

AN ACT concerning forensic laboratory oversight.

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

Section 1. Short title. This Act may be cited as the Illinois Laboratory Advisory Committee Act.

Section 5. Illinois Laboratory Advisory Committee; creation.

(a) There is created the Illinois Laboratory Advisory Committee (hereinafter referred to as the Committee).

(b) The Committee shall consist of 15 members appointed as follows:

(1) one member who is a scientist from the Department of Agriculture, appointed by the Director of Agriculture;

(2) one member who is a scientist from the Department of Natural Resources, appointed by the Director of Natural Resources;

(3) one member who is a scientist from the Department of Public Health, appointed by the Director of Public Health;

(4) one member who is a scientist from the Department of State Police, appointed by the Director of State Police;

(5) one member who is a scientist from the Environmental Protection Agency, appointed by the Director of the Environmental Protection Agency;

(6) one member who is a scientist from the Illinois Emergency Management Agency, appointed by the Director of the Illinois Emergency Management Agency;

(7) one member who is a scientist from the Department of Transportation, appointed by the Secretary of Transportation;

(8) one member who is a licensed attorney, with expertise in scientific evidence, appointed by the Cook

County Public Defender;

(9) one member who is a licensed attorney, with expertise in scientific evidence, appointed by the Cook County State's Attorney;

(10) one member who is a licensed attorney, with expertise in scientific evidence, appointed by the State Appellate Defender;

(11) one member who is a licensed attorney, with expertise in scientific evidence, appointed by the Director of the Office of the State's Attorneys Appellate Prosecutor;

(12) one member who is a licensed attorney, with expertise in scientific evidence, appointed by the Attorney General;

(13) one member who is an academic scientist with an advanced degree in life, physical, or medical sciences appointed by the Attorney General;

(14) one member who is a scientist employed by the DuPage County Sheriff's Crime Laboratory appointed by the DuPage County Sheriff's Crime Laboratory Director; and

(15) one member who is an academic forensic scientist with an advanced degree in the life, physical, criminalistic, or medical sciences appointed by the president of the University of Illinois.

(c) The Committee Chairperson may appoint one ex officio member representing private laboratories, and one ex officio member who is a scientist representing the Northern Illinois Police Crime Laboratory. The president of the University of Illinois may appoint one ex officio member to the Committee representing social scientists.

(d) Appointments to the Committee shall be made within 90 days after the effective date of this Act with the first meeting of the Committee being held no later than 180 days following the effective date of this Act. The members of the Committee shall choose a chairperson from among its members. The chairperson shall serve a 2-year term and shall be

responsible for convening meetings, setting agendas, and finalizing reports.

(e) For the purpose of ensuring continuity on the Committee, each member of the Committee shall serve a 4-year term except 5 members, chosen at random, who shall serve an initial term of 2 years, after which they shall be eligible for reappointment for a term of 4 years. Members shall serve at the discretion of their appointing authorities.

(f) Vacancies on the Committee shall be filled in accordance with subsections (b) and (e). A member of the Committee appointed to fill a vacancy shall serve for the unexpired term of the member whom he or she is succeeding.

(g) The Committee shall not be compensated. Travel costs associated with the Committee shall be reimbursed subject to the availability of State or the appointing agency's funds. Funds received from public or private sources shall be governed by all applicable laws to ensure ethics compliance. There is established the Illinois Laboratory Advisory Committee Act Fund in the State treasury into which funds received from public or private sources shall be deposited for use by the Committee.

(h) The Committee and individual members of the Committee are immune from any liability, whether civil or criminal, for the good faith performance of the duties of the Committee as specified in this Section.

(i) No member of the Committee shall be disqualified from holding public office or employment, nor shall he or she forfeit any such office or employment, by reason of appointment under this Act, and members may not be required to take and file oaths of office before serving on the Committee.

(j) Responsibilities of the Committee. The Committee shall:

(1) establish the rules and procedures concerning the conduct of Committee meetings and other affairs not inconsistent with law;

(2) make recommendations regarding improving policy

and procedures to ensure counsel for the defense and prosecution are receiving all evidence, reports, and analytical documentation relevant to disclosure;

(3) make recommendations regarding accreditation and quality assurance as it applies to laboratory testing that will be in compliance with recognized International Organization for Standardization and applicable professional standards;

(4) make recommendations regarding training procedures to ensure training is conducted consistent with recognized scientific procedures;

(5) make recommendations regarding staffing and funding needs to ensure resources to obtain accurate, timely, and complete analysis of all samples submitted for testing;

(6) make recommendations regarding private laboratories conducting scientific testing, including forensic testing, to ensure quality assurance and accreditation standards are in concert with the governmental laboratories within the State;

(7) make recommendations to ensure consistency among judicial orders and rulings as it relates to evidence and discovery;

(8) examine ways to make more efficient use of the State laboratories, including facilities, personnel, and equipment;

(9) examine ways to reduce laboratory backlogs;

(10) review and comment on the proposed construction, expansion, or renovation of State laboratory facilities exceeding \$250,000 and generally plan for future laboratory needs;

(11) conduct such other activities as may be necessary to provide for the safe and efficient operation of State laboratories;

(12) make recommendations on other laboratory issues not listed in this Section as the Committee deems

appropriate;

(13) examine ways to enhance Illinois Homeland Security through coordination of laboratory services with the Illinois Terrorism Task Force;

(14) continue to ensure that analysts are provided all necessary tools and information needed to draw all relevant scientific conclusions, and consider methods to guarantee that observations and conclusions are not inadvertently influenced by extraneous information; and

(15) make annual recommendations in a report filed with the Governor, General Assembly, and Illinois Supreme Court to facilitate any of the responsibilities of the Committee. Reports shall be furnished to all members of the Committee.

Section 105. The State Finance Act is amended by adding Section 5.625 as follows:

(30 ILCS 105/5.625 new)

Sec. 5.625. The Illinois Laboratory Advisory Committee Act Fund.