



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB2499

Introduced 2/20/2009, by Rep. Franco Coladipietro

SYNOPSIS AS INTRODUCED:

730 ILCS 5/5-9-1.4

from Ch. 38, par. 1005-9-1.4

Amends the Unified Code of Corrections with respect to crime laboratory analysis fees. In the definition of "crime laboratory", provides that it must be formally accredited and must regularly employ persons who conduct analyses and provide testimony with respect to drug identification, latent fingerprint analysis, and DNA analysis. Also provides that the term "crime laboratory" means any "laboratory or laboratory system" (rather than any "not for profit laboratory"). Excludes from the definition of "crime laboratory" a laboratory operated by the Illinois Department of State Police. Enumerates additional offenses for which a guilty offender must pay a fee and increases those fees to varied amounts depending on the offense. Establishes that fees collected on behalf of the State pursuant to other specified Sections under the Act render the State ineligible to receive crime laboratory analysis fees. Permits the clerk of the circuit court to retain \$10 from each collected analysis fee and deposit it into the Circuit Court Clerk Operation and Administrative Fund when a unit of local government has not established a crime laboratory fund. Provides that laboratories using a crime laboratory fund must have and file documented procedures and policies concerning its response to discoveries of misconduct or incompetence and claims of innocence by convicted prisoners. Makes other changes.

LRB096 03221 RLC 18809 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 Unified Code of Corrections is amended by
5 changing Section 5-9-1.4 as follows:

6 (730 ILCS 5/5-9-1.4) (from Ch. 38, par. 1005-9-1.4)

7 Sec. 5-9-1.4. Crime laboratory analysis fees.

8 (a) "Crime laboratory" means any laboratory or laboratory
9 system ~~not for-profit laboratory~~ registered with the Drug
10 Enforcement Administration of the United States Department of
11 Justice, formally accredited against professionally recognized
12 and accepted forensic science standards, substantially funded
13 by a unit or combination of units of local government or the
14 State of Illinois, which regularly employs persons trained and
15 authorized to conduct analyses in each of the following listed
16 disciplines and who provide ~~at least one person engaged in the~~
17 ~~analysis of controlled substances, cannabis, methamphetamine,~~
18 ~~or steroids for criminal justice agencies in criminal matters~~
19 ~~and provides~~ testimony with respect to such examinations: :-

20 (1) Drug identification.

21 (2) Latent fingerprint identification.

22 (3) DNA analysis.

23 "Crime laboratory" does not include a laboratory operated

1 by the Illinois Department of State Police.

2 (b) When a person has been adjudged guilty of one of the
3 following offenses ~~an offense in violation of the Cannabis~~
4 ~~Control Act, the Illinois Controlled Substances Act, the~~
5 ~~Methamphetamine Control and Community Protection Act, or the~~
6 ~~Steroid Control Act,~~ in addition to any other disposition,
7 penalty or fine imposed, and when the court is notified that a
8 forensic laboratory has conducted a forensic test in the
9 investigation of the case, the appropriate a criminal
10 laboratory analysis fee, as designated in this Section, ~~of \$100~~
11 ~~for each offense for which he was convicted~~ shall be levied by
12 the court:—

13 (1) 720 ILCS 535/; Cannabis Control Act; \$200.

14 (2) 720 ILCS 570/; Illinois Controlled Substances Act;
15 \$200.

16 (3) 720 ILCS 646/; Methamphetamine Control and
17 Community Protection Act; \$200.

18 (4) 720 ILCS 5/Art. 9; Criminal Code of 1961
19 (homicide); \$200.

20 (5) 720 ILCS 5/Art. 11; Criminal Code of 1961 (sex
21 offenses); \$200.

22 (6) 720 ILCS 5/Art. 12; Criminal Code of 1961 (bodily
23 harm); \$200.

24 (7) 720 ILCS 5/Art. 16; Criminal Code of 1961 (theft
25 and related offenses); \$200.

26 (8) 720 ILCS 5/Art. 18; Criminal Code of 1961

1 (robbery); \$200.

2 (9) 720 ILCS 5/Art. 19; Criminal Code of 1961
3 (burglary); \$200.

4 (10) 720 ILCS 5/Art. 20; Criminal Code of 1961 (arson);
5 \$200.

6 Any person placed on probation pursuant to a statute listed in
7 items (1) through (10) Section 10 of the Cannabis Control Act,
8 Section 410 of the Illinois Controlled Substances Act, Section
9 70 of the Methamphetamine Control and Community Protection Act,
10 or Section 10 of the Steroid Control Act or placed on
11 supervision for a violation of the Cannabis Control Act, the
12 Illinois Controlled Substances Act or the Steroid Control Act
13 shall be assessed the appropriate a criminal laboratory
14 analysis fee ~~of \$100~~ for each offense for which he was charged.
15 Upon verified petition of the person, the court may suspend
16 payment of all or part of the fee if it finds that the person
17 does not have the ability to pay ~~the fee~~.

18 Any fee collected on behalf of the State pursuant to
19 Section 5-4-3 or 5-9-1.9 shall render the State ineligible to
20 receive additional fees listed in items (1) through (10) of
21 this subsection (b).

22 (c) In addition to any other disposition made pursuant to
23 the provisions of the Juvenile Court Act of 1987, any minor
24 adjudicated delinquent for an offense which if committed by an
25 adult would constitute a violation of the Cannabis Control Act,
26 the Illinois Controlled Substances Act, the Methamphetamine

1 Control and Community Protection Act, or the Steroid Control
2 Act shall be assessed a criminal laboratory analysis fee of
3 \$100 for each adjudication. Upon verified petition of the
4 minor, the court may suspend payment of all or part of the fee
5 if it finds that the minor does not have the ability to pay the
6 fee. The parent, guardian or legal custodian of the minor may
7 pay some or all of such fee on the minor's behalf.

8 (d) All criminal laboratory analysis fees provided for by
9 this Section shall be collected by the clerk of the court and
10 forwarded to the appropriate crime laboratory fund as provided
11 in subsection (f).

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

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

16 (2) Any combination of units of local government which
17 maintains a crime laboratory may establish a crime
18 laboratory fund within the office of the treasurer of the
19 county where the crime laboratory is situated.

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

22 (f) The analysis fee provided for in subsections (b) and
23 (c) of this Section shall be forwarded to the office of the
24 treasurer of the unit of local government that performed the
25 analysis if that unit of local government has established a
26 crime laboratory fund, or to the State Crime Laboratory Fund if

1 the analysis was performed by a laboratory operated by the
2 Illinois State Police. If the analysis was performed by a crime
3 laboratory funded by a combination of units of local
4 government, the analysis fee shall be forwarded to the
5 treasurer of the county where the crime laboratory is situated
6 if a crime laboratory fund has been established in that county.
7 If the unit of local government or combination of units of
8 local government has not established a crime laboratory fund,
9 then the analysis fee shall be forwarded to the State Crime
10 Laboratory Fund. The clerk of the circuit court may retain the
11 amount of \$10 from each collected analysis fee to be deposited
12 into the Circuit Court Clerk Operation and Administrative Fund
13 to offset administrative costs incurred in carrying out the
14 clerk's responsibilities under this Section.

15 (g) Fees deposited into a crime laboratory fund created
16 pursuant to paragraphs (1) or (2) of subsection (e) of this
17 Section shall be in addition to any allocations made pursuant
18 to existing law and shall be designated for the exclusive use
19 of the crime laboratory. These uses may include, but are not
20 limited to, the following:

21 (1) costs incurred in providing analysis for
22 controlled substances in connection with criminal
23 investigations conducted within this State;

24 (2) purchase and maintenance of equipment for use in
25 performing analyses; and

26 (3) continuing education, training and professional

1 development of forensic scientists regularly employed by
2 these laboratories.

3 (h) Fees deposited in the State Crime Laboratory Fund
4 created pursuant to paragraph (3) of subsection (d) of this
5 Section shall be used by State crime laboratories as designated
6 by the Director of State Police. These funds shall be in
7 addition to any allocations made pursuant to existing law and
8 shall be designated for the exclusive use of State crime
9 laboratories. These uses may include those enumerated in
10 subsection (g) of this Section.

11 (i) Any crime laboratory or crime laboratory system using a
12 crime laboratory fund established pursuant to this Section
13 shall have and file with the Illinois Laboratory Advisory
14 Committee documented procedures and policies that govern the
15 laboratory's response to the following:

16 (1) The discovery of any instance of misconduct or
17 incompetence committed by a laboratory employee or
18 subcontractor if that conduct could or did have an adverse
19 impact on the integrity and fairness of a criminal
20 proceeding, including procedures and policies for the
21 reporting of those instances to a governmental entity,
22 independent of the laboratory, having the authority and
23 ability to objectively and completely investigate these
24 instances.

25 (2) The receipt of written claims of innocence by
26 prisoners convicted of violent crimes, or their

1 representatives, if further forensic testing or retesting

2 is requested for the purpose of proving innocence.

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