the effective date of this  
21 amendatory Act of 1989, or

22 (3) convicted of a qualifying offense or attempt of  
23 a qualifying offense before the effective date of this  
24 amendatory Act of 1989 and is presently confined as a  
25 result of such conviction in any State correctional  
26 facility or county jail or is presently serving a  
27 sentence of probation, conditional discharge or periodic  
28 imprisonment as a result of such conviction, or

29 (4) presently institutionalized as a sexually  
30 dangerous person or presently institutionalized as a  
31 person found guilty but mentally ill of a sexual offense  
32 or attempt to commit a sexual offense; or

33 (4.5) ordered committed as a sexually violent  
34 person on or after the effective date of the Sexually



1 Violent Persons Commitment Act; or

2 (5) seeking transfer to or residency in Illinois  
3 under Sections 3-3-11 through 3-3-11.5 of the Unified  
4 Code of Corrections (Interstate Compact for the  
5 Supervision of Parolees and Probationers) or the  
6 Interstate Agreements on Sexually Dangerous Persons Act.

7 (a-5) Any person who was otherwise convicted of or  
8 received a disposition of court supervision for any other  
9 offense under the Criminal Code of 1961 or any offense  
10 classified as a felony under Illinois law or who was found  
11 guilty or given supervision for such a violation under the  
12 Juvenile Court Act of 1987, may, regardless of the sentence  
13 imposed, be required by an order of the court to submit  
14 specimens of blood to the Illinois Department of State Police  
15 in accordance with the provisions of this Section.

16 (b) Any person required by paragraphs (a)(1), (a)(1.5),  
17 (a)(2), and (a-5) to provide specimens of blood shall provide  
18 specimens of blood within 45 days after sentencing or  
19 disposition at a collection site designated by the Illinois  
20 Department of State Police.

21 (c) Any person required by paragraphs (a)(3), (a)(4),  
22 and (a)(4.5) to provide specimens of blood shall be required  
23 to provide such samples prior to final discharge, parole, or  
24 release at a collection site designated by the Illinois  
25 Department of State Police.

26 (c-5) Any person required by paragraph (a)(5) to provide  
27 specimens of blood shall, where feasible, be required to  
28 provide the specimens before being accepted for conditioned  
29 residency in Illinois under the interstate compact or  
30 agreement, but no later than 45 days after arrival in this  
31 State.

32 (d) The Illinois Department of State Police shall  
33 provide all equipment and instructions necessary for the  
34 collection of blood samples. The collection of samples shall

1 be performed in a medically approved manner. Only a  
2 physician authorized to practice medicine, a registered nurse  
3 or other qualified person trained in venipuncture may  
4 withdraw blood for the purposes of this Act. The samples  
5 shall thereafter be forwarded to the Illinois Department of  
6 State Police, ~~Division of Forensic Services~~, for analysis and  
7 categorizing into genetic marker groupings.

8 (e) The genetic marker groupings shall be maintained by  
9 the Illinois Department of State Police, ~~Division of Forensic~~  
10 ~~Services~~.

11 (f) The genetic marker grouping analysis information  
12 obtained pursuant to this Act shall be confidential and shall  
13 be released only to peace officers of the United States, of  
14 other states or territories, of the insular possessions of  
15 the United States, of foreign countries duly authorized to  
16 receive the same, to all peace officers of the State of  
17 Illinois and to all prosecutorial agencies. Notwithstanding  
18 any other statutory provision to the contrary, all  
19 information obtained under this Section shall be maintained  
20 in a single State data base, which may be uploaded into a  
21 national database, and may not be subject to expungement.

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

24 (1) Any violation or inchoate violation of Section  
25 11-6, 11-9.1, 11-11, 11-15.1, 11-17.1, 11-18.1, 11-19.1,  
26 11-19.2, 11-20.1, 12-13, 12-14, 12-14.1, 12-15, 12-16, or  
27 12-33 of the Criminal Code of 1961, or

28 (1.1) Any violation or inchoate violation of  
29 Section 9-1, 9-2, 10-1, 10-2, 12-11, 12-11.1, 18-1, 18-2,  
30 18-3, 18-4, 19-1, or 19-2 of the Criminal Code of 1961  
31 for which persons are convicted on or after July 1, 2001,  
32 or

33 (2) Any former statute of this State which defined  
34 a felony sexual offense, or

1           (3) Any violation of paragraph (10) of subsection  
2           (b) of Section 10-5 of the Criminal Code of 1961 when the  
3           sentencing court, upon a motion by the State's Attorney  
4           or Attorney General, makes a finding that the child  
5           luring involved an intent to commit sexual penetration or  
6           sexual conduct as defined in Section 12-12 of the  
7           Criminal Code of 1961, or

8           (4) Any violation or inchoate violation of Section  
9           9-3.1, 11-9.3, 12-3.3, 12-4.2, 12-4.3, 12-7.3, 12-7.4,  
10          18-5, 19-3, 20-1.1, or 20.5-5 of the Criminal Code of  
11          1961.

12          (g-5) The Department of State Police is not required to  
13          provide equipment to collect or to accept or process blood  
14          specimens from individuals convicted of any offense listed in  
15          paragraph (1.1) or (4) of subsection (g), until acquisition  
16          of the resources necessary to process such blood specimens,  
17          or in the case of paragraph (1.1) of subsection (g) until  
18          July 1, 2003, whichever is earlier.

19          Upon acquisition of necessary resources, including an  
20          appropriation for the purpose of implementing this amendatory  
21          Act of the 91st General Assembly, but in the case of  
22          paragraph (1.1) of subsection (g) no later than July 1, 2003,  
23          the Department of State Police shall notify the Department of  
24          Corrections, the Administrative Office of the Illinois  
25          Courts, and any other entity deemed appropriate by the  
26          Department of State Police, to begin blood specimen  
27          collection from individuals convicted of offenses enumerated  
28          in paragraphs (1.1) and (4) of subsection (g) that the  
29          Department is prepared to provide collection equipment and  
30          receive and process blood specimens from individuals  
31          convicted of offenses enumerated in paragraph (1.1) of  
32          subsection (g).

33          Until the Department of State Police provides  
34          notification, designated collection agencies are not required

1 to collect blood specimen from individuals convicted of  
2 offenses enumerated in paragraphs (1.1) and (4) of subsection  
3 (g).

4 (h) The Illinois Department of State Police shall be the  
5 State central repository for all genetic marker grouping  
6 analysis information obtained pursuant to this Act. The  
7 Illinois Department of State Police may promulgate rules for  
8 the form and manner of the collection of blood samples and  
9 other procedures for the operation of this Act. The  
10 provisions of the Administrative Review Law shall apply to  
11 all actions taken under the rules so promulgated.

12 (i) A person required to provide a blood specimen shall  
13 cooperate with the collection of the specimen and any  
14 deliberate act by that person intended to impede, delay or  
15 stop the collection of the blood specimen is a Class A  
16 misdemeanor.

17 (j) Any person required by subsection (a) to submit  
18 specimens of blood to the Illinois Department of State Police  
19 for analysis and categorization into genetic marker grouping,  
20 in addition to any other disposition, penalty, or fine  
21 imposed, shall pay an analysis fee of \$500. Upon verified  
22 petition of the person, the court may suspend payment of all  
23 or part of the fee if it finds that the person does not have  
24 the ability to pay the fee.

25 (k) All analysis and categorization fees provided for by  
26 subsection (j) shall be regulated as follows:

27 (1) The State Offender DNA Identification System  
28 Fund is hereby created as a special fund in the State  
29 Treasury.

30 (2) All fees shall be collected by the clerk of the  
31 court and forwarded to the State Offender DNA  
32 Identification System Fund for deposit. The clerk of the  
33 circuit court may retain the amount of \$10 from each  
34 collected analysis fee to offset administrative costs

1 incurred in carrying out the clerk's responsibilities  
2 under this Section.

3 (3) Fees deposited into the State Offender DNA  
4 Identification System Fund shall be used by Illinois  
5 State Police crime laboratories as designated by the  
6 Director of State Police. These funds shall be in  
7 addition to any allocations made pursuant to existing  
8 laws and shall be designated for the exclusive use of  
9 State crime laboratories. These uses may include, but  
10 are not limited to, the following:

11 (A) Costs incurred in providing analysis and  
12 genetic marker categorization as required by  
13 subsection (d).

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

16 (C) Costs incurred in the purchase and  
17 maintenance of equipment for use in performing  
18 analyses.

19 (D) Costs incurred in continuing research and  
20 development of new techniques for analysis and  
21 genetic marker categorization.

22 (E) Costs incurred in continuing education,  
23 training, and professional development of forensic  
24 scientists regularly employed by these laboratories.

25 (1) The failure of a person to provide a specimen, or of  
26 any person or agency to collect a specimen, within the 45 day  
27 period shall in no way alter the obligation of the person to  
28 submit such specimen, or the authority of the Illinois  
29 Department of State Police or persons designated by the  
30 Department to collect the specimen, or the authority of the  
31 Illinois Department of State Police to accept, analyze and  
32 maintain the specimen or to maintain or upload results of  
33 genetic marker grouping analysis information into a State or  
34 national database.

1 (Source: P.A. 91-528, eff. 1-1-00; 92-16, eff. 6-28-01;  
2 92-40, eff. 6-29-01.)

3 Section 30. The Whistleblower Reward and Protection Act  
4 is amended by changing Section 2 as follows:

5 (740 ILCS 175/2) (from Ch. 127, par. 4102)

6 Sec. 2. Definitions. As used in this Act:

7 (a) "State" means the State of Illinois; any agency of  
8 State government; and any of the following entities which may  
9 elect to adopt the provisions of this Act by ordinance or  
10 resolution, a copy of which shall be filed with the Attorney  
11 General within 30 days of its adoption: the system of State  
12 colleges and universities, any school district, any public  
13 community college district, any municipality, municipal  
14 corporations, units of local government, and any combination  
15 of the above under an intergovernmental agreement that  
16 includes provisions for a governing body of the agency  
17 created by the agreement.

18 (b) "Guard" means the Illinois National Guard.

19 (c) "Investigation" means any inquiry conducted by any  
20 investigator for the purpose of ascertaining whether any  
21 person is or has been engaged in any violation of this Act.

22 (d) "Investigator" means a person who is charged by the  
23 Department of State Police with the duty of conducting any  
24 investigation under this Act, or any officer or employee of  
25 the State acting under the direction and supervision of the  
26 Department of State Police, ~~through the Division of~~  
27 ~~Operations or the Division of Internal Investigation,~~ in the  
28 course of an investigation.

29 (e) "Documentary material" includes the original or any  
30 copy of any book, record, report, memorandum, paper,  
31 communication, tabulation, chart, or other document, or data  
32 compilations stored in or accessible through computer or

1 other information retrieval systems, together with  
2 instructions and all other materials necessary to use or  
3 interpret such data compilations, and any product of  
4 discovery.

5 (f) "Custodian" means the custodian, or any deputy  
6 custodian, designated by the Attorney General under  
7 subsection (i)(1) of Section 6.

8 (g) "Product of discovery" includes:

9 (1) the original or duplicate of any deposition,  
10 interrogatory, document, thing, result of the inspection  
11 of land or other property, examination, or admission,  
12 which is obtained by any method of discovery in any  
13 judicial or administrative proceeding of an adversarial  
14 nature;

15 (2) any digest, analysis, selection, compilation,  
16 or derivation of any item listed in paragraph (1); and

17 (3) any index or other manner of access to any item  
18 listed in paragraph (1).

19 (Source: P.A. 91-760, eff. 1-1-01.)

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INDEX

Statutes amended in order of appearance

20 ILCS 2605/2605-25	was	20 ILCS 2605/55a-1
20 ILCS 2605/2605-30	was	20 ILCS 2605/55a-2
20 ILCS 2605/2605-35	was	20 ILCS 2605/55a-3
20 ILCS 2605/2605-40	was	20 ILCS 2605/55a-4
20 ILCS 2605/2605-45	was	20 ILCS 2605/55a-5
20 ILCS 2605/2605-50	was	20 ILCS 2605/55a-6
20 ILCS 2605/2605-220	was	20 ILCS 2605/55a-7
20 ILCS 2605/2605-250	was	20 ILCS 2605/55a in part
20 ILCS 2610/8	from	Ch. 121, par. 307.8
30 ILCS 105/8.3	from	Ch. 127, par. 144.3
725 ILCS 5/115-15		
730 ILCS 5/5-4-3	from	Ch. 38, par. 1005-4-3
740 ILCS 175/2	from	Ch. 127, par. 4102