



Rep. Emily McAsey

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LRB099 17887 RLC 49441 a

1 AMENDMENT TO SENATE BILL 3096

2 AMENDMENT NO. _____. Amend Senate Bill 3096 as follows:

3 on page 15, line 20, by inserting after "amended" the
4 following:

5 "by changing Sections 2605-40 and 2605-300 and"; and

6 on page 15, immediately below line 21, by inserting the
7 following:

8 "(20 ILCS 2605/2605-40) (was 20 ILCS 2605/55a-4)

9 Sec. 2605-40. Division of Forensic Services. The Division
10 of Forensic Services shall exercise the following functions:

11 (1) Exercise the rights, powers, and duties vested by
12 law in the Department by the Criminal Identification Act.

13 (2) Exercise the rights, powers, and duties vested by
14 law in the Department by Section 2605-300 of this Law.

1 (3) Provide assistance to local law enforcement
2 agencies through training, management, and consultant
3 services.

4 (4) (Blank).

5 (5) Exercise other duties that may be assigned by the
6 Director in order to fulfill the responsibilities and
7 achieve the purposes of the Department.

8 (6) Establish and operate a forensic science
9 laboratory system, including a forensic toxicological
10 laboratory service, for the purpose of testing specimens
11 submitted by coroners and other law enforcement officers in
12 their efforts to determine whether alcohol, drugs, or
13 poisonous or other toxic substances have been involved in
14 deaths, accidents, or illness. Forensic toxicological
15 laboratories shall be established in Springfield, Chicago,
16 and elsewhere in the State as needed.

17 (6.5) Establish administrative rules in order to set
18 forth standardized requirements for the disclosure of
19 toxicology results and other relevant documents related to
20 a toxicological analysis. These administrative rules are
21 to be adopted to produce uniform and sufficient information
22 to allow a proper, well-informed determination of the
23 admissibility of toxicology evidence and to ensure that
24 this evidence is presented competently. These
25 administrative rules are designed to provide a minimum
26 standard for compliance of toxicology evidence and is not

1 intended to limit the production and discovery of material
2 information. These administrative rules shall be submitted
3 by the Department of State Police into the rulemaking
4 process under the Illinois Administrative Procedure Act on
5 or before June 30, 2017.

6 (7) Subject to specific appropriations made for these
7 purposes, establish and coordinate a system for providing
8 accurate and expedited forensic science and other
9 investigative and laboratory services to local law
10 enforcement agencies and local State's Attorneys in aid of
11 the investigation and trial of capital cases.

12 (Source: P.A. 90-130, eff. 1-1-98; 91-239, eff. 1-1-00; 91-589,
13 eff. 1-1-00; 91-760, eff. 1-1-01.)"; and

14 on page 18, immediately below line 26, by inserting the
15 following:

16 "(20 ILCS 2605/2605-300) (was 20 ILCS 2605/55a in part)
17 Sec. 2605-300. Records; crime laboratories; personnel. To
18 do the following:

19 (1) Be a central repository and custodian of criminal
20 statistics for the State.

21 (2) Be a central repository for criminal history record
22 information.

23 (3) Procure and file for record information that is
24 necessary and helpful to plan programs of crime prevention,

1 law enforcement, and criminal justice.

2 (4) Procure and file for record copies of fingerprints
3 that may be required by law.

4 (5) Establish general and field crime laboratories.

5 (6) Register and file for record information that may
6 be required by law for the issuance of firearm owner's
7 identification cards under the Firearm Owners
8 Identification Card Act and concealed carry licenses under
9 the Firearm Concealed Carry Act.

10 (7) Employ ~~polygraph operators,~~ laboratory
11 technicians, and other specially qualified persons to aid
12 in the identification of criminal activity, and may employ
13 polygraph operators.

14 (8) Undertake other identification, information,
15 laboratory, statistical, or registration activities that
16 may be required by law.

17 (Source: P.A. 98-63, eff. 7-9-13.)

18 Section 107. The Illinois Procurement Code is amended by
19 changing Section 1-10 as follows:

20 (30 ILCS 500/1-10)

21 Sec. 1-10. Application.

22 (a) This Code applies only to procurements for which
23 bidders, offerors, potential contractors, or contractors were
24 first solicited on or after July 1, 1998. This Code shall not

1 be construed to affect or impair any contract, or any provision
2 of a contract, entered into based on a solicitation prior to
3 the implementation date of this Code as described in Article
4 99, including but not limited to any covenant entered into with
5 respect to any revenue bonds or similar instruments. All
6 procurements for which contracts are solicited between the
7 effective date of Articles 50 and 99 and July 1, 1998 shall be
8 substantially in accordance with this Code and its intent.

9 (b) This Code shall apply regardless of the source of the
10 funds with which the contracts are paid, including federal
11 assistance moneys. This Code shall not apply to:

12 (1) Contracts between the State and its political
13 subdivisions or other governments, or between State
14 governmental bodies except as specifically provided in
15 this Code.

16 (2) Grants, except for the filing requirements of
17 Section 20-80.

18 (3) Purchase of care.

19 (4) Hiring of an individual as employee and not as an
20 independent contractor, whether pursuant to an employment
21 code or policy or by contract directly with that
22 individual.

23 (5) Collective bargaining contracts.

24 (6) Purchase of real estate, except that notice of this
25 type of contract with a value of more than \$25,000 must be
26 published in the Procurement Bulletin within 10 calendar

1 days after the deed is recorded in the county of
2 jurisdiction. The notice shall identify the real estate
3 purchased, the names of all parties to the contract, the
4 value of the contract, and the effective date of the
5 contract.

6 (7) Contracts necessary to prepare for anticipated
7 litigation, enforcement actions, or investigations,
8 provided that the chief legal counsel to the Governor shall
9 give his or her prior approval when the procuring agency is
10 one subject to the jurisdiction of the Governor, and
11 provided that the chief legal counsel of any other
12 procuring entity subject to this Code shall give his or her
13 prior approval when the procuring entity is not one subject
14 to the jurisdiction of the Governor.

15 (8) Contracts for services to Northern Illinois
16 University by a person, acting as an independent
17 contractor, who is qualified by education, experience, and
18 technical ability and is selected by negotiation for the
19 purpose of providing non-credit educational service
20 activities or products by means of specialized programs
21 offered by the university.

22 (9) Procurement expenditures by the Illinois
23 Conservation Foundation when only private funds are used.

24 (10) Procurement expenditures by the Illinois Health
25 Information Exchange Authority involving private funds
26 from the Health Information Exchange Fund. "Private funds"

1 means gifts, donations, and private grants.

2 (11) Public-private agreements entered into according
3 to the procurement requirements of Section 20 of the
4 Public-Private Partnerships for Transportation Act and
5 design-build agreements entered into according to the
6 procurement requirements of Section 25 of the
7 Public-Private Partnerships for Transportation Act.

8 (12) Contracts for legal, financial, and other
9 professional and artistic services entered into on or
10 before December 31, 2018 by the Illinois Finance Authority
11 in which the State of Illinois is not obligated. Such
12 contracts shall be awarded through a competitive process
13 authorized by the Board of the Illinois Finance Authority
14 and are subject to Sections 5-30, 20-160, 50-13, 50-20,
15 50-35, and 50-37 of this Code, as well as the final
16 approval by the Board of the Illinois Finance Authority of
17 the terms of the contract.

18 (13) The provisions of this paragraph (13), other than
19 this sentence, are inoperative on and after January 1, 2019
20 or 2 years after the effective date of this amendatory Act
21 of the 99th General Assembly, whichever is later. Contracts
22 for services, commodities, and equipment to support the
23 delivery of timely forensic science services in
24 consultation with and subject to the approval of the Chief
25 Procurement Officer as provided in subsection (d) of
26 Section 5-4-3a of the Unified Code of Corrections, except

1 for the requirements of Sections 20-60, 20-65, 20-70, and
2 20-160 and Article 50 of this Code; however, the Chief
3 Procurement Officer may, in writing with justification,
4 waive any certification required under Article 50 of this
5 Code. For any contracts for services which are currently
6 provided by members of a collective bargaining agreement,
7 the applicable terms of the collective bargaining
8 agreement concerning subcontracting shall be followed.

9 Notwithstanding any other provision of law, contracts
10 entered into under item (12) of this subsection (b) shall be
11 published in the Procurement Bulletin within 14 calendar days
12 after contract execution. The chief procurement officer shall
13 prescribe the form and content of the notice. The Illinois
14 Finance Authority shall provide the chief procurement officer,
15 on a monthly basis, in the form and content prescribed by the
16 chief procurement officer, a report of contracts that are
17 related to the procurement of goods and services identified in
18 item (12) of this subsection (b). At a minimum, this report
19 shall include the name of the contractor, a description of the
20 supply or service provided, the total amount of the contract,
21 the term of the contract, and the exception to the Code
22 utilized. A copy of each of these contracts shall be made
23 available to the chief procurement officer immediately upon
24 request. The chief procurement officer shall submit a report to
25 the Governor and General Assembly no later than November 1 of
26 each year that shall include, at a minimum, an annual summary

1 of the monthly information reported to the chief procurement
2 officer.

3 (c) This Code does not apply to the electric power
4 procurement process provided for under Section 1-75 of the
5 Illinois Power Agency Act and Section 16-111.5 of the Public
6 Utilities Act.

7 (d) Except for Section 20-160 and Article 50 of this Code,
8 and as expressly required by Section 9.1 of the Illinois
9 Lottery Law, the provisions of this Code do not apply to the
10 procurement process provided for under Section 9.1 of the
11 Illinois Lottery Law.

12 (e) This Code does not apply to the process used by the
13 Capital Development Board to retain a person or entity to
14 assist the Capital Development Board with its duties related to
15 the determination of costs of a clean coal SNG brownfield
16 facility, as defined by Section 1-10 of the Illinois Power
17 Agency Act, as required in subsection (h-3) of Section 9-220 of
18 the Public Utilities Act, including calculating the range of
19 capital costs, the range of operating and maintenance costs, or
20 the sequestration costs or monitoring the construction of clean
21 coal SNG brownfield facility for the full duration of
22 construction.

23 (f) This Code does not apply to the process used by the
24 Illinois Power Agency to retain a mediator to mediate sourcing
25 agreement disputes between gas utilities and the clean coal SNG
26 brownfield facility, as defined in Section 1-10 of the Illinois

1 Power Agency Act, as required under subsection (h-1) of Section
2 9-220 of the Public Utilities Act.

3 (g) This Code does not apply to the processes used by the
4 Illinois Power Agency to retain a mediator to mediate contract
5 disputes between gas utilities and the clean coal SNG facility
6 and to retain an expert to assist in the review of contracts
7 under subsection (h) of Section 9-220 of the Public Utilities
8 Act. This Code does not apply to the process used by the
9 Illinois Commerce Commission to retain an expert to assist in
10 determining the actual incurred costs of the clean coal SNG
11 facility and the reasonableness of those costs as required
12 under subsection (h) of Section 9-220 of the Public Utilities
13 Act.

14 (h) This Code does not apply to the process to procure or
15 contracts entered into in accordance with Sections 11-5.2 and
16 11-5.3 of the Illinois Public Aid Code.

17 (i) Each chief procurement officer may access records
18 necessary to review whether a contract, purchase, or other
19 expenditure is or is not subject to the provisions of this
20 Code, unless such records would be subject to attorney-client
21 privilege.

22 (j) This Code does not apply to the process used by the
23 Capital Development Board to retain an artist or work or works
24 of art as required in Section 14 of the Capital Development
25 Board Act.

26 (k) This Code does not apply to the process to procure

1 contracts, or contracts entered into, by the State Board of
2 Elections or the State Electoral Board for hearing officers
3 appointed pursuant to the Election Code.

4 (Source: P.A. 97-96, eff. 7-13-11; 97-239, eff. 8-2-11; 97-502,
5 eff. 8-23-11; 97-689, eff. 6-14-12; 97-813, eff. 7-13-12;
6 97-895, eff. 8-3-12; 98-90, eff. 7-15-13; 98-463, eff. 8-16-13;
7 98-572, eff. 1-1-14; 98-756, eff. 7-16-14; 98-1076, eff.
8 1-1-15.)"; and

9 on page 37, immediately below line 15, by inserting the
10 following:

11 "Section 125. The Unified Code of Corrections is amended by
12 changing Section 5-4-3a as follows:

13 (730 ILCS 5/5-4-3a)

14 Sec. 5-4-3a. DNA testing backlog accountability.

15 (a) On or before August 1 of each year, the Department of
16 State Police shall report to the Governor and both houses of
17 the General Assembly the following information:

18 (1) the extent of the backlog of cases awaiting testing
19 or awaiting DNA analysis by that Department, including but
20 not limited to those tests conducted under Section 5-4-3,
21 as of June 30 of the previous fiscal year, with the backlog
22 being defined as all cases awaiting forensic testing
23 whether in the physical custody of the State Police or in

1 the physical custody of local law enforcement, provided
2 that the State Police have written notice of any evidence
3 in the physical custody of local law enforcement prior to
4 June 1 of that year; and

5 (2) what measures have been and are being taken to
6 reduce that backlog and the estimated costs or expenditures
7 in doing so.

8 (b) The information reported under this Section shall be
9 made available to the public, at the time it is reported, on
10 the official web site of the Department of State Police.

11 (c) Beginning January 1, 2016, the Department of State
12 Police shall quarterly report on the status of the processing
13 of forensic biology and DNA evidence submitted to the
14 Department of State Police Laboratory for analysis. The report
15 shall be submitted to the Governor and the General Assembly,
16 and shall be posted on the Department of State Police website.
17 The report shall include the following for each State Police
18 Laboratory location and any laboratory to which the Department
19 of State Police has outsourced evidence for testing:

20 (1) For forensic biology submissions, report both
21 total case and sexual assault or abuse case (as defined by
22 the Sexual Assault Evidence Submission Act) figures for:

23 (A) The number of cases received in the preceding
24 quarter.

25 (B) The number of cases completed in the preceding
26 quarter.

1 (C) The number of cases waiting analysis.

2 (D) The number of cases sent for outsourcing.

3 (E) The number of cases waiting analysis that were
4 received within the past 30 days.

5 (F) The number of cases waiting analysis that were
6 received 31 to 90 days prior.

7 (G) The number of cases waiting analysis that were
8 received 91 to 180 days prior.

9 (H) The number of cases waiting analysis that were
10 received 181 to 365 days prior.

11 (I) The number of cases waiting analysis that were
12 received more than 365 days prior.

13 (J) The number of cases forwarded for DNA analyses.

14 (2) For DNA submissions, report both total case and
15 sexual assault or abuse case (as defined by the Sexual
16 Assault Evidence Submission Act) figures for:

17 (A) The number of cases received in the preceding
18 quarter.

19 (B) The number of cases completed in the preceding
20 quarter.

21 (C) The number of cases waiting analysis.

22 (D) The number of cases sent for outsourcing.

23 (E) The number of cases waiting analysis that were
24 received within the past 30 days.

25 (F) The number of cases waiting analysis that were
26 received 31 to 90 days prior.

1 (G) The number of cases waiting analysis that were
2 received 91 to 180 days prior.

3 (H) The number of cases waiting analysis that were
4 received 181 to 365 days prior.

5 (I) The number of cases waiting analysis that were
6 received more than 365 days prior.

7 (3) For all other categories of testing (e.g., drug
8 chemistry, firearms/toolmark, footwear/tire track, latent
9 prints, toxicology, and trace chemistry analysis):

10 (A) The number of cases received in the preceding
11 quarter.

12 (B) The number of cases completed in the preceding
13 quarter.

14 (C) The number of cases waiting analysis.

15 (4) For the Combined DNA Index System (CODIS), report
16 both total case and sexual assault or abuse case (as
17 defined by the Sexual Assault Evidence Submission Act)
18 figures for subparagraphs (D), (E), and (F) of this
19 paragraph (4):

20 (A) The number of new offender samples received in
21 the preceding quarter.

22 (B) The number of offender samples uploaded to
23 CODIS in the preceding quarter.

24 (C) The number of offender samples awaiting
25 analysis.

26 (D) The number of unknown DNA case profiles

1 uploaded to CODIS in the preceding quarter.

2 (E) The number of CODIS hits in the preceding
3 quarter.

4 (F) The number of forensic evidence submissions
5 submitted to confirm a previously reported CODIS hit.

6 (5) For each category of testing, report the number of
7 trained forensic scientists and the number of forensic
8 scientists in training.

9 As used in this subsection (c), "completed" means
10 completion of both the analysis of the evidence and the
11 provision of the results to the submitting law enforcement
12 agency.

13 (d) The provisions of this subsection (d), other than this
14 sentence, are inoperative on and after January 1, 2019 or 2
15 years after the effective date of this amendatory Act of the
16 99th General Assembly, whichever is later. In consultation with
17 and subject to the approval of the Chief Procurement Officer,
18 the Department of State Police may obtain contracts for
19 services, commodities, and equipment to assist in the timely
20 completion of forensic biology, DNA, drug chemistry,
21 firearms/toolmark, footwear/tire track, latent prints,
22 toxicology, microscopy, trace chemistry, and Combined DNA
23 Index System (CODIS) analysis. Contracts to support the
24 delivery of timely forensic science services are not subject to
25 the provisions of the Illinois Procurement Code, except for
26 Sections 20-60, 20-65, 20-70, and 20-160 and Article 50 of that

1 Code, provided that the Chief Procurement Officer may, in
2 writing with justification, waive any certification required
3 under Article 50 of the Illinois Procurement Code. For any
4 contracts for services which are currently provided by members
5 of a collective bargaining agreement, the applicable terms of
6 the collective bargaining agreement concerning subcontracting
7 shall be followed.

8 (Source: P.A. 99-352, eff. 1-1-16.)".