



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB0528

by Rep. Margo McDermed

SYNOPSIS AS INTRODUCED:

725 ILCS 202/21 new

Amends the Sexual Assault Evidence Submission Act. Provides that the Department of State Police shall create and operate a statewide sexual assault evidence kit tracking system. Provides that the statewide sexual assault evidence kit tracking system shall: (1) track the location and status of sexual assault evidence kits throughout the criminal justice process, including the initial collection in examinations performed at medical facilities, receipt at local law enforcement agencies, and receipt and analysis at forensic laboratories; (2) allow medical facilities performing sexual assault forensic examinations, law enforcement agencies, prosecutors, State and local crime laboratories, and other entities who have physical custody of sexual assault evidence kits to update and track the status and location of sexual assault evidence kits; (3) allow victims of sexual assault to anonymously track and receive updates regarding the status of their sexual assault evidence kit; and (4) use technology to allow continuous access for appropriate personnel. Provides that the Department may phase in initial participation in the statewide sexual assault evidence kit tracking system by region, volume, or other appropriate classification. Provides that all entities who have custody of sexual assault evidence kits shall fully participate in the system by no later than July 1, 2019. Makes other changes. Effective immediately.

LRB100 04273 SLF 14279 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 Evidence Submission Act is
5 amended by adding Section 21 as follows:

6 (725 ILCS 202/21 new)

7 Sec. 21. Sexual assault evidence kit tracking system.

8 For the purposes of this Section:

9 "Sexual assault evidence kit" means an Illinois State
10 Police Sexual Assault Evidence Collection Kit as defined in
11 Section 1a of the Sexual Assault Survivors Emergency Treatment
12 Act.

13 (a) The General Assembly recognizes the deep pain and
14 suffering experienced by victims of sexual assault. Sexual
15 assault is an extreme violation of a person's body, sense of
16 self, and safety. Sexual violence is a pervasive social
17 problem. National studies indicate that approximately 1 in 4
18 women will be sexually assaulted in their lifetime. Survivors
19 often turn to hospitals and local law enforcement for help and
20 many volunteer to have professionals collect a sexual assault
21 evidence kit to preserve physical evidence from their bodies.
22 The process of collecting a sexual assault evidence kit is
23 extremely invasive and difficult.

1 The General Assembly finds that, when forensic analysis is
2 completed, the biological evidence contained inside sexual
3 assault evidence kits can be an incredibly powerful tool for
4 law enforcement to solve and prevent crimes. Forensic analysis
5 of all sexual assault evidence kits sends a message to
6 survivors that they matter. It sends a message to perpetrators
7 that they will be held accountable for their crimes. The
8 General Assembly is committed to bringing healing and justice
9 to survivors of sexual assault.

10 The General Assembly recognizes the laudable and
11 successful efforts of law enforcement in the utilization of
12 forensic analysis of sexual assault evidence kits in the
13 investigation and prosecution of crimes. The General Assembly
14 intends to continue to build on this State's efforts to address
15 serious concerns in the treatment of sexual assault evidence
16 kits through the establishment of a statewide sexual assault
17 evidence kit tracking system. This system will be designed to
18 track all sexual assault evidence kits in this State in order
19 to further empower survivors with information, assist law
20 enforcement with investigations and crime prevention, and
21 create transparency and foster public trust.

22 (b) The Department of State Police shall create and operate
23 a statewide sexual assault evidence kit tracking system. The
24 Department may contract with State and non-State entities,
25 including, but not limited to, private software or technology
26 providers for the creation, operation, and maintenance of the

1 statewide sexual assault evidence kit tracking system.

2 (c) The statewide sexual assault evidence kit tracking
3 system shall:

4 (1) track the location and status of sexual assault
5 evidence kits throughout the criminal justice process,
6 including the initial collection in examinations performed
7 at medical facilities, receipt at local law enforcement
8 agencies, and receipt and analysis at forensic
9 laboratories;

10 (2) allow medical facilities performing sexual assault
11 forensic examinations, law enforcement agencies,
12 prosecutors, State and local crime laboratories, and other
13 entities who have physical custody of sexual assault
14 evidence kits to update and track the status and location
15 of sexual assault evidence kits;

16 (3) allow victims of sexual assault to anonymously
17 track and receive updates regarding the status of their
18 sexual assault evidence kit; and

19 (4) use technology to allow continuous access for
20 appropriate personnel.

21 (d) The Department of State Police may phase in initial
22 participation in the statewide sexual assault evidence kit
23 tracking system by region, volume, or other appropriate
24 classification. All entities who have custody of sexual assault
25 evidence kits shall fully participate in the statewide sexual
26 assault evidence kit tracking system on or before July 1, 2019.

1 The Department shall submit a report on the current status and
2 plan for launching the system, which shall include the plan for
3 phases of implementation, to the Governor and appropriate
4 committees of the General Assembly on or before January 1,
5 2019.

6 (e) The Department of State Police shall submit a
7 semi-annual report on the statewide sexual assault evidence kit
8 tracking system to the Governor and appropriate committees of
9 the General Assembly. This report shall be made available to
10 the public through the Department's website. The first report
11 shall be due on or before July 1, 2019, and subsequent reports
12 shall be due on or before January 1st and July 1st each year
13 after. These semi-annual reports shall include:

14 (1) the total number of sexual assault evidence kits in
15 the system, statewide and by jurisdiction;

16 (2) the total and semi-annual number of sexual assault
17 evidence kits where forensic analysis has been completed,
18 statewide and by jurisdiction;

19 (3) the number of sexual assault evidence kits added to
20 the system within the reporting period, statewide and by
21 jurisdiction;

22 (4) the total and semi-annual number of sexual assault
23 evidence kits where forensic analysis has been requested,
24 but not yet completed, statewide and by jurisdiction;

25 (5) the average and median length of time for sexual
26 assault evidence kits to be submitted to forensic analysis

1 after being added to the system, including separate sets of
2 data for sexual assault evidence kits currently in the
3 system and for sexual assault evidence kits yet to be added
4 to the system within the reporting period, statewide and by
5 jurisdiction;

6 (6) the average and median length of time for forensic
7 analysis to be completed for sexual assault evidence kits
8 after being submitted for forensic analysis, including
9 separate sets of data for all sexual assault evidence kits
10 within the system, and for sexual assault evidence kits to
11 be added to the system within the reporting period,
12 statewide and by jurisdiction;

13 (7) the total number of sexual assault evidence kits,
14 statewide and by jurisdiction, where forensic analysis has
15 not been completed and 6 months or more have passed since
16 those sexual evidence kits were added to the system; and

17 (8) the total number of sexual assault evidence kits,
18 statewide and by jurisdiction, where forensic analysis has
19 not been completed and 1 year or more has passed since
20 those sexual assault evidence kits were added to the
21 system.

22 (f) For the purposes of the required reports under
23 subsection (e) of this Section, a sexual assault evidence kit
24 shall be assigned to the jurisdiction associated with the law
25 enforcement agency anticipated to receive the sexual assault
26 evidence kit or otherwise in the custody of the sexual assault

1 evidence kit.

2 (g) A public agency or entity, including officials and
3 employees, and a hospital and its employees providing services
4 to victims of sexual assault may not be held civilly liable for
5 damages arising from the release of information of the failure
6 to release information related to the statewide sexual assault
7 evidence kit tracking system so long as the act or omission was
8 without gross negligence.

9 (h) Local law enforcement agencies shall participate in the
10 statewide sexual assault evidence kit tracking system
11 established in subsection (b) of this Section for the purpose
12 of tracking the status of all sexual assault evidence kits in
13 the custody of local law enforcement agencies and other
14 entities contracting with local law enforcement agencies.
15 Local law enforcement agencies shall begin full participation
16 in this system according to the implementation schedule
17 established by the Department.

18 (i) A sheriff and his or her deputies shall participate in
19 the statewide sexual assault evidence kit tracking system
20 established in subsection (b) of this Section for the purpose
21 of tracking the status of all sexual assault evidence kits in
22 the custody of the Department and other entities contracting
23 with the Department. Sheriffs shall begin full participation
24 with the system according to the implementation schedule
25 established by the Department.

26 (j) State and local crime laboratories that perform DNA

1 analysis shall participate in the statewide sexual assault
2 evidence kit tracking system established in subsection (b) of
3 this Section for the purpose of tracking the status of all
4 sexual assault evidence kits in their custody and other
5 entities contracting with crime labs. State and local crime
6 laboratories shall begin full participation in the system
7 according to the implementation schedule established by the
8 Department.

9 (k) Hospitals or other treatment centers with staff
10 performing sexual assault forensic examinations shall
11 participate in the statewide sexual assault evidence kit
12 tracking system established in subsection (b) of this Section
13 for the purpose of tracking the status of all sexual assault
14 evidence kits collected by or in the custody of hospitals or
15 treatment centers and other entities contracting with those
16 hospitals or treatment centers. Hospitals and treatment
17 centers shall begin full participation in the system according
18 to the implementation schedule established by the Department.

19 (l) Prosecuting attorneys shall participate in the
20 statewide sexual assault evidence kit tracking system
21 established in subsection (b) of this Section for the purpose
22 of tracking the status of all sexual assault evidence kits
23 connected to a criminal investigations and prosecutions within
24 the county. Prosecuting attorneys shall begin full
25 participation in the system according to the implementation
26 schedule established by the Department.

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.