

1 AN ACT concerning forensic science.

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

4 Section 1. Short Title. This Act may be cited as the  
5 Illinois Independent Forensic Science Act.

6 Section 5. Purpose of Act. The purpose of this Act is to  
7 establish an independent forensic science oversight  
8 commission responsible for overseeing the performance of  
9 forensic science laboratories in the State of Illinois and  
10 maintaining the independence of these laboratories from both  
11 the prosecution and the defense.

12 Section 10. Definitions. For the purposes of this Act  
13 unless the context clearly denotes otherwise:

14 "Blind external proficiency testing" means a test sample  
15 that is presented to a forensic science laboratory for  
16 forensic testing and that appears to the analysts to involve  
17 routine evidence submitted for forensic testing.

18 "Commission" means the commission for oversight of the  
19 forensic science laboratories in the State of Illinois  
20 established by Section 15 of this Act.

21 "Forensic science laboratory" means any laboratory  
22 operated by the State or any unit of local government for the  
23 purpose of performing forensic testing, including the  
24 forensic testing of DNA, the crime scene, or materials  
25 derived from the human body, for use as evidence in a  
26 criminal proceeding or for purposes of identification.

27 Section 15. The Illinois Independent Forensic Science  
28 Oversight Commission. There is created an Illinois  
29 Independent Forensic Science Oversight Commission, consisting

1 of 8 members, all of whom shall be appointed by the Governor.

2 Those appointed shall include:

3 (a) 2 scientists having experience in the areas of  
4 laboratory standards or quality assurance regulation and  
5 monitoring;

6 (b) 2 Public Defenders:

7 (c) the Illinois Attorney General or his or her  
8 designee;

9 (d) one member of the private criminal defense bar;

10 (f) one chief or superintendent of a law enforcement  
11 agency; and

12 (g) one member of the public.

13 The Governor from time to time shall designate a Chair of  
14 the Commission from the membership. All members of the  
15 Commission shall serve for a term of 4 years.

16 The Commission shall meet at least quarterly, and all  
17 meetings of the Commission shall be called by the Chairman.

18 Section 20. No compensation; expenses. Members of the  
19 Commission shall serve without compensation. All members  
20 shall be reimbursed for reasonable expenses incurred in  
21 connection with their duties.

22 Section 25. Executive Director. The Governor shall  
23 appoint an Executive Director of the Commission with the  
24 advice and consent of the Senate. The Executive Director  
25 shall employ, in accordance with the provisions of the  
26 Illinois Personnel Code, administrative, professional,  
27 clerical, and other personnel as may be required to perform  
28 the duties of the Commission. The Executive Director may  
29 organize the staff of the Commission as he or she may deem  
30 appropriate.

31 Section 30. Duties. The Commission shall have the

1 following duties and responsibilities:

2 (a) The Commission shall oversee and shall regulate the  
3 activities of all forensic science laboratories within the  
4 State of Illinois. The Commission shall adopt accreditation  
5 standards for all forensic science laboratories within the  
6 State. In designing accreditation standards pursuant to this  
7 Section, the Commission shall evaluate other systems or  
8 standards of accreditation.

9 (b) The Commission shall establish qualification  
10 standards for all examiners, analysts, and scientists  
11 employed by any forensic science laboratory within the State  
12 of Illinois and shall adopt a code of ethics to which all  
13 examiners, analysts, and scientists shall be required to  
14 adhere. The qualifications and the code of ethics shall be  
15 designed to (1) increase and maintain the effectiveness,  
16 efficiency, reliability, and accuracy of forensic science  
17 laboratories; (2) ensure that forensic analyses are performed  
18 in accordance with the highest scientific standards  
19 practicable; and (3) ensure full disclosure to both the  
20 prosecution and the defense of all laboratory notes and  
21 results whenever any analysis of evidence is performed.

22 (c) The Commission shall establish protocols for the  
23 examination of evidence. The protocols shall require that, to  
24 the fullest extent practicable, the examination of evidence  
25 shall be conducted on a blind basis so that the examiner,  
26 analyst, or scientist is unaware of whether the request for  
27 examination originated with the defense or the prosecution  
28 and is unaware of which side would be helped by a particular  
29 finding.

30 (d) The Commission shall conduct an initial laboratory  
31 inspection and routine inspections as necessary of all  
32 forensic science laboratories within the State to ensure that  
33 these laboratories are in compliance with accreditation  
34 standards.

1           (e) The Commission shall conduct routine internal and  
2 external proficiency testing of all personnel involved in  
3 forensic analysis, including blind external proficiency  
4 testing.

5           (f) The Commission shall require that all forensic  
6 science laboratories, that it has accredited annually,  
7 certify to the Commission their continued compliance with the  
8 requirements for accreditation.

9           (g) As part of the accreditation process, the Commission  
10 shall require all forensic science laboratories to adhere to  
11 quality control and quality assurance protocols and to  
12 maintain a method validation procedure and a corrective  
13 action and remedial program.

14           (h) The Commission shall revoke the accreditation of any  
15 forensic science laboratory upon a determination that the  
16 laboratory or one or more persons in its employ:

17                 (1) is guilty of misrepresentation in obtaining a  
18 forensic science laboratory accreditation;

19                 (2) rendered a report on laboratory work actually  
20 performed in another forensic science laboratory without  
21 disclosing that fact;

22                 (3) showed a pattern of excessive errors in the  
23 performance of forensic laboratory examination  
24 procedures; or

25                 (4) failed to file any report required to be  
26 submitted pursuant to this Act.