

1 AN ACT concerning forensic laboratory oversight.

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 Laboratory Advisory Committee Act.

6 Section 5. Illinois Laboratory Advisory Committee;
7 creation.

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

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

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

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

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

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

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

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

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

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

1 County Public Defender;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

36 (2) make recommendations regarding improving policy

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

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

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

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

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

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

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

27 (9) examine ways to reduce laboratory backlogs;

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

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

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

1 appropriate;

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

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

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

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

16 (30 ILCS 105/5.625 new)

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