



Sen. Scott M. Bennett

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09900SB3096sam001

LRB099 17887 SLF 46935 a

1 AMENDMENT TO SENATE BILL 3096

2 AMENDMENT NO. _____. Amend Senate Bill 3096 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Sexual Assault Incident Procedure Act.

6 Section 5. Legislative Findings. The General Assembly
7 finds:

8 (1) Sexual assault and sexual abuse are personal and
9 violent crimes that disproportionately impact women, children,
10 lesbian, gay, bisexual, and transgender individuals in
11 Illinois, yet only a small percentage of these crimes are
12 reported, less than one in five, and even fewer result in a
13 conviction.

14 (2) The trauma of sexual assault and sexual abuse often
15 leads to severe mental, physical, and economic consequences for
16 the victim.

1 (3) The diminished ability of victims to recover from their
2 assault or sexual abuse has been directly linked to the
3 response of others to their trauma.

4 (4) The response of law enforcement can directly impact a
5 victim's ability to heal as well as his or her willingness to
6 actively participate in the investigation by law enforcement.

7 (5) Research has shown that a traumatic event impacts
8 memory consolidation and encoding. Allowing a victim to
9 complete at least 2 full sleep cycles before an in-depth
10 interview can improve the victim's ability to provide a history
11 of the sexual assault or sexual abuse.

12 (6) Victim participation is critical to the successful
13 identification and prosecution of sexual predators. To
14 facilitate victim participation, law enforcement should inform
15 victims of the testing of physical evidence and the results of
16 such testing.

17 (7) Identification and successful prosecution of sexual
18 predators prevents new victimization. For this reason,
19 improving the response of the criminal justice system to
20 victims of sexual assault and sexual abuse is critical to
21 protecting public safety.

22 Section 10. Definitions. In this Act:

23 "Board" means the Illinois Law Enforcement Training
24 Standards Board.

25 "Evidence-based, trauma-informed, victim-centered" means

1 policies, procedures, programs, and practices that have been
2 demonstrated to minimize retraumatization associated with the
3 criminal justice process by recognizing the presence of trauma
4 symptoms and acknowledging the role that trauma has played in a
5 sexual assault or sexual abuse victim's life and focusing on
6 the needs and concerns of a victim that ensures compassionate
7 and sensitive delivery of services in a nonjudgmental manner.

8 "Law enforcement agency having jurisdiction" means the law
9 enforcement agency in the jurisdiction where an alleged sexual
10 assault or sexual abuse occurred.

11 "Sexual assault evidence" means evidence collected in
12 connection with a sexual assault or sexual abuse investigation,
13 including, but not limited to, evidence collected using the
14 Illinois State Police Sexual Assault Evidence Collection Kit as
15 defined in Section 1a of the Sexual Assault Survivors Emergency
16 Treatment Act.

17 "Sexual assault or sexual abuse" means an act of
18 nonconsensual sexual conduct or sexual penetration, as defined
19 in Section 12-12 of the Criminal Code of 1961 or Section 11-0.1
20 of the Criminal Code of 2012, including, without limitation,
21 acts prohibited under Sections 12-13 through 12-16 of the
22 Criminal Code of 1961 or Sections 11-1.20 through 11-1.60 of
23 the Criminal Code of 2012.

24 Section 15. Sexual assault incident policies.

25 (a) On or before January 1, 2018, every law enforcement

1 agency shall develop, adopt, and implement written policies
2 regarding procedures for incidents of sexual assault or sexual
3 abuse consistent with the guidelines developed under
4 subsection (b) of this Section. In developing these policies,
5 each law enforcement agency is encouraged to consult with other
6 law enforcement agencies, sexual assault advocates, and sexual
7 assault nurse examiners with expertise in recognizing and
8 handling sexual assault and sexual abuse incidents. These
9 policies must include mandatory sexual assault and sexual abuse
10 response training as required in Section 10.19 of the Illinois
11 Police Training Act and Sections 2605-53 and 2605-98 of the
12 Department of State Police Law of the Civil Administrative Code
13 of Illinois.

14 (b) On or before July 1, 2017, the Office of the Attorney
15 General, in consultation with the Illinois Law Enforcement
16 Training Standards Board and the Department of State Police,
17 shall develop and make available to each law enforcement
18 agency, comprehensive guidelines for creation of a law
19 enforcement agency policy on evidence-based, trauma-informed,
20 victim-centered sexual assault and sexual abuse response and
21 investigation.

22 These guidelines shall include, but not be limited to the
23 following:

- 24 (1) dispatcher or call taker response;
- 25 (2) responding officer duties;
- 26 (3) duties of officers investigating sexual assaults

1 and sexual abuse;

2 (4) supervisor duties;

3 (5) report writing;

4 (6) reporting methods;

5 (7) victim interviews;

6 (8) evidence collection;

7 (9) sexual assault medical forensic examinations;

8 (10) suspect interviews;

9 (11) suspect forensic exams;

10 (12) witness interviews;

11 (13) sexual assault response and resource teams, if
12 applicable;

13 (14) working with victim advocates;

14 (15) working with prosecutors;

15 (16) victims' rights;

16 (17) victim notification; and

17 (18) consideration for specific populations or
18 communities.

19 Section 20. Reports by law enforcement officers.

20 (a) A law enforcement officer shall complete a written
21 police report upon receiving the following, regardless of where
22 the incident occurred:

23 (1) an allegation by a person that the person has been
24 sexually assaulted or sexually abused regardless of
25 jurisdiction;

1 (2) information from hospital or medical personnel
2 provided under Section 3.2 of the Criminal Identification
3 Act; or

4 (3) information from a witness who personally observed
5 what appeared to be a sexual assault or sexual abuse or
6 attempted sexual assault or sexual abuse.

7 (b) The written report shall include the following, if
8 known:

9 (1) the victim's name or other identifier;

10 (2) the victim's contact information;

11 (3) time, date, and location of offense;

12 (4) information provided by the victim;

13 (5) the suspect's description and name, if known;

14 (6) names of persons with information relevant to the
15 time before, during, or after the sexual assault or sexual
16 abuse, and their contact information;

17 (7) names of medical professionals who provided a
18 medical forensic examination of the victim and any
19 information they provided about the sexual assault or
20 sexual abuse;

21 (8) whether an Illinois State Police Sexual Assault
22 Evidence Collection Kit was completed, the name and contact
23 information for the hospital, and whether the victim
24 consented to testing of the Evidence Collection Kit by law
25 enforcement;

26 (9) whether a urine or blood sample was collected and

1 whether the victim consented to testing of a toxicology
2 screen by law enforcement;

3 (10) information the victim related to medical
4 professionals during a medical forensic examination which
5 the victim consented to disclosure to law enforcement; and

6 (11) other relevant information.

7 (c) If the sexual assault or sexual abuse occurred in
8 another jurisdiction, the law enforcement officer taking the
9 report must submit the report to the law enforcement agency
10 having jurisdiction in person or via fax or email within 24
11 hours of receiving information about the sexual assault or
12 sexual abuse.

13 (d) Within 24 hours of receiving a report from a law
14 enforcement agency in another jurisdiction in accordance with
15 subsection (c), the law enforcement agency having jurisdiction
16 shall submit a written confirmation to the law enforcement
17 agency that wrote the report. The written confirmation shall
18 contain the name and identifier of the person and confirming
19 receipt of the report and a name and contact phone number that
20 will be given to the victim. The written confirmation shall be
21 delivered in person or via fax or email.

22 (e) No law enforcement officer shall require a victim of
23 sexual assault or sexual abuse to submit to an interview.

24 (f) No law enforcement agency may refuse to complete a
25 written report as required by this Section on any ground.

26 (g) All law enforcement agencies shall ensure that all

1 officers responding to or investigating a complaint of sexual
2 assault or sexual abuse have successfully completed training
3 under Section 10.19 of the Illinois Police Training Act and
4 Section 2605-98 of the Department of State Police Law of the
5 Civil Administrative Code of Illinois.

6 Section 22. Third-party reports. A victim of sexual assault
7 or sexual abuse may give a person consent to provide
8 information about the sexual assault or sexual abuse to a law
9 enforcement officer, and the officer shall complete a written
10 report unless:

11 (1) the person contacting law enforcement fails to
12 provide the person's name and contact information; or

13 (2) the person contacting law enforcement fails to
14 affirm that the person has the consent of the victim of the
15 sexual assault or sexual abuse.

16 Section 25. Report; victim notice.

17 (a) At the time of first contact with the victim, law
18 enforcement shall:

19 (1) Advise the victim about the following by providing
20 a form, the contents of which shall be prepared by the
21 Office of the Attorney General and posted on its website,
22 written in a language appropriate for the victim or in
23 Braille, or communicating in appropriate sign language
24 that includes, but is not limited to:

1 (A) information about seeking medical attention
2 and preserving evidence, including specifically,
3 collection of evidence during a medical forensic
4 examination at a hospital and photographs of injury and
5 clothing;

6 (B) notice that the victim will not be charged for
7 hospital emergency and medical forensic services;

8 (C) information advising the victim that evidence
9 can be collected at the hospital up to 7 days after the
10 sexual assault or sexual abuse but that the longer the
11 victim waits the likelihood of obtaining evidence
12 decreases;

13 (D) the location of nearby hospitals that provide
14 emergency medical and forensic services and, if known,
15 whether the hospitals employ any sexual assault nurse
16 examiners;

17 (E) a summary of the procedures and relief
18 available to victims of sexual assault or sexual abuse
19 under the Civil No Contact Order Act or the Illinois
20 Domestic Violence Act of 1986;

21 (F) the law enforcement officer's name and badge
22 number;

23 (G) at least one referral to an accessible service
24 agency and information advising the victim that rape
25 crisis centers can assist with obtaining civil no
26 contact orders and orders of protection; and

1 (H) if the sexual assault or sexual abuse occurred
2 in another jurisdiction, provide in writing the
3 address and phone number of a specific contact at the
4 law enforcement agency having jurisdiction.

5 (2) Offer to provide or arrange accessible
6 transportation for the victim to a hospital for emergency
7 and forensic services, including contacting emergency
8 medical services.

9 (3) Offer to provide or arrange accessible
10 transportation for the victim to the nearest available
11 circuit judge or associate judge so the victim may file a
12 petition for an emergency civil no contact order under the
13 Civil No Contact Order Act or an order of protection under
14 the Illinois Domestic Violence Act of 1986 after the close
15 of court business hours, if a judge is available.

16 (b) At the time of the initial contact with a person making
17 a third-party report under Section 22 of this Act, a law
18 enforcement officer shall provide the written information
19 prescribed under paragraph (1) of subsection (a) of this
20 Section to the person making the report and request the person
21 provide the written information to the victim of the sexual
22 assault or sexual abuse.

23 (c) If the first contact with the victim occurs at a
24 hospital, a law enforcement officer may request the hospital
25 provide interpretive services.

1 Section 30. Release and storage of sexual assault evidence.

2 (a) A law enforcement agency having jurisdiction that is
3 notified by a hospital or another law enforcement agency that a
4 victim of a sexual assault or sexual abuse has received a
5 medical forensic examination and has completed an Illinois
6 State Police Sexual Assault Evidence Collection Kit shall take
7 custody of the sexual assault evidence as soon as practicable,
8 but in no event more than 5 days after the completion of the
9 medical forensic examination.

10 (b) The written report prepared under Section 20 of this
11 Act shall include the date and time the sexual assault evidence
12 was picked up from the hospital and the date and time the
13 sexual assault evidence was sent to the laboratory in
14 accordance with the Sexual Assault Evidence Submission Act.

15 (c) If the victim of a sexual assault or sexual abuse or a
16 person authorized under Section 6.5 of the Sexual Assault
17 Survivors Emergency Treatment Act has consented to allow law
18 enforcement to test the sexual assault evidence, the law
19 enforcement agency having jurisdiction shall submit the sexual
20 assault evidence for testing in accordance with the Sexual
21 Assault Evidence Submission Act. No law enforcement agency
22 having jurisdiction may refuse or fail to send sexual assault
23 evidence for testing that the victim has released for testing.

24 (d) A victim shall have 5 years from the completion of an
25 Illinois State Police Sexual Assault Evidence Collection Kit,
26 or 5 years from the age of 18 years, whichever is longer, to

1 sign a written consent to release the sexual assault evidence
2 to law enforcement for testing. If the victim or a person
3 authorized under Section 6.5 of the Sexual Assault Survivors
4 Emergency Treatment Act does not sign the written consent at
5 the completion of the medical forensic examination, the victim
6 or person authorized by Section 6.5 of the Sexual Assault
7 Survivors Emergency Treatment Act may sign the written release
8 at the law enforcement agency having jurisdiction, or in the
9 presence of a sexual assault advocate who may deliver the
10 written release to the law enforcement agency having
11 jurisdiction. The victim may also provide verbal consent to the
12 law enforcement agency having jurisdiction and shall verify the
13 verbal consent via email or fax. Upon receipt of written or
14 verbal consent, the law enforcement agency having jurisdiction
15 shall submit the sexual assault evidence for testing in
16 accordance with the Sexual Assault Evidence Submission Act. No
17 law enforcement agency having jurisdiction may refuse or fail
18 to send the sexual assault evidence for testing that the victim
19 has released for testing.

20 (e) The law enforcement agency having jurisdiction who
21 speaks to a victim who does not sign a written consent to
22 release the sexual assault evidence prior to discharge from the
23 hospital shall provide a written notice to the victim that
24 contains the following information:

25 (1) where the sexual assault evidence will be stored
26 for 5 years;

1 (2) notice that the victim may sign a written release
2 to test the sexual assault evidence at any time during the
3 5-year period by contacting the law enforcement agency
4 having jurisdiction or working with a sexual assault
5 advocate;

6 (3) the name, phone number, and email address of the
7 law enforcement agency having jurisdiction; and

8 (4) the name and phone number of a local rape crisis
9 center.

10 Each law enforcement agency shall develop a protocol for
11 providing this information to victims as part of the written
12 policies required in subsection (a) of Section 15 of this Act.

13 (f) A law enforcement agency must develop a protocol for
14 responding to victims who want to sign a written consent to
15 release the sexual assault evidence and to ensure that victims
16 who want to be notified or have a designee notified prior to
17 the end of the 5-year period are provided notice.

18 (g) Nothing in this Section shall be construed as limiting
19 the storage period to 5 years. A law enforcement agency having
20 jurisdiction may adopt a storage policy that provides for a
21 period of time exceeding 5 years. If a longer period of time is
22 adopted, the law enforcement agency having jurisdiction shall
23 notify the victim or designee in writing of the longer storage
24 period.

25 Section 35. Release of information.

1 (a) Upon the request of the victim who has consented to the
2 release of sexual assault evidence for testing, the law
3 enforcement agency having jurisdiction shall provide the
4 following information in writing:

5 (1) the date the sexual assault evidence was sent to a
6 Department of State Police forensic laboratory or
7 designated laboratory;

8 (2) test results provided to the law enforcement agency
9 by a Department of State Police forensic laboratory or
10 designated laboratory, including, but not limited to:

11 (A) whether a DNA profile was obtained from the
12 testing of the sexual assault evidence from the
13 victim's case;

14 (B) whether the DNA profile developed from the
15 sexual assault evidence has been searched against the
16 DNA Index System or any state or federal DNA database;

17 (C) whether an association was made to an
18 individual whose DNA profile is consistent with the
19 sexual assault evidence DNA profile, provided that
20 disclosure would not impede or compromise an ongoing
21 investigation; and

22 (D) whether any drugs were detected in a urine or
23 blood sample analyzed for drug facilitated sexual
24 assault and information about any drugs detected.

25 (b) The information listed in paragraph (1) of subsection
26 (a) of this Section shall be provided to the victim within 7

1 days of the transfer of the evidence to the laboratory. The
2 information listed in paragraph (2) of subsection (a) of this
3 Section shall be provided to the victim within 7 days of the
4 receipt of the information by the law enforcement agency having
5 jurisdiction.

6 (c) At the time the sexual assault evidence is released for
7 testing, the victim shall be provided written information by
8 the law enforcement agency having jurisdiction or the hospital
9 providing emergency services and forensic services to the
10 victim informing him or her of the right to request information
11 under subsection (a) of this Section. A victim may designate
12 another person or agency to receive this information.

13 (d) The victim or the victim's designee shall keep the law
14 enforcement agency having jurisdiction informed of the name,
15 address, telephone number, and email address of the person to
16 whom the information should be provided, and any changes of the
17 name, address, telephone number, and email address, if an email
18 address is available.

19 Section 105. The Department of State Police Law of the
20 Civil Administrative Code of Illinois is amended by adding
21 Sections 2605-53 and 2605-98 as follows:

22 (20 ILCS 2605/2605-53 new)

23 Sec. 2605-53. 9-1-1 system; sexual assault and sexual
24 abuse.

1 (a) The Office of the Statewide 9-1-1 Administrator, in
2 consultation with the Office of the Attorney General and the
3 Illinois Law Enforcement Training Standards Board shall:

4 (1) develop comprehensive guidelines for
5 evidence-based, trauma-informed, victim-centered handling
6 of sexual assault or sexual abuse calls by Public Safety
7 Answering Point tele-communicators; and

8 (2) adopt rules and minimum standards for an
9 evidence-based, trauma-informed, victim-centered training
10 curriculum for handling of sexual assault or sexual abuse
11 calls for Public Safety Answering Point tele-communicators
12 ("PSAP").

13 (b) Training requirements:

14 (1) Newly hired PSAP tele-communicators must complete
15 the sexual assault and sexual abuse training curriculum
16 established in subsection (a) of this Section prior to
17 handling emergency calls.

18 (2) All existing PSAP tele-communicators shall
19 complete the sexual assault and sexual abuse training
20 curriculum established in subsection (a) of this Section
21 within 2 years of the effective date of this amendatory Act
22 of the 99th General Assembly.

23 (20 ILCS 2605/2605-98 new)

24 Sec. 2605-98. Training; sexual assault and sexual abuse.

25 (a) The Department of State Police shall conduct or approve

1 training programs in trauma-informed responses and
2 investigations of sexual assault and sexual abuse, which
3 include, but is not limited to, the following:

4 (1) recognizing the symptoms of trauma;

5 (2) understanding the role trauma has played in a
6 victim's life;

7 (3) responding to the needs and concerns of a victim;

8 (4) delivering services in a compassionate, sensitive,
9 and nonjudgmental manner;

10 (5) interviewing techniques in accordance with the
11 curriculum standards in subsection (f) of this Section;

12 (6) understanding cultural perceptions and common
13 myths of sexual assault and sexual abuse; and

14 (7) report writing techniques in accordance with the
15 curriculum standards in subsection (f) of this Section.

16 (b) This training must be presented in all full and
17 part-time basic law enforcement academies on or before July 1,
18 2018.

19 (c) The Department must present this training to all State
20 police officers within 3 years after the effective date of this
21 amendatory Act of the 99th General Assembly and must present
22 in-service training on sexual assault and sexual abuse response
23 and report writing training requirements every 3 years.

24 (d) The Department must provide to all State police
25 officers who conduct sexual assault and sexual abuse
26 investigations, specialized training on sexual assault and

1 sexual abuse investigations within 2 years after the effective
2 date of this amendatory Act of the 99th General Assembly and
3 must present in-service training on sexual assault and sexual
4 abuse investigations to these officers every 3 years.

5 (e) Instructors providing this training shall have
6 successfully completed training on evidence-based,
7 trauma-informed, victim-centered responses to cases of sexual
8 assault and sexual abuse and have experience responding to
9 sexual assault and sexual abuse cases.

10 (f) The Department shall adopt rules, in consultation with
11 the Office of the Illinois Attorney General and the Illinois
12 Law Enforcement Training Standards Board to determine the
13 specific training requirements for these courses, including,
14 but not limited to, the following:

15 (1) evidence-based curriculum standards for report
16 writing and immediate response to sexual assault and sexual
17 abuse, including trauma-informed, victim-centered
18 interview techniques, which have been demonstrated to
19 minimize retraumatization, for all State police officers;
20 and

21 (2) evidence-based curriculum standards for
22 trauma-informed, victim-centered investigation and
23 interviewing techniques, which have been demonstrated to
24 minimize retraumatization, for cases of sexual assault and
25 sexual abuse for all State Police officers who conduct
26 sexual assault and sexual abuse investigations.

1 Section 110. The Illinois Police Training Act is amended by
2 changing Section 7 and adding Section 10.19 as follows:

3 (50 ILCS 705/7) (from Ch. 85, par. 507)

4 Sec. 7. Rules and standards for schools. The Board shall
5 adopt rules and minimum standards for such schools which shall
6 include but not be limited to the following:

7 a. The curriculum for probationary police officers which
8 shall be offered by all certified schools shall include but not
9 be limited to courses of procedural justice, arrest and use and
10 control tactics, search and seizure, including temporary
11 questioning, civil rights, human rights, human relations,
12 cultural competency, including implicit bias and racial and
13 ethnic sensitivity, criminal law, law of criminal procedure,
14 constitutional and proper use of law enforcement authority,
15 vehicle and traffic law including uniform and
16 non-discriminatory enforcement of the Illinois Vehicle Code,
17 traffic control and accident investigation, techniques of
18 obtaining physical evidence, court testimonies, statements,
19 reports, firearms training, training in the use of electronic
20 control devices, including the psychological and physiological
21 effects of the use of those devices on humans, first-aid
22 (including cardiopulmonary resuscitation), training in the
23 administration of opioid antagonists as defined in paragraph
24 (1) of subsection (e) of Section 5-23 of the Alcoholism and

1 Other Drug Abuse and Dependency Act, handling of juvenile
2 offenders, recognition of mental conditions, including, but
3 not limited to, the disease of addiction, which require
4 immediate assistance and methods to safeguard and provide
5 assistance to a person in need of mental treatment, recognition
6 of abuse, neglect, financial exploitation, and self-neglect of
7 adults with disabilities and older adults, as defined in
8 Section 2 of the Adult Protective Services Act, crimes against
9 the elderly, law of evidence, the hazards of high-speed police
10 vehicle chases with an emphasis on alternatives to the
11 high-speed chase, and physical training. The curriculum shall
12 include specific training in techniques for immediate response
13 to and investigation of cases of domestic violence and of
14 sexual assault of adults and children, including cultural
15 perceptions and common myths of sexual assault and sexual abuse
16 ~~rape~~ as well as interview techniques that are trauma informed,
17 victim centered, and victim sensitive. The curriculum shall
18 include training in techniques designed to promote effective
19 communication at the initial contact with crime victims and
20 ways to comprehensively explain to victims and witnesses their
21 rights under the Rights of Crime Victims and Witnesses Act and
22 the Crime Victims Compensation Act. The curriculum shall also
23 include a block of instruction aimed at identifying and
24 interacting with persons with autism and other developmental or
25 physical disabilities, reducing barriers to reporting crimes
26 against persons with autism, and addressing the unique

1 challenges presented by cases involving victims or witnesses
2 with autism and other developmental disabilities. The
3 curriculum for permanent police officers shall include but not
4 be limited to (1) refresher and in-service training in any of
5 the courses listed above in this subparagraph, (2) advanced
6 courses in any of the subjects listed above in this
7 subparagraph, (3) training for supervisory personnel, and (4)
8 specialized training in subjects and fields to be selected by
9 the board. The training in the use of electronic control
10 devices shall be conducted for probationary police officers,
11 including University police officers.

12 b. Minimum courses of study, attendance requirements and
13 equipment requirements.

14 c. Minimum requirements for instructors.

15 d. Minimum basic training requirements, which a
16 probationary police officer must satisfactorily complete
17 before being eligible for permanent employment as a local law
18 enforcement officer for a participating local governmental
19 agency. Those requirements shall include training in first aid
20 (including cardiopulmonary resuscitation).

21 e. Minimum basic training requirements, which a
22 probationary county corrections officer must satisfactorily
23 complete before being eligible for permanent employment as a
24 county corrections officer for a participating local
25 governmental agency.

26 f. Minimum basic training requirements which a

1 probationary court security officer must satisfactorily
2 complete before being eligible for permanent employment as a
3 court security officer for a participating local governmental
4 agency. The Board shall establish those training requirements
5 which it considers appropriate for court security officers and
6 shall certify schools to conduct that training.

7 A person hired to serve as a court security officer must
8 obtain from the Board a certificate (i) attesting to his or her
9 successful completion of the training course; (ii) attesting to
10 his or her satisfactory completion of a training program of
11 similar content and number of hours that has been found
12 acceptable by the Board under the provisions of this Act; or
13 (iii) attesting to the Board's determination that the training
14 course is unnecessary because of the person's extensive prior
15 law enforcement experience.

16 Individuals who currently serve as court security officers
17 shall be deemed qualified to continue to serve in that capacity
18 so long as they are certified as provided by this Act within 24
19 months of June 1, 1997 (the effective date of Public Act
20 89-685) ~~this amendatory Act of 1996~~. Failure to be so
21 certified, absent a waiver from the Board, shall cause the
22 officer to forfeit his or her position.

23 All individuals hired as court security officers on or
24 after the effective date of this amendatory Act of 1996 shall
25 be certified within 12 months of the date of their hire, unless
26 a waiver has been obtained by the Board, or they shall forfeit

1 their positions.

2 The Sheriff's Merit Commission, if one exists, or the
3 Sheriff's Office if there is no Sheriff's Merit Commission,
4 shall maintain a list of all individuals who have filed
5 applications to become court security officers and who meet the
6 eligibility requirements established under this Act. Either
7 the Sheriff's Merit Commission, or the Sheriff's Office if no
8 Sheriff's Merit Commission exists, shall establish a schedule
9 of reasonable intervals for verification of the applicants'
10 qualifications under this Act and as established by the Board.

11 g. Minimum in-service training requirements, which a
12 police officer must satisfactorily complete every 3 years.
13 Those requirements shall include constitutional and proper use
14 of law enforcement authority, procedural justice, civil
15 rights, human rights, and cultural competency.

16 h. Minimum in-service training requirements, which a
17 police officer must satisfactorily complete at least annually.
18 Those requirements shall include law updates and use of force
19 training which shall include scenario based training, or
20 similar training approved by the Board.

21 (Source: P.A. 98-49, eff. 7-1-13; 98-358, eff. 1-1-14; 98-463,
22 eff. 8-16-13; 98-756, eff. 7-16-14; 99-352, eff. 1-1-16;
23 99-480, eff. 9-9-15; revised 10-20-15.)

24 (50 ILCS 705/10.19 new)

25 Sec. 10.19. Training; sexual assault and sexual abuse.

1 (a) The Illinois Law Enforcement Training Standards Board
2 shall conduct or approve training programs in trauma-informed
3 responses and investigations of sexual assault and sexual
4 abuse, which include, but is not limited to, the following:

5 (1) recognizing the symptoms of trauma;

6 (2) understanding the role trauma has played in a
7 victim's life;

8 (3) responding to the needs and concerns of a victim;

9 (4) delivering services in a compassionate, sensitive,
10 and nonjudgmental manner;

11 (5) interviewing techniques in accordance with the
12 curriculum standards in subsection (f) of this Section;

13 (6) understanding cultural perceptions and common
14 myths of sexual assault and sexual abuse; and

15 (7) report writing techniques in accordance with the
16 curriculum standards in subsection (f) of this Section.

17 (b) This training must be presented in all full and
18 part-time basic law enforcement academies on or before July 1,
19 2018.

20 (c) Agencies employing law enforcement officers must
21 present this training to all law enforcement officers within 3
22 years after the effective date of this amendatory Act of the
23 99th General Assembly and must present in-service training on
24 sexual assault and sexual abuse response and report writing
25 training requirements every 3 years.

26 (d) Agencies employing law enforcement officers who

1 conduct sexual assault and sexual abuse investigations must
2 provide specialized training to these officers on sexual
3 assault and sexual abuse investigations within 2 years after
4 the effective date of this amendatory Act of the 99th General
5 Assembly and must present in-service training on sexual assault
6 and sexual abuse investigations to these officers every 3
7 years.

8 (e) Instructors providing this training shall have
9 successfully completed training on evidence-based,
10 trauma-informed, victim-centered response to cases of sexual
11 assault and sexual abuse and have experience responding to
12 sexual assault and sexual abuse cases.

13 (f) The Board shall adopt rules, in consultation with the
14 Office of the Illinois Attorney General and the Department of
15 State Police to determine the specific training requirements
16 for these courses, including, but not limited to, the
17 following:

18 (1) evidence-based curriculum standards for report
19 writing and immediate response to sexual assault and sexual
20 abuse, including trauma-informed, victim-centered
21 interview techniques, which have been demonstrated to
22 minimize retraumatization, for probationary police
23 officers and all law enforcement officers; and

24 (2) evidence-based curriculum standards for
25 trauma-informed, victim-centered investigation and
26 interviewing techniques, which have been demonstrated to

1 minimize retraumatization, for cases of sexual assault and
2 sexual abuse for law enforcement officers who conduct
3 sexual assault and sexual abuse investigations.

4 Section 115. The Sexual Assault Survivors Emergency
5 Treatment Act is amended by changing Sections 1a and 6.4 and by
6 adding Sections 6.5 and 6.6 as follows:

7 (410 ILCS 70/1a) (from Ch. 111 1/2, par. 87-1a)

8 Sec. 1a. Definitions. In this Act:

9 "Ambulance provider" means an individual or entity that
10 owns and operates a business or service using ambulances or
11 emergency medical services vehicles to transport emergency
12 patients.

13 "Areawide sexual assault treatment plan" means a plan,
14 developed by the hospitals in the community or area to be
15 served, which provides for hospital emergency services to
16 sexual assault survivors that shall be made available by each
17 of the participating hospitals.

18 "Department" means the Department of Public Health.

19 "Emergency contraception" means medication as approved by
20 the federal Food and Drug Administration (FDA) that can
21 significantly reduce the risk of pregnancy if taken within 72
22 hours after sexual assault.

23 "Follow-up healthcare" means healthcare services related
24 to a sexual assault, including laboratory services and pharmacy

1 services, rendered within 90 days of the initial visit for
2 hospital emergency services.

3 "Forensic services" means the collection of evidence
4 pursuant to a statewide sexual assault evidence collection
5 program administered by the Department of State Police, using
6 the Illinois State Police Sexual Assault Evidence Collection
7 Kit.

8 "Health care professional" means a physician, a physician
9 assistant, or an advanced practice nurse.

10 "Hospital" has the meaning given to that term in the
11 Hospital Licensing Act.

12 "Hospital emergency services" means healthcare delivered
13 to outpatients within or under the care and supervision of
14 personnel working in a designated emergency department of a
15 hospital, including, but not limited to, care ordered by such
16 personnel for a sexual assault survivor in the emergency
17 department.

18 "Illinois State Police Sexual Assault Evidence Collection
19 Kit" means a prepackaged set of materials and forms to be used
20 for the collection of evidence relating to sexual assault. The
21 standardized evidence collection kit for the State of Illinois
22 shall be the Illinois State Police Sexual Assault Evidence
23 Collection Kit.

24 "Law enforcement agency having jurisdiction" means the law
25 enforcement agency in the jurisdiction where an alleged sexual
26 assault or sexual abuse occurred.

1 "Nurse" means a nurse licensed under the Nurse Practice
2 Act.

3 "Physician" means a person licensed to practice medicine in
4 all its branches.

5 "Sexual assault" means an act of nonconsensual sexual
6 conduct or sexual penetration, as defined in Section 11-0.1 of
7 the Criminal Code of 2012, including, without limitation, acts
8 prohibited under Sections 11-1.20 through 11-1.60 of the
9 Criminal Code of 2012.

10 "Sexual assault survivor" means a person who presents for
11 hospital emergency services in relation to injuries or trauma
12 resulting from a sexual assault.

13 "Sexual assault transfer plan" means a written plan
14 developed by a hospital and approved by the Department, which
15 describes the hospital's procedures for transferring sexual
16 assault survivors to another hospital in order to receive
17 emergency treatment.

18 "Sexual assault treatment plan" means a written plan
19 developed by a hospital that describes the hospital's
20 procedures and protocols for providing hospital emergency
21 services and forensic services to sexual assault survivors who
22 present themselves for such services, either directly or
23 through transfer from another hospital.

24 "Transfer services" means the appropriate medical
25 screening examination and necessary stabilizing treatment
26 prior to the transfer of a sexual assault survivor to a

1 hospital that provides hospital emergency services and
2 forensic services to sexual assault survivors pursuant to a
3 sexual assault treatment plan or areawide sexual assault
4 treatment plan.

5 "Voucher" means a document generated by a hospital at the
6 time the sexual assault survivor receives hospital emergency
7 and forensic services that a sexual assault survivor may
8 present to providers for follow-up healthcare.

9 (Source: P.A. 99-454, eff. 1-1-16.)

10 (410 ILCS 70/6.4) (from Ch. 111 1/2, par. 87-6.4)

11 Sec. 6.4. Sexual assault evidence collection program.

12 (a) There is created a statewide sexual assault evidence
13 collection program to facilitate the prosecution of persons
14 accused of sexual assault. This program shall be administered
15 by the Illinois State Police. The program shall consist of the
16 following: (1) distribution of sexual assault evidence
17 collection kits which have been approved by the Illinois State
18 Police to hospitals that request them, or arranging for such
19 distribution by the manufacturer of the kits, (2) collection of
20 the kits from hospitals after the kits have been used to
21 collect evidence, (3) analysis of the collected evidence and
22 conducting of laboratory tests, (4) maintaining the chain of
23 custody and safekeeping of the evidence for use in a legal
24 proceeding, and (5) the comparison of the collected evidence
25 with the genetic marker grouping analysis information

1 maintained by the Department of State Police under Section
2 5-4-3 of the Unified Code of Corrections and with the
3 information contained in the Federal Bureau of Investigation's
4 National DNA database; provided the amount and quality of
5 genetic marker grouping results obtained from the evidence in
6 the sexual assault case meets the requirements of both the
7 Department of State Police and the Federal Bureau of
8 Investigation's Combined DNA Index System (CODIS) policies.
9 The standardized evidence collection kit for the State of
10 Illinois shall be the Illinois State Police Sexual Assault
11 Evidence Kit and shall include a written consent form
12 authorizing law enforcement to test the sexual assault evidence
13 and to provide law enforcement with details of the sexual
14 assault. ~~A sexual assault evidence collection kit may not be~~
15 ~~released by a hospital without the written consent of the~~
16 ~~sexual assault survivor. In the case of a survivor who is a~~
17 ~~minor 13 years of age or older, evidence and information~~
18 ~~concerning the sexual assault may be released at the written~~
19 ~~request of the minor. If the survivor is a minor who is under~~
20 ~~13 years of age, evidence and information concerning the~~
21 ~~alleged sexual assault may be released at the written request~~
22 ~~of the parent, guardian, investigating law enforcement~~
23 ~~officer, or Department of Children and Family Services. If the~~
24 ~~survivor is an adult who has a guardian of the person, a health~~
25 ~~care surrogate, or an agent acting under a health care power of~~
26 ~~attorney, then consent of the guardian, surrogate, or agent is~~

1 ~~not required to release evidence and information concerning the~~
2 ~~sexual assault. If the adult is unable to provide consent for~~
3 ~~the release of evidence and information and a guardian,~~
4 ~~surrogate, or agent under a health care power of attorney is~~
5 ~~unavailable or unwilling to release the information, then an~~
6 ~~investigating law enforcement officer may authorize the~~
7 ~~release. Any health care professional, including any~~
8 ~~physician, advanced practice nurse, physician assistant, or~~
9 ~~nurse, sexual assault nurse examiner, and any health care~~
10 ~~institution, including any hospital, who provides evidence or~~
11 ~~information to a law enforcement officer pursuant to a written~~
12 ~~request as specified in this Section is immune from any civil~~
13 ~~or professional liability that might arise from those actions,~~
14 ~~with the exception of willful or wanton misconduct. The~~
15 ~~immunity provision applies only if all of the requirements of~~
16 ~~this Section are met.~~

17 (a-5) (Blank).

18 (b) The Illinois State Police shall administer a program to
19 train hospitals and hospital personnel participating in the
20 sexual assault evidence collection program, in the correct use
21 and application of the sexual assault evidence collection kits.
22 A sexual assault nurse examiner may conduct examinations using
23 the sexual assault evidence collection kits, without the
24 presence or participation of a physician. The Department shall
25 cooperate with the Illinois State Police in this program as it
26 pertains to medical aspects of the evidence collection.

1 (c) In this Section, "sexual assault nurse examiner" means
2 a registered nurse who has completed a sexual assault nurse
3 examiner (SANE) training program that meets the Forensic Sexual
4 Assault Nurse Examiner Education Guidelines established by the
5 International Association of Forensic Nurses.

6 (Source: P.A. 95-331, eff. 8-21-07; 95-432, eff. 1-1-08;
7 96-318, eff. 1-1-10; 96-1011, eff. 9-1-10.)

8 (410 ILCS 70/6.5 new)

9 Sec. 6.5. Written consent to the release of sexual assault
10 evidence for testing.

11 (a) Upon the completion of hospital emergency services and
12 forensic services, the health care professional providing the
13 forensic services shall provide the patient the opportunity to
14 sign a written consent to allow law enforcement to submit the
15 sexual assault evidence for testing. The written consent shall
16 be on a form included in the sexual assault evidence collection
17 kit and shall include whether the survivor consents to the
18 release of information about the sexual assault to law
19 enforcement.

20 (1) A survivor 13 years of age or older may sign the
21 written consent to release the evidence for testing.

22 (2) If the survivor is a minor who is under 13 years of
23 age, the written consent to release the sexual assault
24 evidence for testing may be signed by the parent, guardian,
25 investigating law enforcement officer, or Department of

1 Children and Family Services.

2 (3) If the survivor is an adult who has a guardian of
3 the person, a health care surrogate, or an agent acting
4 under a health care power of attorney, the consent of the
5 guardian, surrogate, or agent is not required to release
6 evidence and information concerning the sexual assault or
7 sexual abuse. If the adult is unable to provide consent for
8 the release of evidence and information and a guardian,
9 surrogate, or agent under a health care power of attorney
10 is unavailable or unwilling to release the information,
11 then an investigating law enforcement officer may
12 authorize the release.

13 (4) Any health care professional, including any
14 physician, advanced practice nurse, physician assistant,
15 or nurse, sexual assault nurse examiner, and any health
16 care institution, including any hospital, who provides
17 evidence or information to a law enforcement officer under
18 a written consent as specified in this Section is immune
19 from any civil or professional liability that might arise
20 from those actions, with the exception of willful or wanton
21 misconduct. The immunity provision applies only if all of
22 the requirements of this Section are met.

23 (b) The hospital shall keep a copy of a signed or unsigned
24 written consent form in the patient's medical record.

25 (c) If a written consent to allow law enforcement to test
26 the sexual assault evidence is not signed at the completion of

1 hospital emergency services and forensic services the hospital
2 shall include the following information in its discharge
3 instructions:

4 (1) the sexual assault evidence will be stored for 5
5 years from the completion of an Illinois State Police
6 Sexual Assault Evidence Collection Kit, or 5 years from the
7 age of 18 years, whichever is longer;

8 (2) a person authorized to consent to the testing of
9 the sexual assault evidence may sign a written consent to
10 allow law enforcement to test the sexual assault evidence
11 at any time during that 5-year period for an adult victim,
12 or until a minor victim turns 23 years of age by (A)
13 contacting the law enforcement agency having jurisdiction,
14 or if unknown, the law enforcement agency contacted by the
15 hospital under Section 3.2 of the Criminal Identification
16 Act; or (B) by working with an advocate at a rape crisis
17 center;

18 (3) the name, address, and phone number of the law
19 enforcement agency having jurisdiction, or if unknown the
20 name, address, and phone number of the law enforcement
21 agency contacted by the hospital under Section 3.2 of the
22 Criminal Identification Act; and

23 (4) the name and phone number of a local rape crisis
24 center.

1 Sec. 6.6. Submission of sexual assault evidence.

2 (a) As soon as practicable, but in no event more than 4
3 hours after the completion of hospital emergency services and
4 forensic services, the hospital shall make reasonable efforts
5 to determine the law enforcement agency having jurisdiction
6 where the sexual assault occurred. The hospital may obtain the
7 name of the law enforcement agency with jurisdiction from the
8 law enforcement agency.

9 (b) Within 4 hours after the completion of hospital
10 emergency services and forensic services, the hospital shall
11 notify the law enforcement agency having jurisdiction that the
12 hospital is in possession of sexual assault evidence and the
13 date and time the collection of evidence was completed. The
14 hospital shall document the notification in the patient's
15 medical records and shall include the agency notified, the date
16 and time of the notification and the name of the person who
17 received the notification. This notification to the law
18 enforcement agency having jurisdiction satisfies the
19 hospital's requirement to contact its local law enforcement
20 agency under Section 3.2 of the Criminal Identification Act.

21 (c) If the law enforcement agency having jurisdiction has
22 not taken physical custody of sexual assault evidence within 5
23 days of the first contact by the hospital, the hospital shall
24 re-notify the law enforcement agency having jurisdiction that
25 the hospital is in possession of sexual assault evidence and
26 the date the sexual assault evidence was collected. The

1 hospital shall document the re-notification in the patient's
2 medical records and shall include the agency notified, the date
3 and time of the notification and the name of the person who
4 received the notification.

5 (d) If the law enforcement agency having jurisdiction has
6 not taken physical custody of the sexual assault evidence
7 within 10 days of the first contact by the hospital and the
8 hospital has provided renotification under subsection (c) of
9 this Section, the hospital shall contact the State's Attorney
10 of the county where the law enforcement agency having
11 jurisdiction is located. The hospital shall inform the State's
12 Attorney that the hospital is in possession of sexual assault
13 evidence, the date the sexual assault evidence was collected,
14 the law enforcement agency having jurisdiction, the dates,
15 times and names of persons notified under subsections (b) and
16 (c) of this Section. The notification shall be made within 14
17 days of the collection of the sexual assault evidence.

18 Section 120. The Sexual Assault Evidence Submission Act is
19 amended by changing Section 10 as follows:

20 (725 ILCS 202/10)

21 Sec. 10. Submission of evidence. Law enforcement agencies
22 that receive sexual assault evidence that the victim of a
23 sexual assault or sexual abuse or a person authorized under
24 Section 6.5 of the Sexual Assault Survivors Emergency Treatment

1 Act has consented to allow law enforcement to test in
2 connection with the investigation of a criminal case on or
3 after the effective date of this Act must submit evidence from
4 the case within 10 business days of receipt of the consent to
5 test to a Department of State Police forensic laboratory or a
6 laboratory approved and designated by the Director of State
7 Police. The written report required under Section 20 of the
8 Sexual Assault Incident Procedure Act shall include the date
9 and time the sexual assault evidence was picked up from the
10 hospital, the date consent to test the sexual assault evidence
11 was given, and the date and time the sexual assault evidence
12 was sent to the laboratory. Sexual assault evidence received by
13 a law enforcement agency within 30 days prior to the effective
14 date of this Act shall be submitted pursuant to this Section.
15 (Source: P.A. 96-1011, eff. 9-1-10.)".