

1 AN ACT concerning transportation.

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

4 Section 5. The Illinois Vehicle Code is amended by changing
5 Section 11-501.4 as follows:

6 (625 ILCS 5/11-501.4) (from Ch. 95 1/2, par. 11-501.4)

7 Sec. 11-501.4. Admissibility of chemical tests of blood or
8 urine conducted in the regular course of providing emergency
9 medical treatment.

10 (a) Notwithstanding any other provision of law, the results
11 of blood or urine tests performed for the purpose of
12 determining the content of alcohol, other drug or drugs, or
13 intoxicating compound or compounds, or any combination
14 thereof, of an individual's blood or urine conducted upon
15 persons receiving medical treatment in a hospital emergency
16 room are admissible in evidence as a business record exception
17 to the hearsay rule only in prosecutions for any violation of
18 Section 11-501 of this Code or a similar provision of a local
19 ordinance, or in prosecutions for reckless homicide brought
20 under the Criminal Code of 1961, when each of the following
21 criteria are met:

22 (1) the chemical tests performed upon an individual's
23 blood or urine were ordered in the regular course of

1 providing emergency medical treatment and not at the
2 request of law enforcement authorities;

3 (2) the chemical tests performed upon an individual's
4 blood or urine were performed by the laboratory routinely
5 used by the hospital; and

6 (3) results of chemical tests performed upon an
7 individual's blood or urine are admissible into evidence
8 regardless of the time that the records were prepared.

9 (b) The confidentiality provisions of law pertaining to
10 medical records and medical treatment shall not be applicable
11 with regard to chemical tests performed upon an individual's
12 blood or urine under the provisions of this Section in
13 prosecutions as specified in subsection (a) of this Section. No
14 person shall be liable for civil damages as a result of the
15 evidentiary use of chemical testing of an individual's blood or
16 urine test results under this Section, or as a result of that
17 person's testimony made available under this Section.

18 (c) In a prosecution of a person accused of violating
19 Section 11-501 of this Code, reckless homicide under Section
20 9-3 of the Criminal Code of 1961, or a similar provision of a
21 local ordinance, the conversion rate to convert blood serum or
22 blood plasma alcohol level to the whole blood equivalent for
23 grams of alcohol per 100 milliliters of blood shall be to
24 divide the blood serum or plasma level by 1.18.

25 (Source: P.A. 96-289, eff. 8-11-09.)

1 Section 10. The Snowmobile Registration and Safety Act is
2 amended by changing Section 5-7.4 as follows:

3 (625 ILCS 40/5-7.4)

4 Sec. 5-7.4. Admissibility of chemical tests of blood or
5 urine conducted in the regular course of providing emergency
6 medical treatment.

7 (a) Notwithstanding any other provision of law, the results
8 of blood or urine tests performed for the purpose of
9 determining the content of alcohol, other drug or drugs,
10 intoxicating compound or compounds, or any combination of them
11 in an individual's blood or urine conducted upon persons
12 receiving medical treatment in a hospital emergency room, are
13 admissible in evidence as a business record exception to the
14 hearsay rule only in prosecutions for a violation of Section
15 5-7 of this Act or a similar provision of a local ordinance or
16 in prosecutions for reckless homicide brought under the
17 Criminal Code of 1961.

18 The results of the tests are admissible only when each of
19 the following criteria are met:

20 1. The chemical tests performed upon an individual's
21 blood or urine were ordered in the regular course of
22 providing emergency treatment and not at the request of law
23 enforcement authorities; and

24 2. The chemical tests performed upon an individual's
25 blood or urine were performed by the laboratory routinely

1 used by the hospital.

2 3. (Blank).

3 Results of chemical tests performed upon an individual's
4 blood or urine are admissible into evidence regardless of the
5 time that the records were prepared.

6 (b) The confidentiality provisions of law pertaining to
7 medical records and medical treatment are not applicable with
8 regard to chemical tests performed upon a person's blood or
9 urine under the provisions of this Section in prosecutions as
10 specified in subsection (a) of this Section. No person shall be
11 liable for civil damages as a result of the evidentiary use of
12 the results of chemical testing of the individual's blood or
13 urine under this Section or as a result of that person's
14 testimony made available under this Section.

15 (c) In a prosecution of a person accused of violating
16 Section 5-7 of this Act, reckless homicide under Section 9-3 of
17 the Criminal Code of 1961, or a similar provision of a local
18 ordinance, the conversion rate to convert blood serum or blood
19 plasma alcohol level to the whole blood equivalent for grams of
20 alcohol per 100 milliliters of blood shall be to divide the
21 blood serum or plasma level by 1.18.

22 (Source: P.A. 96-289, eff. 8-11-09.)

23 Section 15. The Boat Registration and Safety Act is amended
24 by changing Section 5-16a as follows:

1 (625 ILCS 45/5-16a) (from Ch. 95 1/2, par. 315-11a)

2 Sec. 5-16a. Admissibility of chemical tests of blood or
3 urine conducted in the regular course of providing emergency
4 medical treatment.

5 (a) Notwithstanding any other provision of law, the written
6 results of blood or urine alcohol tests conducted upon persons
7 receiving medical treatment in a hospital emergency room are
8 admissible in evidence as a business record exception to the
9 hearsay rule only in prosecutions for any violation of Section
10 5-16 of this Act or a similar provision of a local ordinance or
11 in prosecutions for reckless homicide brought under the
12 Criminal Code of 1961, when:

13 (1) the chemical tests performed upon an individual's
14 blood or urine were ordered in the regular course of
15 providing emergency treatment and not at the request of law
16 enforcement authorities; and

17 (2) the chemical tests performed upon an individual's
18 blood or urine were performed by the laboratory routinely
19 used by the hospital.

20 Results of chemical tests performed upon an individual's
21 blood or urine are admissible into evidence regardless of the
22 time that the records were prepared.

23 (b) The confidentiality provisions of law pertaining to
24 medical records and medical treatment shall not be applicable
25 with regard to chemical tests performed upon an individual's
26 blood or urine under the provisions of this Section in

1 prosecutions as specified in subsection (a) of this Section. No
2 person shall be liable for civil damages as a result of the
3 evidentiary use of the results of chemical testing of an
4 individual's blood or urine under this Section or as a result
5 of that person's testimony made available under this Section.

6 (c) In a prosecution of a person accused of violating
7 Section 5-16 of this Act, reckless homicide under Section 9-3
8 of the Criminal Code of 1961, or a similar provision of a local
9 ordinance, the conversion rate to convert blood serum or blood
10 plasma alcohol level to the whole blood equivalent for grams of
11 alcohol per 100 milliliters of blood shall be to divide the
12 blood serum or plasma level by 1.18.

13 (Source: P.A. 96-289, eff. 8-11-09.)

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