



Rep. Margo McDermed

Filed: 3/29/2019

10100HB1440ham001

LRB101 08023 SLF 58793 a

1 AMENDMENT TO HOUSE BILL 1440

2 AMENDMENT NO. _____. Amend House Bill 1440 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Administrative Procedure Act is
5 amended by changing Section 5-45 as follows:

6 (5 ILCS 100/5-45) (from Ch. 127, par. 1005-45)

7 Sec. 5-45. Emergency rulemaking.

8 (a) "Emergency" means the existence of any situation that
9 any agency finds reasonably constitutes a threat to the public
10 interest, safety, or welfare.

11 (b) If any agency finds that an emergency exists that
12 requires adoption of a rule upon fewer days than is required by
13 Section 5-40 and states in writing its reasons for that
14 finding, the agency may adopt an emergency rule without prior
15 notice or hearing upon filing a notice of emergency rulemaking
16 with the Secretary of State under Section 5-70. The notice

1 shall include the text of the emergency rule and shall be
2 published in the Illinois Register. Consent orders or other
3 court orders adopting settlements negotiated by an agency may
4 be adopted under this Section. Subject to applicable
5 constitutional or statutory provisions, an emergency rule
6 becomes effective immediately upon filing under Section 5-65 or
7 at a stated date less than 10 days thereafter. The agency's
8 finding and a statement of the specific reasons for the finding
9 shall be filed with the rule. The agency shall take reasonable
10 and appropriate measures to make emergency rules known to the
11 persons who may be affected by them.

12 (c) An emergency rule may be effective for a period of not
13 longer than 150 days, but the agency's authority to adopt an
14 identical rule under Section 5-40 is not precluded. No
15 emergency rule may be adopted more than once in any 24-month
16 period, except that this limitation on the number of emergency
17 rules that may be adopted in a 24-month period does not apply
18 to (i) emergency rules that make additions to and deletions
19 from the Drug Manual under Section 5-5.16 of the Illinois
20 Public Aid Code or the generic drug formulary under Section
21 3.14 of the Illinois Food, Drug and Cosmetic Act, (ii)
22 emergency rules adopted by the Pollution Control Board before
23 July 1, 1997 to implement portions of the Livestock Management
24 Facilities Act, (iii) emergency rules adopted by the Illinois
25 Department of Public Health under subsections (a) through (i)
26 of Section 2 of the Department of Public Health Act when

1 necessary to protect the public's health, (iv) emergency rules
2 adopted pursuant to subsection (n) of this Section, (v)
3 emergency rules adopted pursuant to subsection (o) of this
4 Section, or (vi) emergency rules adopted pursuant to subsection
5 (c-5) of this Section. Two or more emergency rules having
6 substantially the same purpose and effect shall be deemed to be
7 a single rule for purposes of this Section.

8 (c-5) To facilitate the maintenance of the program of group
9 health benefits provided to annuitants, survivors, and retired
10 employees under the State Employees Group Insurance Act of
11 1971, rules to alter the contributions to be paid by the State,
12 annuitants, survivors, retired employees, or any combination
13 of those entities, for that program of group health benefits,
14 shall be adopted as emergency rules. The adoption of those
15 rules shall be considered an emergency and necessary for the
16 public interest, safety, and welfare.

17 (d) In order to provide for the expeditious and timely
18 implementation of the State's fiscal year 1999 budget,
19 emergency rules to implement any provision of Public Act 90-587
20 or 90-588 or any other budget initiative for fiscal year 1999
21 may be adopted in accordance with this Section by the agency
22 charged with administering that provision or initiative,
23 except that the 24-month limitation on the adoption of
24 emergency rules and the provisions of Sections 5-115 and 5-125
25 do not apply to rules adopted under this subsection (d). The
26 adoption of emergency rules authorized by this subsection (d)

1 shall be deemed to be necessary for the public interest,
2 safety, and welfare.

3 (e) In order to provide for the expeditious and timely
4 implementation of the State's fiscal year 2000 budget,
5 emergency rules to implement any provision of Public Act 91-24
6 or any other budget initiative for fiscal year 2000 may be
7 adopted in accordance with this Section by the agency charged
8 with administering that provision or initiative, except that
9 the 24-month limitation on the adoption of emergency rules and
10 the provisions of Sections 5-115 and 5-125 do not apply to
11 rules adopted under this subsection (e). The adoption of
12 emergency rules authorized by this subsection (e) shall be
13 deemed to be necessary for the public interest, safety, and
14 welfare.

15 (f) In order to provide for the expeditious and timely
16 implementation of the State's fiscal year 2001 budget,
17 emergency rules to implement any provision of Public Act 91-712
18 or any other budget initiative for fiscal year 2001 may be
19 adopted in accordance with this Section by the agency charged
20 with administering that provision or initiative, except that
21 the 24-month limitation on the adoption of emergency rules and
22 the provisions of Sections 5-115 and 5-125 do not apply to
23 rules adopted under this subsection (f). The adoption of
24 emergency rules authorized by this subsection (f) shall be
25 deemed to be necessary for the public interest, safety, and
26 welfare.

1 (g) In order to provide for the expeditious and timely
2 implementation of the State's fiscal year 2002 budget,
3 emergency rules to implement any provision of Public Act 92-10
4 or any other budget initiative for fiscal year 2002 may be
5 adopted in accordance with this Section by the agency charged
6 with administering that provision or initiative, except that
7 the 24-month limitation on the adoption of emergency rules and
8 the provisions of Sections 5-115 and 5-125 do not apply to
9 rules adopted under this subsection (g). The adoption of
10 emergency rules authorized by this subsection (g) shall be
11 deemed to be necessary for the public interest, safety, and
12 welfare.

13 (h) In order to provide for the expeditious and timely
14 implementation of the State's fiscal year 2003 budget,
15 emergency rules to implement any provision of Public Act 92-597
16 or any other budget initiative for fiscal year 2003 may be
17 adopted in accordance with this Section by the agency charged
18 with administering that provision or initiative, except that
19 the 24-month limitation on the adoption of emergency rules and
20 the provisions of Sections 5-115 and 5-125 do not apply to
21 rules adopted under this subsection (h). The adoption of
22 emergency rules authorized by this subsection (h) shall be
23 deemed to be necessary for the public interest, safety, and
24 welfare.

25 (i) In order to provide for the expeditious and timely
26 implementation of the State's fiscal year 2004 budget,

1 emergency rules to implement any provision of Public Act 93-20
2 or any other budget initiative for fiscal year 2004 may be
3 adopted in accordance with this Section by the agency charged
4 with administering that provision or initiative, except that
5 the 24-month limitation on the adoption of emergency rules and
6 the provisions of Sections 5-115 and 5-125 do not apply to
7 rules adopted under this subsection (i). The adoption of
8 emergency rules authorized by this subsection (i) shall be
9 deemed to be necessary for the public interest, safety, and
10 welfare.

11 (j) In order to provide for the expeditious and timely
12 implementation of the provisions of the State's fiscal year
13 2005 budget as provided under the Fiscal Year 2005 Budget
14 Implementation (Human Services) Act, emergency rules to
15 implement any provision of the Fiscal Year 2005 Budget
16 Implementation (Human Services) Act may be adopted in
17 accordance with this Section by the agency charged with
18 administering that provision, except that the 24-month
19 limitation on the adoption of emergency rules and the
20 provisions of Sections 5-115 and 5-125 do not apply to rules
21 adopted under this subsection (j). The Department of Public Aid
22 may also adopt rules under this subsection (j) necessary to
23 administer the Illinois Public Aid Code and the Children's
24 Health Insurance Program Act. The adoption of emergency rules
25 authorized by this subsection (j) shall be deemed to be
26 necessary for the public interest, safety, and welfare.

1 (k) In order to provide for the expeditious and timely
2 implementation of the provisions of the State's fiscal year
3 2006 budget, emergency rules to implement any provision of
4 Public Act 94-48 or any other budget initiative for fiscal year
5 2006 may be adopted in accordance with this Section by the
6 agency charged with administering that provision or
7 initiative, except that the 24-month limitation on the adoption
8 of emergency rules and the provisions of Sections 5-115 and
9 5-125 do not apply to rules adopted under this subsection (k).
10 The Department of Healthcare and Family Services may also adopt
11 rules under this subsection (k) necessary to administer the
12 Illinois Public Aid Code, the Senior Citizens and Persons with
13 Disabilities Property Tax Relief Act, the Senior Citizens and
14 Disabled Persons Prescription Drug Discount Program Act (now
15 the Illinois Prescription Drug Discount Program Act), and the
16 Children's Health Insurance Program Act. The adoption of
17 emergency rules authorized by this subsection (k) shall be
18 deemed to be necessary for the public interest, safety, and
19 welfare.

20 (l) In order to provide for the expeditious and timely
21 implementation of the provisions of the State's fiscal year
22 2007 budget, the Department of Healthcare and Family Services
23 may adopt emergency rules during fiscal year 2007, including
24 rules effective July 1, 2007, in accordance with this
25 subsection to the extent necessary to administer the
26 Department's responsibilities with respect to amendments to

1 the State plans and Illinois waivers approved by the federal
2 Centers for Medicare and Medicaid Services necessitated by the
3 requirements of Title XIX and Title XXI of the federal Social
4 Security Act. The adoption of emergency rules authorized by
5 this subsection (l) shall be deemed to be necessary for the
6 public interest, safety, and welfare.

7 (m) In order to provide for the expeditious and timely
8 implementation of the provisions of the State's fiscal year
9 2008 budget, the Department of Healthcare and Family Services
10 may adopt emergency rules during fiscal year 2008, including
11 rules effective July 1, 2008, in accordance with this
12 subsection to the extent necessary to administer the
13 Department's responsibilities with respect to amendments to
14 the State plans and Illinois waivers approved by the federal
15 Centers for Medicare and Medicaid Services necessitated by the
16 requirements of Title XIX and Title XXI of the federal Social
17 Security Act. The adoption of emergency rules authorized by
18 this subsection (m) shall be deemed to be necessary for the
19 public interest, safety, and welfare.

20 (n) In order to provide for the expeditious and timely
21 implementation of the provisions of the State's fiscal year
22 2010 budget, emergency rules to implement any provision of
23 Public Act 96-45 or any other budget initiative authorized by
24 the 96th General Assembly for fiscal year 2010 may be adopted
25 in accordance with this Section by the agency charged with
26 administering that provision or initiative. The adoption of

1 emergency rules authorized by this subsection (n) shall be
2 deemed to be necessary for the public interest, safety, and
3 welfare. The rulemaking authority granted in this subsection
4 (n) shall apply only to rules promulgated during Fiscal Year
5 2010.

6 (o) In order to provide for the expeditious and timely
7 implementation of the provisions of the State's fiscal year
8 2011 budget, emergency rules to implement any provision of
9 Public Act 96-958 or any other budget initiative authorized by
10 the 96th General Assembly for fiscal year 2011 may be adopted
11 in accordance with this Section by the agency charged with
12 administering that provision or initiative. The adoption of
13 emergency rules authorized by this subsection (o) is deemed to
14 be necessary for the public interest, safety, and welfare. The
15 rulemaking authority granted in this subsection (o) applies
16 only to rules promulgated on or after July 1, 2010 (the
17 effective date of Public Act 96-958) through June 30, 2011.

18 (p) In order to provide for the expeditious and timely
19 implementation of the provisions of Public Act 97-689,
20 emergency rules to implement any provision of Public Act 97-689
21 may be adopted in accordance with this subsection (p) by the
22 agency charged with administering that provision or
23 initiative. The 150-day limitation of the effective period of
24 emergency rules does not apply to rules adopted under this
25 subsection (p), and the effective period may continue through
26 June 30, 2013. The 24-month limitation on the adoption of

1 emergency rules does not apply to rules adopted under this
2 subsection (p). The adoption of emergency rules authorized by
3 this subsection (p) is deemed to be necessary for the public
4 interest, safety, and welfare.

5 (q) In order to provide for the expeditious and timely
6 implementation of the provisions of Articles 7, 8, 9, 11, and
7 12 of Public Act 98-104, emergency rules to implement any
8 provision of Articles 7, 8, 9, 11, and 12 of Public Act 98-104
9 may be adopted in accordance with this subsection (q) by the
10 agency charged with administering that provision or
11 initiative. The 24-month limitation on the adoption of
12 emergency rules does not apply to rules adopted under this
13 subsection (q). The adoption of emergency rules authorized by
14 this subsection (q) is deemed to be necessary for the public
15 interest, safety, and welfare.

16 (r) In order to provide for the expeditious and timely
17 implementation of the provisions of Public Act 98-651,
18 emergency rules to implement Public Act 98-651 may be adopted
19 in accordance with this subsection (r) by the Department of
20 Healthcare and Family Services. The 24-month limitation on the
21 adoption of emergency rules does not apply to rules adopted
22 under this subsection (r). The adoption of emergency rules
23 authorized by this subsection (r) is deemed to be necessary for
24 the public interest, safety, and welfare.

25 (s) In order to provide for the expeditious and timely
26 implementation of the provisions of Sections 5-5b.1 and 5A-2 of

1 the Illinois Public Aid Code, emergency rules to implement any
2 provision of Section 5-5b.1 or Section 5A-2 of the Illinois
3 Public Aid Code may be adopted in accordance with this
4 subsection (s) by the Department of Healthcare and Family
5 Services. The rulemaking authority granted in this subsection
6 (s) shall apply only to those rules adopted prior to July 1,
7 2015. Notwithstanding any other provision of this Section, any
8 emergency rule adopted under this subsection (s) shall only
9 apply to payments made for State fiscal year 2015. The adoption
10 of emergency rules authorized by this subsection (s) is deemed
11 to be necessary for the public interest, safety, and welfare.

12 (t) In order to provide for the expeditious and timely
13 implementation of the provisions of Article II of Public Act
14 99-6, emergency rules to implement the changes made by Article
15 II of Public Act 99-6 to the Emergency Telephone System Act may
16 be adopted in accordance with this subsection (t) by the
17 Department of State Police. The rulemaking authority granted in
18 this subsection (t) shall apply only to those rules adopted
19 prior to July 1, 2016. The 24-month limitation on the adoption
20 of emergency rules does not apply to rules adopted under this
21 subsection (t). The adoption of emergency rules authorized by
22 this subsection (t) is deemed to be necessary for the public
23 interest, safety, and welfare.

24 (u) In order to provide for the expeditious and timely
25 implementation of the provisions of the Burn Victims Relief
26 Act, emergency rules to implement any provision of the Act may

1 be adopted in accordance with this subsection (u) by the
2 Department of Insurance. The rulemaking authority granted in
3 this subsection (u) shall apply only to those rules adopted
4 prior to December 31, 2015. The adoption of emergency rules
5 authorized by this subsection (u) is deemed to be necessary for
6 the public interest, safety, and welfare.

7 (v) In order to provide for the expeditious and timely
8 implementation of the provisions of Public Act 99-516,
9 emergency rules to implement Public Act 99-516 may be adopted
10 in accordance with this subsection (v) by the Department of
11 Healthcare and Family Services. The 24-month limitation on the
12 adoption of emergency rules does not apply to rules adopted
13 under this subsection (v). The adoption of emergency rules
14 authorized by this subsection (v) is deemed to be necessary for
15 the public interest, safety, and welfare.

16 (w) In order to provide for the expeditious and timely
17 implementation of the provisions of Public Act 99-796,
18 emergency rules to implement the changes made by Public Act
19 99-796 may be adopted in accordance with this subsection (w) by
20 the Adjutant General. The adoption of emergency rules
21 authorized by this subsection (w) is deemed to be necessary for
22 the public interest, safety, and welfare.

23 (x) In order to provide for the expeditious and timely
24 implementation of the provisions of Public Act 99-906,
25 emergency rules to implement subsection (i) of Section 16-115D,
26 subsection (g) of Section 16-128A, and subsection (a) of

1 Section 16-128B of the Public Utilities Act may be adopted in
2 accordance with this subsection (x) by the Illinois Commerce
3 Commission. The rulemaking authority granted in this
4 subsection (x) shall apply only to those rules adopted within
5 180 days after June 1, 2017 (the effective date of Public Act
6 99-906). The adoption of emergency rules authorized by this
7 subsection (x) is deemed to be necessary for the public
8 interest, safety, and welfare.

9 (y) In order to provide for the expeditious and timely
10 implementation of the provisions of Public Act 100-23,
11 emergency rules to implement the changes made by Public Act
12 100-23 to Section 4.02 of the Illinois Act on the Aging,
13 Sections 5.5.4 and 5-5.4i of the Illinois Public Aid Code,
14 Section 55-30 of the Alcoholism and Other Drug Abuse and
15 Dependency Act, and Sections 74 and 75 of the Mental Health and
16 Developmental Disabilities Administrative Act may be adopted
17 in accordance with this subsection (y) by the respective
18 Department. The adoption of emergency rules authorized by this
19 subsection (y) is deemed to be necessary for the public
20 interest, safety, and welfare.

21 (z) In order to provide for the expeditious and timely
22 implementation of the provisions of Public Act 100-554,
23 emergency rules to implement the changes made by Public Act
24 100-554 to Section 4.7 of the Lobbyist Registration Act may be
25 adopted in accordance with this subsection (z) by the Secretary
26 of State. The adoption of emergency rules authorized by this

1 subsection (z) is deemed to be necessary for the public
2 interest, safety, and welfare.

3 (aa) In order to provide for the expeditious and timely
4 initial implementation of the changes made to Articles 5, 5A,
5 12, and 14 of the Illinois Public Aid Code under the provisions
6 of Public Act 100-581, the Department of Healthcare and Family
7 Services may adopt emergency rules in accordance with this
8 subsection (aa). The 24-month limitation on the adoption of
9 emergency rules does not apply to rules to initially implement
10 the changes made to Articles 5, 5A, 12, and 14 of the Illinois
11 Public Aid Code adopted under this subsection (aa). The
12 adoption of emergency rules authorized by this subsection (aa)
13 is deemed to be necessary for the public interest, safety, and
14 welfare.

15 (bb) In order to provide for the expeditious and timely
16 implementation of the provisions of Public Act 100-587,
17 emergency rules to implement the changes made by Public Act
18 100-587 to Section 4.02 of the Illinois Act on the Aging,
19 Sections 5.5.4 and 5-5.4i of the Illinois Public Aid Code,
20 subsection (b) of Section 55-30 of the Alcoholism and Other
21 Drug Abuse and Dependency Act, Section 5-104 of the Specialized
22 Mental Health Rehabilitation Act of 2013, and Section 75 and
23 subsection (b) of Section 74 of the Mental Health and
24 Developmental Disabilities Administrative Act may be adopted
25 in accordance with this subsection (bb) by the respective
26 Department. The adoption of emergency rules authorized by this

1 subsection (bb) is deemed to be necessary for the public
2 interest, safety, and welfare.

3 (cc) In order to provide for the expeditious and timely
4 implementation of the provisions of Public Act 100-587,
5 emergency rules may be adopted in accordance with this
6 subsection (cc) to implement the changes made by Public Act
7 100-587 to: Sections 14-147.5 and 14-147.6 of the Illinois
8 Pension Code by the Board created under Article 14 of the Code;
9 Sections 15-185.5 and 15-185.6 of the Illinois Pension Code by
10 the Board created under Article 15 of the Code; and Sections
11 16-190.5 and 16-190.6 of the Illinois Pension Code by the Board
12 created under Article 16 of the Code. The adoption of emergency
13 rules authorized by this subsection (cc) is deemed to be
14 necessary for the public interest, safety, and welfare.

15 (dd) In order to provide for the expeditious and timely
16 implementation of the provisions of Public Act 100-864,
17 emergency rules to implement the changes made by Public Act
18 100-864 to Section 3.35 of the Newborn Metabolic Screening Act
19 may be adopted in accordance with this subsection (dd) by the
20 Secretary of State. The adoption of emergency rules authorized
21 by this subsection (dd) is deemed to be necessary for the
22 public interest, safety, and welfare.

23 (ee) In order to provide for the expeditious and timely
24 implementation of the provisions of this amendatory Act of the
25 100th General Assembly, emergency rules implementing the
26 Illinois Underground Natural Gas Storage Safety Act may be

1 adopted in accordance with this subsection by the Department of
2 Natural Resources. The adoption of emergency rules authorized
3 by this subsection is deemed to be necessary for the public
4 interest, safety, and welfare.

5 (ff) In order to provide for the expeditious and timely
6 implementation of the provisions of this amendatory Act of the
7 101st General Assembly, emergency rules may be adopted by the
8 Department of Labor in accordance with this subsection (ff) to
9 implement the changes made by this amendatory Act of the 101st
10 General Assembly to the Minimum Wage Law. The adoption of
11 emergency rules authorized by this subsection (ff) is deemed to
12 be necessary for the public interest, safety, and welfare.

13 (gg) In order to provide for the expeditious and timely
14 implementation of the provisions of Section 50 of the Sexual
15 Assault Evidence Submission Act, emergency rules to implement
16 Section 50 of the Sexual Assault Evidence Submission Act may be
17 adopted in accordance with this subsection (gg) by the
18 Department of State Police. The adoption of emergency rules
19 authorized by this subsection (gg) is deemed to be necessary
20 for the public interest, safety, and welfare.

21 (Source: P.A. 100-23, eff. 7-6-17; 100-554, eff. 11-16-17;
22 100-581, eff. 3-12-18; 100-587, Article 95, Section 95-5, eff.
23 6-4-18; 100-587, Article 110, Section 110-5, eff. 6-4-18;
24 100-864, eff. 8-14-18; 100-1172, eff. 1-4-19; 101-1, eff.
25 2-19-19.)

1 Section 10. The Freedom of Information Act is amended by
2 changing Section 7.5 as follows:

3 (5 ILCS 140/7.5)

4 Sec. 7.5. Statutory exemptions. To the extent provided for
5 by the statutes referenced below, the following shall be exempt
6 from inspection and copying:

7 (a) All information determined to be confidential
8 under Section 4002 of the Technology Advancement and
9 Development Act.

10 (b) Library circulation and order records identifying
11 library users with specific materials under the Library
12 Records Confidentiality Act.

13 (c) Applications, related documents, and medical
14 records received by the Experimental Organ Transplantation
15 Procedures Board and any and all documents or other records
16 prepared by the Experimental Organ Transplantation
17 Procedures Board or its staff relating to applications it
18 has received.

19 (d) Information and records held by the Department of
20 Public Health and its authorized representatives relating
21 to known or suspected cases of sexually transmissible
22 disease or any information the disclosure of which is
23 restricted under the Illinois Sexually Transmissible
24 Disease Control Act.

25 (e) Information the disclosure of which is exempted

1 under Section 30 of the Radon Industry Licensing Act.

2 (f) Firm performance evaluations under Section 55 of
3 the Architectural, Engineering, and Land Surveying
4 Qualifications Based Selection Act.

5 (g) Information the disclosure of which is restricted
6 and exempted under Section 50 of the Illinois Prepaid
7 Tuition Act.

8 (h) Information the disclosure of which is exempted
9 under the State Officials and Employees Ethics Act, and
10 records of any lawfully created State or local inspector
11 general's office that would be exempt if created or
12 obtained by an Executive Inspector General's office under
13 that Act.

14 (i) Information contained in a local emergency energy
15 plan submitted to a municipality in accordance with a local
16 emergency energy plan ordinance that is adopted under
17 Section 11-21.5-5 of the Illinois Municipal Code.

18 (j) Information and data concerning the distribution
19 of surcharge moneys collected and remitted by carriers
20 under the Emergency Telephone System Act.

21 (k) Law enforcement officer identification information
22 or driver identification information compiled by a law
23 enforcement agency or the Department of Transportation
24 under Section 11-212 of the Illinois Vehicle Code.

25 (l) Records and information provided to a residential
26 health care facility resident sexual assault and death

1 review team or the Executive Council under the Abuse
2 Prevention Review Team Act.

3 (m) Information provided to the predatory lending
4 database created pursuant to Article 3 of the Residential
5 Real Property Disclosure Act, except to the extent
6 authorized under that Article.

7 (n) Defense budgets and petitions for certification of
8 compensation and expenses for court appointed trial
9 counsel as provided under Sections 10 and 15 of the Capital
10 Crimes Litigation Act. This subsection (n) shall apply
11 until the conclusion of the trial of the case, even if the
12 prosecution chooses not to pursue the death penalty prior
13 to trial or sentencing.

14 (o) Information that is prohibited from being
15 disclosed under Section 4 of the Illinois Health and
16 Hazardous Substances Registry Act.

17 (p) Security portions of system safety program plans,
18 investigation reports, surveys, schedules, lists, data, or
19 information compiled, collected, or prepared by or for the
20 Regional Transportation Authority under Section 2.11 of
21 the Regional Transportation Authority Act or the St. Clair
22 County Transit District under the Bi-State Transit Safety
23 Act.

24 (q) Information prohibited from being disclosed by the
25 Personnel Record ~~Records~~ Review Act.

26 (r) Information prohibited from being disclosed by the

1 Illinois School Student Records Act.

2 (s) Information the disclosure of which is restricted
3 under Section 5-108 of the Public Utilities Act.

4 (t) All identified or deidentified health information
5 in the form of health data or medical records contained in,
6 stored in, submitted to, transferred by, or released from
7 the Illinois Health Information Exchange, and identified
8 or deidentified health information in the form of health
9 data and medical records of the Illinois Health Information
10 Exchange in the possession of the Illinois Health
11 Information Exchange Authority due to its administration
12 of the Illinois Health Information Exchange. The terms
13 "identified" and "deidentified" shall be given the same
14 meaning as in the Health Insurance Portability and
15 Accountability Act of 1996, Public Law 104-191, or any
16 subsequent amendments thereto, and any regulations
17 promulgated thereunder.

18 (u) Records and information provided to an independent
19 team of experts under the Developmental Disability and
20 Mental Health Safety Act (also known as Brian's Law).

21 (v) Names and information of people who have applied
22 for or received Firearm Owner's Identification Cards under
23 the Firearm Owners Identification Card Act or applied for
24 or received a concealed carry license under the Firearm
25 Concealed Carry Act, unless otherwise authorized by the
26 Firearm Concealed Carry Act; and databases under the

1 Firearm Concealed Carry Act, records of the Concealed Carry
2 Licensing Review Board under the Firearm Concealed Carry
3 Act, and law enforcement agency objections under the
4 Firearm Concealed Carry Act.

5 (w) Personally identifiable information which is
6 exempted from disclosure under subsection (g) of Section
7 19.1 of the Toll Highway Act.

8 (x) Information which is exempted from disclosure
9 under Section 5-1014.3 of the Counties Code or Section
10 8-11-21 of the Illinois Municipal Code.

11 (y) Confidential information under the Adult
12 Protective Services Act and its predecessor enabling
13 statute, the Elder Abuse and Neglect Act, including
14 information about the identity and administrative finding
15 against any caregiver of a verified and substantiated
16 decision of abuse, neglect, or financial exploitation of an
17 eligible adult maintained in the Registry established
18 under Section 7.5 of the Adult Protective Services Act.

19 (z) Records and information provided to a fatality
20 review team or the Illinois Fatality Review Team Advisory
21 Council under Section 15 of the Adult Protective Services
22 Act.

23 (aa) Information which is exempted from disclosure
24 under Section 2.37 of the Wildlife Code.

25 (bb) Information which is or was prohibited from
26 disclosure by the Juvenile Court Act of 1987.

1 (cc) Recordings made under the Law Enforcement
2 Officer-Worn Body Camera Act, except to the extent
3 authorized under that Act.

4 (dd) Information that is prohibited from being
5 disclosed under Section 45 of the Condominium and Common
6 Interest Community Ombudsperson Act.

7 (ee) Information that is exempted from disclosure
8 under Section 30.1 of the Pharmacy Practice Act.

9 (ff) Information that is exempted from disclosure
10 under the Revised Uniform Unclaimed Property Act.

11 (gg) Information that is prohibited from being
12 disclosed under Section 7-603.5 of the Illinois Vehicle
13 Code.

14 (hh) Records that are exempt from disclosure under
15 Section 1A-16.7 of the Election Code.

16 (ii) Information which is exempted from disclosure
17 under Section 2505-800 of the Department of Revenue Law of
18 the Civil Administrative Code of Illinois.

19 (jj) Information and reports that are required to be
20 submitted to the Department of Labor by registering day and
21 temporary labor service agencies but are exempt from
22 disclosure under subsection (a-1) of Section 45 of the Day
23 and Temporary Labor Services Act.

24 (kk) Information prohibited from disclosure under the
25 Seizure and Forfeiture Reporting Act.

26 (ll) Information the disclosure of which is restricted

1 and exempted under Section 5-30.8 of the Illinois Public
2 Aid Code.

3 (mm) ~~(11)~~ Records that are exempt from disclosure under
4 Section 4.2 of the Crime Victims Compensation Act.

5 (nn) ~~(11)~~ Information that is exempt from disclosure
6 under Section 70 of the Higher Education Student Assistance
7 Act.

8 (oo) Information that is exempt from disclosure under
9 Section 50 of the Sexual Assault Evidence Submission Act.

10 (Source: P.A. 99-78, eff. 7-20-15; 99-298, eff. 8-6-15; 99-352,
11 eff. 1-1-16; 99-642, eff. 7-28-16; 99-776, eff. 8-12-16;
12 99-863, eff. 8-19-16; 100-20, eff. 7-1-17; 100-22, eff. 1-1-18;
13 100-201, eff. 8-18-17; 100-373, eff. 1-1-18; 100-464, eff.
14 8-28-17; 100-465, eff. 8-31-17; 100-512, eff. 7-1-18; 100-517,
15 eff. 6-1-18; 100-646, eff. 7-27-18; 100-690, eff. 1-1-19;
16 100-863, eff. 8-14-18; 100-887, eff. 8-14-18; revised
17 10-12-18.)

18 Section 15. The Sexual Assault Survivors Emergency
19 Treatment Act is amended by changing Section 5 as follows:

20 (410 ILCS 70/5) (from Ch. 111 1/2, par. 87-5)

21 Sec. 5. Minimum requirements for medical forensic services
22 provided to sexual assault survivors by hospitals and approved
23 pediatric health care facilities.

24 (a) Every hospital and approved pediatric health care

1 facility providing medical forensic services to sexual assault
2 survivors under this Act shall, as minimum requirements for
3 such services, provide, with the consent of the sexual assault
4 survivor, and as ordered by the attending physician, an
5 advanced practice registered nurse, or a physician assistant,
6 the services set forth in subsection (a-5).

7 Beginning January 1, 2022, a qualified medical provider
8 must provide the services set forth in subsection (a-5).

9 (a-5) A treatment hospital, a treatment hospital with
10 approved pediatric transfer, or an approved pediatric health
11 care facility shall provide the following services in
12 accordance with subsection (a):

13 (1) Appropriate medical forensic services without
14 delay, in a private, age-appropriate or
15 developmentally-appropriate space, required to ensure the
16 health, safety, and welfare of a sexual assault survivor
17 and which may be used as evidence in a criminal proceeding
18 against a person accused of the sexual assault, in a
19 proceeding under the Juvenile Court Act of 1987, or in an
20 investigation under the Abused and Neglected Child
21 Reporting Act.

22 Records of medical forensic services, including
23 results of examinations and tests, the Illinois State
24 Police Medical Forensic Documentation Forms, the Illinois
25 State Police Patient Discharge Materials, and the Illinois
26 State Police Patient Consent: Collect and Test Evidence or

1 Collect and Hold Evidence Form, shall be maintained by the
2 hospital or approved pediatric health care facility as part
3 of the patient's electronic medical record.

4 Records of medical forensic services of sexual assault
5 survivors under the age of 18 shall be retained by the
6 hospital for a period of 60 years after the sexual assault
7 survivor reaches the age of 18. Records of medical forensic
8 services of sexual assault survivors 18 years of age or
9 older shall be retained by the hospital for a period of 20
10 years after the date the record was created.

11 Records of medical forensic services may only be
12 disseminated in accordance with Section 6.5 of this Act and
13 other State and federal law.

14 (1.5) An offer to complete the Illinois Sexual Assault
15 Evidence Collection Kit for any sexual assault survivor who
16 presents within a minimum of the last 7 days of the assault
17 or who has disclosed past sexual assault by a specific
18 individual and was in the care of that individual within a
19 minimum of the last 7 days.

20 (A) Appropriate oral and written information
21 concerning evidence-based guidelines for the
22 appropriateness of evidence collection depending on
23 the sexual development of the sexual assault survivor,
24 the type of sexual assault, and the timing of the
25 sexual assault shall be provided to the sexual assault
26 survivor. Evidence collection is encouraged for

1 prepubescent sexual assault survivors who present to a
2 hospital or approved pediatric health care facility
3 with a complaint of sexual assault within a minimum of
4 96 hours after the sexual assault.

5 Before January 1, 2022, the information required
6 under this subparagraph shall be provided in person by
7 the health care professional providing medical
8 forensic services directly to the sexual assault
9 survivor.

10 On and after January 1, 2022, the information
11 required under this subparagraph shall be provided in
12 person by the qualified medical provider providing
13 medical forensic services directly to the sexual
14 assault survivor.

15 The written information provided shall be the
16 information created in accordance with Section 10 of
17 this Act.

18 (B) Following the discussion regarding the
19 evidence-based guidelines for evidence collection in
20 accordance with subparagraph (A), evidence collection
21 must be completed at the sexual assault survivor's
22 request. A sexual assault nurse examiner conducting an
23 examination using the Illinois State Police Sexual
24 Assault Evidence Collection Kit may do so without the
25 presence or participation of a physician.

26 (2) Appropriate oral and written information

1 concerning the possibility of infection, sexually
2 transmitted infection, including an evaluation of the
3 sexual assault survivor's risk of contracting human
4 immunodeficiency virus (HIV) from sexual assault, and
5 pregnancy resulting from sexual assault.

6 (3) Appropriate oral and written information
7 concerning accepted medical procedures, laboratory tests,
8 medication, and possible contraindications of such
9 medication available for the prevention or treatment of
10 infection or disease resulting from sexual assault.

11 (3.5) After ~~after~~ a medical evidentiary or physical
12 examination, access to a shower at no cost, unless
13 showering facilities are unavailable. +

14 (4) An amount of medication, including HIV
15 prophylaxis, for treatment at the hospital or approved
16 pediatric health care facility and after discharge as is
17 deemed appropriate by the attending physician, an advanced
18 practice registered nurse, or a physician assistant in
19 accordance with the Centers for Disease Control and
20 Prevention guidelines and consistent with the hospital's
21 or approved pediatric health care facility's current
22 approved protocol for sexual assault survivors.

23 (5) Photo documentation of the sexual assault
24 survivor's injuries, anatomy involved in the assault, or
25 other visible evidence on the sexual assault survivor's
26 body to supplement the medical forensic history and written

1 documentation of physical findings and evidence beginning
2 July 1, 2019. Photo documentation does not replace written
3 documentation of the injury.

4 (6) Written and oral instructions indicating the need
5 for follow-up examinations and laboratory tests after the
6 sexual assault to determine the presence or absence of
7 sexually transmitted infection.

8 (7) Referral by hospital or approved pediatric health
9 care facility personnel for appropriate counseling.

10 (8) Medical advocacy services provided by a rape crisis
11 counselor whose communications are protected under Section
12 8-802.1 of the Code of Civil Procedure, if there is a
13 memorandum of understanding between the hospital or
14 approved pediatric health care facility and a rape crisis
15 center. With the consent of the sexual assault survivor, a
16 rape crisis counselor shall remain in the exam room during
17 the medical forensic examination.

18 (9) Written information regarding services provided by
19 a Children's Advocacy Center and rape crisis center, if
20 applicable.

21 (10) A treatment hospital, a treatment hospital with
22 approved pediatric transfer, an out-of-state hospital as
23 defined in Section 5.4, or an approved pediatric health
24 care facility shall comply with the rules relating to the
25 collection and tracking of sexual assault evidence adopted
26 by the Department of State Police under Section 50 of the

1 Sexual Assault Evidence Submission Act.

2 (a-7) By January 1, 2022, every hospital with a treatment
3 plan approved by the Department shall employ or contract with a
4 qualified medical provider to initiate medical forensic
5 services to a sexual assault survivor within 90 minutes of the
6 patient presenting to the treatment hospital or treatment
7 hospital with approved pediatric transfer. The provision of
8 medical forensic services by a qualified medical provider shall
9 not delay the provision of life-saving medical care.

10 (b) Any person who is a sexual assault survivor who seeks
11 medical forensic services or follow-up healthcare under this
12 Act shall be provided such services without the consent of any
13 parent, guardian, custodian, surrogate, or agent. If a sexual
14 assault survivor is unable to consent to medical forensic
15 services, the services may be provided under the Consent by
16 Minors to Medical Procedures Act, the Health Care Surrogate
17 Act, or other applicable State and federal laws.

18 (b-5) Every hospital or approved pediatric health care
19 facility providing medical forensic services to sexual assault
20 survivors shall issue a voucher to any sexual assault survivor
21 who is eligible to receive one in accordance with Section 5.2
22 of this Act. The hospital shall make a copy of the voucher and
23 place it in the medical record of the sexual assault survivor.
24 The hospital shall provide a copy of the voucher to the sexual
25 assault survivor after discharge upon request.

26 (c) Nothing in this Section creates a physician-patient

1 relationship that extends beyond discharge from the hospital or
2 approved pediatric health care facility.

3 (Source: P.A. 99-173, eff. 7-29-15; 99-454, eff. 1-1-16;
4 99-642, eff. 7-28-16; 100-513, eff. 1-1-18; 100-775, eff.
5 1-1-19; 100-1087, eff. 1-1-19; revised 10-24-18.)

6 Section 20. The Sexual Assault Evidence Submission Act is
7 amended by adding Section 50 as follows:

8 (725 ILCS 202/50 new)

9 Sec. 50. Sexual assault evidence tracking system.

10 (a) On June 26, 2018 the Sexual Assault Evidence Tracking
11 and Reporting Commission issued its report as required under
12 Section 43. It is the intention of the General Assembly in
13 enacting the provisions of this amendatory Act of the 101st
14 General Assembly to implement the recommendations of the Sexual
15 Assault Evidence Tracking and Reporting Commission set forth in
16 that report in a manner that utilizes the current resources of
17 law enforcement agencies whenever possible and that is
18 adaptable to changing technologies and circumstances.

19 (a-1) Due to the complex nature of a statewide tracking
20 system for sexual assault evidence and to ensure all
21 stakeholders, including, but not limited to, victims and their
22 designees, health care facilities, law enforcement agencies,
23 forensic labs, and State's Attorneys offices are integrated,
24 the Commission recommended the purchase of an electronic

1 off-the-shelf tracking system. The system must be able to
2 communicate with all stakeholders and provide real-time
3 information to a victim or his or her designee on the status of
4 the evidence that was collected. The sexual assault evidence
5 tracking system must:

6 (1) be electronic and web-based;

7 (2) be administered by the Department of State Police;

8 (3) have help desk availability at all times;

9 (4) ensure the law enforcement agency contact
10 information is accessible to the victim or his or her her
11 designee through the tracking system, so there is contact
12 information for questions;

13 (5) have the option for external connectivity to
14 evidence management systems, laboratory information
15 management systems, or other electronic data systems
16 already in existence by any of the stakeholders to minimize
17 additional burdens or tasks on stakeholders;

18 (6) allow for the victim to opt in for automatic
19 notifications when status updates are entered in the
20 system, if the system allows;

21 (7) include at each step in the process, a brief
22 explanation of the general purpose of that step and a
23 general indication of how long the step may take to
24 complete;

25 (8) contain minimum fields for tracking and reporting,
26 as follows:

1 (A) for sexual assault evidence kit vendor fields:

2 (i) each sexual evidence kit identification
3 number provided to each health care facility; and

4 (ii) the date the sexual evidence kit was sent
5 to the health care facility.

6 (B) for health care facility fields:

7 (i) the date sexual assault evidence was
8 collected; and

9 (ii) the date notification was made to the law
10 enforcement agency that the sexual assault
11 evidence was collected.

12 (C) for law enforcement agency fields:

13 (i) the date the law enforcement agency took
14 possession of the sexual assault evidence from the
15 health care facility, another law enforcement
16 agency, or victim if he or she did not go through a
17 health care facility;

18 (ii) the law enforcement agency complaint
19 number;

20 (iii) if the law enforcement agency that takes
21 possession of the sexual assault evidence from a
22 health care facility is not the law enforcement
23 agency with jurisdiction in which the offense
24 occurred, the date when the law enforcement agency
25 notified the law enforcement agency having
26 jurisdiction that the agency has sexual assault

1 evidence required under subsection (c) of Section
2 20 of the Sexual Assault Incident Procedure Act;

3 (iv) an indication if the victim consented for
4 analysis of the sexual assault evidence;

5 (v) if the victim did not consent for analysis
6 of the sexual assault evidence, the date on which
7 the law enforcement agency is no longer required to
8 store the sexual assault evidence;

9 (vi) a mechanism for the law enforcement
10 agency to document why the sexual assault evidence
11 was not submitted to the laboratory for analysis,
12 if applicable;

13 (vii) the date the law enforcement agency
14 received the sexual assault evidence results back
15 from the laboratory;

16 (viii) the date statutory notifications were
17 made to the victim victim or documentation of why
18 notification was not made; and

19 (ix) the date the law enforcement agency
20 turned over the case information to the State's
21 Attorney office, if applicable.

22 (D) for forensic lab fields:

23 (i) the date the sexual assault evidence is
24 received from the law enforcement agency by the
25 forensic lab for analysis;

26 (ii) the laboratory case number, visible to

1 the law enforcement agency and State's Attorney
2 office; and

3 (iii) the date the laboratory completes the
4 analysis of the sexual assault evidence.

5 (E) for State's Attorney office fields:

6 (i) the date the State's Attorney office
7 received the sexual assault evidence results from
8 the laboratory, if applicable; and

9 (ii) the disposition or status of the case.

10 (a-2) The Commission also developed guidelines for secure
11 electronic access to a tracking system for a victim, or his or
12 her designee to access information on the status of the
13 evidence collected. The Commission recommended minimum
14 guidelines in order to safeguard confidentiality of the
15 information contained within this statewide tracking system.
16 These recommendations are that the sexual assault evidence
17 tracking system must:

18 (1) allow for secure access, controlled by an
19 administering body who can restrict user access and allow
20 different permissions based on the need of that particular
21 user and health care facility users may include
22 out-of-state border hospitals, if authorized by the
23 Department of State Police to obtain this State's kits from
24 vendor;

25 (2) provide for users, other than victims, the ability
26 to provide for any individual who is granted access to the

1 program their own unique user ID and password;

2 (3) provide for a mechanism for a victim to enter the
3 system and only access his or her own information;

4 (4) enable a sexual assault evidence to be tracked and
5 identified through the unique sexual assault evidence kit
6 identification number or barcode that the vendor applies to
7 each sexual assault evidence kit per the Department of
8 State Police's contract;

9 (5) have a mechanism to inventory unused kits provided
10 to a health care facility from the vendor;

11 (6) provide users the option to either scan the bar
12 code or manually enter the sexual assault evidence kit
13 number into the tracking program;

14 (7) provide a mechanism to create a separate unique
15 identification number for cases in which a sexual evidence
16 kit was not collected, but other evidence was collected;

17 (8) provide the ability to record date, time, and user
18 ID whenever any user accesses the system;

19 (9) provide for real-time entry and update of data;

20 (10) contain report functions including:

21 (A) health care facility compliance with
22 applicable laws;

23 (B) law enforcement agency compliance with
24 applicable laws;

25 (C) law enforcement agency annual inventory of
26 cases to each State's Attorney office; and

1 (D) forensic lab compliance with applicable laws;

2 and

3 (11) provide automatic notifications to the law
4 enforcement agency when:

5 (A) a health care facility has collected sexual
6 assault evidence;

7 (B) unreleased sexual assault evidence that is
8 being stored by the law enforcement agency has met the
9 minimum storage requirement by law; and

10 (C) timelines as required by law are not met for a
11 particular case, if not otherwise documented.

12 (b) The Department shall develop rules to implement a
13 sexual assault evidence tracking system that conforms with
14 subsections (a-1) and (a-2) of this Section. The Department
15 shall design the criteria for the sexual assault evidence
16 tracking system so that, to the extent reasonably possible, the
17 system can use existing technologies and products, including,
18 but not limited to, currently available tracking systems. The
19 sexual assault evidence tracking system shall be operational
20 and shall begin tracking and reporting sexual assault evidence
21 no later than one year after the effective date of this
22 amendatory Act of the 101st General Assembly. The Department
23 may adopt additional rules as it deems necessary to ensure that
24 the sexual assault evidence tracking system continues to be a
25 useful tool for law enforcement.

26 (c) A treatment hospital, a treatment hospital with

1 approved pediatric transfer, an out-of-state hospital approved
2 by the Department of Public Health to receive transfers of
3 Illinois sexual assault survivors, or an approved pediatric
4 health care facility defined in Section 1a of the Sexual
5 Assault Survivors Emergency Treatment Act shall participate in
6 the sexual assault evidence tracking system created under this
7 Section and in accordance with rules adopted under subsection
8 (b), including, but not limited to, the collection of sexual
9 assault evidence and providing information regarding that
10 evidence, including, but not limited to, providing notice to
11 law enforcement that the evidence has been collected.

12 (d) The operations of the sexual assault evidence tracking
13 system shall be funded by moneys appropriated for that purpose
14 from the State Crime Laboratory Fund and funds provided to the
15 Department through asset forfeiture, together with such other
16 funds as the General Assembly may appropriate.

17 (e) To ensure that the sexual assault evidence tracking
18 system is operational, the Department may adopt emergency rules
19 to implement the provisions of this Section under subsection
20 (ff) of Section 5-45 of the Illinois Administrative Procedure
21 Act.

22 (f) Information, including, but not limited to, evidence
23 and records in the sexual assault evidence tracking system is
24 exempt from disclosure under the Freedom of Information Act.

25 Section 25. The Unified Code of Corrections is amended by

1 changing Section 5-9-1.4 as follows:

2 (730 ILCS 5/5-9-1.4) (from Ch. 38, par. 1005-9-1.4)

3 (Text of Section before amendment by P.A. 100-987)

4 Sec. 5-9-1.4. (a) "Crime laboratory" means any
5 not-for-profit laboratory registered with the Drug Enforcement
6 Administration of the United States Department of Justice,
7 substantially funded by a unit or combination of units of local
8 government or the State of Illinois, which regularly employs at
9 least one person engaged in the analysis of controlled
10 substances, cannabis, methamphetamine, or steroids for
11 criminal justice agencies in criminal matters and provides
12 testimony with respect to such examinations.

13 (b) When a person has been adjudged guilty of an offense in
14 violation of the Cannabis Control Act, the Illinois Controlled
15 Substances Act, the Methamphetamine Control and Community
16 Protection Act, or the Steroid Control Act, in addition to any
17 other disposition, penalty or fine imposed, a criminal
18 laboratory analysis fee of \$100 for each offense for which he
19 was convicted shall be levied by the court. Any person placed
20 on probation pursuant to Section 10 of the Cannabis Control
21 Act, Section 410 of the Illinois Controlled Substances Act,
22 Section 70 of the Methamphetamine Control and Community
23 Protection Act, or Section 10 of the Steroid Control Act or
24 placed on supervision for a violation of the Cannabis Control
25 Act, the Illinois Controlled Substances Act or the Steroid

1 Control Act shall be assessed a criminal laboratory analysis
2 fee of \$100 for each offense for which he was charged. Upon
3 verified petition of the person, the court may suspend payment
4 of all or part of the fee if it finds that the person does not
5 have the ability to pay the fee.

6 (c) In addition to any other disposition made pursuant to
7 the provisions of the Juvenile Court Act of 1987, any minor
8 adjudicated delinquent for an offense which if committed by an
9 adult would constitute a violation of the Cannabis Control Act,
10 the Illinois Controlled Substances Act, the Methamphetamine
11 Control and Community Protection Act, or the Steroid Control
12 Act shall be assessed a criminal laboratory analysis fee of
13 \$100 for each adjudication. Upon verified petition of the
14 minor, the court may suspend payment of all or part of the fee
15 if it finds that the minor does not have the ability to pay the
16 fee. The parent, guardian or legal custodian of the minor may
17 pay some or all of such fee on the minor's behalf.

18 (d) All criminal laboratory analysis fees provided for by
19 this Section shall be collected by the clerk of the court and
20 forwarded to the appropriate crime laboratory fund as provided
21 in subsection (f).

22 (e) Crime laboratory funds shall be established as follows:

23 (1) Any unit of local government which maintains a
24 crime laboratory may establish a crime laboratory fund
25 within the office of the county or municipal treasurer.

26 (2) Any combination of units of local government which

1 maintains a crime laboratory may establish a crime
2 laboratory fund within the office of the treasurer of the
3 county where the crime laboratory is situated.

4 (3) The State Crime Laboratory Fund is hereby created
5 as a special fund in the State Treasury.

6 (f) The analysis fee provided for in subsections (b) and
7 (c) of this Section shall be forwarded to the office of the
8 treasurer of the unit of local government that performed the
9 analysis if that unit of local government has established a
10 crime laboratory fund, or to the State Crime Laboratory Fund if
11 the analysis was performed by a laboratory operated by the
12 Illinois State Police. If the analysis was performed by a crime
13 laboratory funded by a combination of units of local
14 government, the analysis fee shall be forwarded to the
15 treasurer of the county where the crime laboratory is situated
16 if a crime laboratory fund has been established in that county.
17 If the unit of local government or combination of units of
18 local government has not established a crime laboratory fund,
19 then the analysis fee shall be forwarded to the State Crime
20 Laboratory Fund. The clerk of the circuit court may retain the
21 amount of \$10 from each collected analysis fee to offset
22 administrative costs incurred in carrying out the clerk's
23 responsibilities under this Section.

24 (g) Fees deposited into a crime laboratory fund created
25 pursuant to paragraphs (1) or (2) of subsection (e) of this
26 Section shall be in addition to any allocations made pursuant

1 to existing law and shall be designated for the exclusive use
2 of the crime laboratory. These uses may include, but are not
3 limited to, the following:

4 (1) costs incurred in providing analysis for
5 controlled substances in connection with criminal
6 investigations conducted within this State;

7 (2) purchase and maintenance of equipment for use in
8 performing analyses; and

9 (3) continuing education, training and professional
10 development of forensic scientists regularly employed by
11 these laboratories.

12 (h) Fees deposited in the State Crime Laboratory Fund
13 created pursuant to paragraph (3) of subsection (d) of this
14 Section shall be used by State crime laboratories as designated
15 by the Director of State Police. These funds shall be in
16 addition to any allocations made pursuant to existing law and
17 shall be designated for the exclusive use of State crime
18 laboratories or for the sexual assault evidence tracking system
19 created under Section 50 of the Sexual Assault Evidence
20 Submission Act. These uses may include those enumerated in
21 subsection (g) of this Section.

22 (Source: P.A. 94-556, eff. 9-11-05.)

23 (Text of Section after amendment by P.A. 100-987)

24 Sec. 5-9-1.4. (a) "Crime laboratory" means any
25 not-for-profit laboratory registered with the Drug Enforcement

1 Administration of the United States Department of Justice,
2 substantially funded by a unit or combination of units of local
3 government or the State of Illinois, which regularly employs at
4 least one person engaged in the analysis of controlled
5 substances, cannabis, methamphetamine, or steroids for
6 criminal justice agencies in criminal matters and provides
7 testimony with respect to such examinations.

8 (b) (Blank).

9 (c) In addition to any other disposition made pursuant to
10 the provisions of the Juvenile Court Act of 1987, any minor
11 adjudicated delinquent for an offense which if committed by an
12 adult would constitute a violation of the Cannabis Control Act,
13 the Illinois Controlled Substances Act, the Methamphetamine
14 Control and Community Protection Act, or the Steroid Control
15 Act shall be required to pay a criminal laboratory analysis
16 assessment of \$100 for each adjudication. Upon verified
17 petition of the minor, the court may suspend payment of all or
18 part of the assessment if it finds that the minor does not have
19 the ability to pay the assessment. The parent, guardian or
20 legal custodian of the minor may pay some or all of such
21 assessment on the minor's behalf.

22 (d) All criminal laboratory analysis fees provided for by
23 this Section shall be collected by the clerk of the court and
24 forwarded to the appropriate crime laboratory fund as provided
25 in subsection (f).

26 (e) Crime laboratory funds shall be established as follows:

1 (1) Any unit of local government which maintains a
2 crime laboratory may establish a crime laboratory fund
3 within the office of the county or municipal treasurer.

4 (2) Any combination of units of local government which
5 maintains a crime laboratory may establish a crime
6 laboratory fund within the office of the treasurer of the
7 county where the crime laboratory is situated.

8 (3) The State Crime Laboratory Fund is hereby created
9 as a special fund in the State Treasury.

10 (f) The analysis assessment provided for in subsection (c)
11 of this Section shall be forwarded to the office of the
12 treasurer of the unit of local government that performed the
13 analysis if that unit of local government has established a
14 crime laboratory fund, or to the State Crime Laboratory Fund if
15 the analysis was performed by a laboratory operated by the
16 Illinois State Police. If the analysis was performed by a crime
17 laboratory funded by a combination of units of local
18 government, the analysis assessment shall be forwarded to the
19 treasurer of the county where the crime laboratory is situated
20 if a crime laboratory fund has been established in that county.
21 If the unit of local government or combination of units of
22 local government has not established a crime laboratory fund,
23 then the analysis assessment shall be forwarded to the State
24 Crime Laboratory Fund.

25 (g) Moneys deposited into a crime laboratory fund created
26 pursuant to paragraphs (1) or (2) of subsection (e) of this

1 Section shall be in addition to any allocations made pursuant
2 to existing law and shall be designated for the exclusive use
3 of the crime laboratory. These uses may include, but are not
4 limited to, the following:

5 (1) costs incurred in providing analysis for
6 controlled substances in connection with criminal
7 investigations conducted within this State;

8 (2) purchase and maintenance of equipment for use in
9 performing analyses; and

10 (3) continuing education, training and professional
11 development of forensic scientists regularly employed by
12 these laboratories.

13 (h) Moneys deposited in the State Crime Laboratory Fund
14 created pursuant to paragraph (3) of subsection (d) of this
15 Section shall be used by State crime laboratories as designated
16 by the Director of State Police. These funds shall be in
17 addition to any allocations made pursuant to existing law and
18 shall be designated for the exclusive use of State crime
19 laboratories or for the sexual assault evidence tracking system
20 created under Section 50 of the Sexual Assault Evidence
21 Submission Act. These uses may include those enumerated in
22 subsection (g) of this Section.

23 (Source: P.A. 100-987, eff. 7-1-19.)

24 Section 90. The State Mandates Act is amended by adding
25 Section 8.43 as follows:

1 (30 ILCS 805/8.43 new)

2 Sec. 8.43. Exempt mandate. Notwithstanding Sections 6 and 8
3 of this Act, no reimbursement by the State is required for the
4 implementation of any mandate created by this amendatory Act of
5 the 101st General Assembly.

6 Section 95. No acceleration or delay. Where this Act makes
7 changes in a statute that is represented in this Act by text
8 that is not yet or no longer in effect (for example, a Section
9 represented by multiple versions), the use of that text does
10 not accelerate or delay the taking effect of (i) the changes
11 made by this Act or (ii) provisions derived from any other
12 Public Act.

13 Section 99. Effective date. This Act takes effect upon
14 becoming law.".