

1 AN ACT concerning 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 Incident Procedure Act is
5 amended by changing Section 20 as follows:

6 (725 ILCS 203/20)

7 Sec. 20. Reports by law enforcement officers.

8 (a) A law enforcement officer shall complete a written
9 police report upon receiving the following, regardless of
10 where the incident occurred:

11 (1) an allegation by a person that the person has been
12 sexually assaulted or sexually abused regardless of
13 jurisdiction;

14 (2) information from hospital or medical personnel
15 provided under Section 3.2 of the Criminal Identification
16 Act; or

17 (3) information from a witness who personally observed
18 what appeared to be a sexual assault or sexual abuse or
19 attempted sexual assault or sexual abuse.

20 (b) The written report shall include the following, if
21 known:

22 (1) the victim's name or other identifier;

23 (2) the victim's contact information;

- 1 (3) time, date, and location of offense;
 - 2 (4) information provided by the victim;
 - 3 (5) the suspect's description and name, if known;
 - 4 (6) names of persons with information relevant to the
5 time before, during, or after the sexual assault or sexual
6 abuse, and their contact information;
 - 7 (7) names of medical professionals who provided a
8 medical forensic examination of the victim and any
9 information they provided about the sexual assault or
10 sexual abuse;
 - 11 (8) whether an Illinois State Police Sexual Assault
12 Evidence Collection Kit was completed, the name and
13 contact information for the hospital, and whether the
14 victim consented to testing of the Evidence Collection Kit
15 by law enforcement;
 - 16 (9) whether a urine or blood sample was collected and
17 whether the victim consented to testing of a toxicology
18 screen by law enforcement;
 - 19 (10) information the victim related to medical
20 professionals during a medical forensic examination which
21 the victim consented to disclosure to law enforcement; and
 - 22 (11) other relevant information.
- 23 (c) If the sexual assault or sexual abuse occurred in
24 another jurisdiction, the law enforcement officer taking the
25 report must submit the report to the law enforcement agency
26 having jurisdiction in person or via fax or email within 24

1 hours of receiving information about the sexual assault or
2 sexual abuse.

3 (d) Within 24 hours of receiving a report from a law
4 enforcement agency in another jurisdiction in accordance with
5 subsection (c), the law enforcement agency having jurisdiction
6 shall submit a written confirmation to the law enforcement
7 agency that wrote the report. The written confirmation shall
8 contain the name and identifier of the person and confirming
9 receipt of the report and a name and contact phone number that
10 will be given to the victim. The written confirmation shall be
11 delivered in person or via fax or email.

12 (e) No law enforcement officer shall require a victim of
13 sexual assault or sexual abuse to submit to an interview.

14 (f) No law enforcement agency may refuse to complete a
15 written report as required by this Section on any ground. A law
16 enforcement officer shall not discourage or attempt to
17 discourage a victim from filing a police report concerning
18 sexual assault or sexual abuse.

19 (g) All law enforcement agencies shall ensure that all
20 officers responding to or investigating a complaint of sexual
21 assault or sexual abuse have successfully completed training
22 under Section 10.21 of the Illinois Police Training Act and
23 Section 2605-51 of the Illinois State Police Law of the Civil
24 Administrative Code of Illinois.

25 (h) At law enforcement agencies that employ officers of
26 more than one sex or gender who have the training described in

1 subsection (g), a law enforcement officer shall inform a
2 victim of sexual assault or sexual abuse of the opportunity to
3 request to be interviewed by an officer of a particular sex or
4 gender. If, when a request is made, no officer at that agency
5 of the requested sex or gender with the training described in
6 subsection (g) is reasonably available, the victim may consent
7 to be interviewed by any available law enforcement officer
8 with that training, decline to be interviewed, or choose to
9 schedule an interview at another time when such an officer is
10 expected to be available. Every law enforcement agency shall
11 establish a policy that defines "reasonably available" for
12 this Section.

13 The duty to inform the victim about the opportunity to
14 request to be interviewed by an officer of a particular sex or
15 gender shall not apply to the preliminary investigation by the
16 initial responding officer at the crime scene, in the
17 emergency department of a hospital, at an approved pediatric
18 health care facility, or under exigent circumstances. The
19 initial responding officer shall not require a victim to
20 submit to an interview, pursuant to subsection (e). If the
21 victim requests an officer of a particular sex or gender at the
22 scene, in the emergency department of a hospital, at an
23 approved pediatric health care facility, or during exigent
24 circumstances, the responding officer shall accommodate the
25 request when an officer of the requested sex or gender is
26 reasonably available.

1 (i) A law enforcement officer shall inform a victim of
2 sexual assault or sexual abuse of the opportunity to have a
3 support person of the victim's choosing present during any
4 interview by a law enforcement officer or prosecutor, unless
5 the law enforcement officer or prosecutor makes a good faith
6 determination based on professional judgment, before or during
7 the interview, that the presence of the support person would
8 be detrimental to the purpose of the interview. If the support
9 person engages in behavior that disrupts or undermines the
10 interview, the support person may be removed. If the support
11 person is not permitted to accompany the victim or is removed,
12 the victim may consent to be interviewed without a support
13 person, decline to be interviewed, or choose to schedule an
14 interview at another time and bring a different support
15 person.

16 The duty to inform the victim about the opportunity to
17 have a support person shall not apply to the preliminary
18 investigation by the initial responding officer at the crime
19 scene, in the emergency department of a hospital, at an
20 approved pediatric health care facility, or under exigent
21 circumstances. The initial responding officer shall not
22 require a victim to submit to an interview, pursuant to
23 subsection (e). Nothing in this Section prohibits the initial
24 responding officer from offering or allowing a victim to have
25 a support person.

26 (Source: P.A. 104-173, eff. 1-1-26.)