

1 AMENDMENT TO HOUSE BILL 452

2 AMENDMENT NO. _____. Amend House Bill 452 by replacing
3 everything after the enacting clause with the following:

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

6 (730 ILCS 5/5-4-3) (from Ch. 38, par. 1005-4-3)

7 Sec. 5-4-3. Persons convicted of, or found delinquent
8 for, qualifying offenses or institutionalized as sexually
9 dangerous; blood specimens; genetic marker groups.

10 (a) Any person convicted of, found guilty under the
11 Juvenile Court Act of 1987 for, or who received a disposition
12 of court supervision for, a qualifying offense or attempt of
13 a qualifying offense, or institutionalized as a sexually
14 dangerous person under the Sexually Dangerous Persons Act, or
15 committed as a sexually violent person under the Sexually
16 Violent Persons Commitment Act shall, regardless of the
17 sentence or disposition imposed, be required to submit
18 specimens of blood to the Illinois Department of State Police
19 in accordance with the provisions of this Section, provided
20 such person is:

21 (1) convicted of a qualifying offense or attempt of
22 a qualifying offense on or after the effective date of

1 this amendatory Act of 1989, and sentenced to a term of
2 imprisonment, periodic imprisonment, fine, probation,
3 conditional discharge or any other form of sentence, or
4 given a disposition of court supervision for the offense,
5 or

6 (1.5) found guilty or given supervision under the
7 Juvenile Court Act of 1987 for a qualifying offense or
8 attempt of a qualifying offense on or after the effective
9 date of this amendatory Act of 1996, or

10 (2) ordered institutionalized as a sexually
11 dangerous person on or after the effective date of this
12 amendatory Act of 1989, or

13 (3) convicted of a qualifying offense or attempt of
14 a qualifying offense before the effective date of this
15 amendatory Act of 1989 and is presently confined as a
16 result of such conviction in any State correctional
17 facility or county jail or is presently serving a
18 sentence of probation, conditional discharge or periodic
19 imprisonment as a result of such conviction, or

20 (4) presently institutionalized as a sexually
21 dangerous person or presently institutionalized as a
22 person found guilty but mentally ill of a sexual offense
23 or attempt to commit a sexual offense; or

24 (4.5) ordered committed as a sexually violent
25 person on or after the effective date of the Sexually
26 Violent Persons Commitment Act; or

27 (5) seeking transfer to or residency in Illinois
28 under Sections 3-3-11 through 3-3-11.5 of the Unified
29 Code of Corrections (Interstate Compact for the
30 Supervision of Parolees and Probationers) or the
31 Interstate Agreements on Sexually Dangerous Persons Act.

32 (a-5) Any person who was otherwise convicted of or
33 received a disposition of court supervision for any other
34 offense under the Criminal Code of 1961 or any offense

1 classified as a felony under Illinois law or who was found
2 guilty or given supervision for such a violation under the
3 Juvenile Court Act of 1987, may, regardless of the sentence
4 imposed, be required by an order of the court to submit
5 specimens of blood to the Illinois Department of State Police
6 in accordance with the provisions of this Section.

7 (b) Any person required by paragraphs (a)(1), (a)(1.5),
8 (a)(2), and (a-5) to provide specimens of blood shall provide
9 specimens of blood within 45 days after sentencing or
10 disposition at a collection site designated by the Illinois
11 Department of State Police.

12 (c) Any person required by paragraphs (a)(3), (a)(4),
13 and (a)(4.5) to provide specimens of blood shall be required
14 to provide such samples prior to final discharge, parole, or
15 release at a collection site designated by the Illinois
16 Department of State Police.

17 (c-5) Any person required by paragraph (a)(5) to provide
18 specimens of blood shall, where feasible, be required to
19 provide the specimens before being accepted for conditioned
20 residency in Illinois under the interstate compact or
21 agreement, but no later than 45 days after arrival in this
22 State.

23 (d) The Illinois Department of State Police shall
24 provide all equipment and instructions necessary for the
25 collection of blood samples. The collection of samples shall
26 be performed in a medically approved manner. Only a
27 physician authorized to practice medicine, a registered nurse
28 or other qualified person trained in venipuncture may
29 withdraw blood for the purposes of this Act. The samples
30 shall thereafter be forwarded to the Illinois Department of
31 State Police, Division of Forensic Services, for analysis and
32 categorizing into genetic marker groupings.

33 (e) The genetic marker groupings shall be maintained by
34 the Illinois Department of State Police, Division of Forensic

1 Services.

2 (f) The genetic marker grouping analysis information
 3 obtained pursuant to this Act shall be confidential and shall
 4 be released only to peace officers of the United States, of
 5 other states or territories, of the insular possessions of
 6 the United States, of foreign countries duly authorized to
 7 receive the same, to all peace officers of the State of
 8 Illinois and to all prosecutorial agencies. Notwithstanding
 9 any other statutory provision to the contrary, all
 10 information obtained under this Section shall be maintained
 11 in a single State data base, which may be uploaded into a
 12 national database, and may not be subject to expungement.

13 (g) For the purposes of this Section, "qualifying
 14 offense" means any of the following:

15 (1) Any violation or inchoate violation of Section
 16 11-6, 11-9.1, 11-11, 11-15.1, 11-17.1, 11-18.1, 11-19.1,
 17 11-19.2, 11-20.1, 12-13, 12-14, 12-14.1, 12-15, 12-16, or
 18 12-33 of the Criminal Code of 1961, or

19 (1.1) Any violation or inchoate violation of
 20 Section 9-1, 9-2, 10-1, 10-2, 12-11, 12-11.1, 18-1, 18-2,
 21 18-3, 18-4, 19-1, or 19-2 of the Criminal Code of 1961
 22 for which persons are convicted ~~emitted~~ on or after
 23 July 1, 2001, or

24 (2) Any former statute of this State which defined
 25 a felony sexual offense, or

26 (3) Any violation of paragraph (10) of subsection
 27 (b) of Section 10-5 of the Criminal Code of 1961 when the
 28 sentencing court, upon a motion by the State's Attorney
 29 or Attorney General, makes a finding that the child
 30 luring involved an intent to commit sexual penetration or
 31 sexual conduct as defined in Section 12-12 of the
 32 Criminal Code of 1961, or

33 (4) Any violation or inchoate violation of Section
 34 9-3.1, 11-9.3, 12-3.3, 12-4.2, 12-4.3, 12-7.3, 12-7.4,

1 18-5, 19-3, 20-1.1, or 20.5-5 of the Criminal Code of
2 1961.

3 (g-5) The Department of State Police is not required to
4 provide equipment to collect or to accept or process blood
5 specimens from individuals convicted of any offense listed in
6 paragraph (1.1) or (4) of subsection (g), until acquisition
7 of the resources necessary to process such blood specimens,
8 or in the case of paragraph (1.1) of subsection (g) until
9 July 1, 2003, whichever is earlier.

10 Upon acquisition of necessary resources, including an
11 appropriation for the purpose of implementing this amendatory
12 Act of the 91st General Assembly, but in the case of
13 paragraph (1.1) of subsection (g) no later than July 1, 2003,
14 the Department of State Police shall notify the Department of
15 Corrections, the Administrative Office of the Illinois
16 Courts, and any other entity deemed appropriate by the
17 Department of State Police, to begin blood specimen
18 collection from individuals convicted of offenses enumerated
19 in paragraphs (1.1) and (4) of subsection (g) that the
20 Department is prepared to provide collection equipment and
21 receive and process blood specimens from individuals
22 convicted of offenses enumerated in paragraph (1.1) of
23 subsection (g).

24 Until the Department of State Police provides
25 notification, designated collection agencies are not required
26 to collect blood specimen from individuals convicted of
27 offenses enumerated in paragraphs (1.1) and (4) of subsection
28 (g).

29 (h) The Illinois Department of State Police shall be the
30 State central repository for all genetic marker grouping
31 analysis information obtained pursuant to this Act. The
32 Illinois Department of State Police may promulgate rules for
33 the form and manner of the collection of blood samples and
34 other procedures for the operation of this Act. The

1 provisions of the Administrative Review Law shall apply to
2 all actions taken under the rules so promulgated.

3 (i) A person required to provide a blood specimen shall
4 cooperate with the collection of the specimen and any
5 deliberate act by that person intended to impede, delay or
6 stop the collection of the blood specimen is a Class A
7 misdemeanor.

8 (j) Any person required by subsection (a) to submit
9 specimens of blood to the Illinois Department of State Police
10 for analysis and categorization into genetic marker grouping,
11 in addition to any other disposition, penalty, or fine
12 imposed, shall pay an analysis fee of \$500. Upon verified
13 petition of the person, the court may suspend payment of all
14 or part of the fee if it finds that the person does not have
15 the ability to pay the fee.

16 (k) All analysis and categorization fees provided for by
17 subsection (j) shall be regulated as follows:

18 (1) The State Offender DNA Identification System
19 Fund is hereby created as a special fund in the State
20 Treasury.

21 (2) All fees shall be collected by the clerk of the
22 court and forwarded to the State Offender DNA
23 Identification System Fund for deposit. The clerk of the
24 circuit court may retain the amount of \$10 from each
25 collected analysis fee to offset administrative costs
26 incurred in carrying out the clerk's responsibilities
27 under this Section.

28 (3) Fees deposited into the State Offender DNA
29 Identification System Fund shall be used by Illinois
30 State Police crime laboratories as designated by the
31 Director of State Police. These funds shall be in
32 addition to any allocations made pursuant to existing
33 laws and shall be designated for the exclusive use of
34 State crime laboratories. These uses may include, but

1 are not limited to, the following:

2 (A) Costs incurred in providing analysis and
3 genetic marker categorization as required by
4 subsection (d).

5 (B) Costs incurred in maintaining genetic
6 marker groupings as required by subsection (e).

7 (C) Costs incurred in the purchase and
8 maintenance of equipment for use in performing
9 analyses.

10 (D) Costs incurred in continuing research and
11 development of new techniques for analysis and
12 genetic marker categorization.

13 (E) Costs incurred in continuing education,
14 training, and professional development of forensic
15 scientists regularly employed by these laboratories.

16 (1) ~~(1)~~ The failure of a person to provide a specimen,
17 or of any person or agency to collect a specimen, within the
18 45 day period shall in no way alter the obligation of the
19 person to submit such specimen, or the authority of the
20 Illinois Department of State Police or persons designated by
21 the Department to collect the specimen, or the authority of
22 the Illinois Department of State Police to accept, analyze
23 and maintain the specimen or to maintain or upload results of
24 genetic marker grouping analysis information into a State or
25 national database.

26 (Source: P.A. 90-124, eff. 1-1-98; 90-130, eff. 1-1-98;
27 90-655, eff. 7-30-98; 90-793, eff. 8-14-98; 91-528, eff.
28 1-1-00; revised 6-13-00.)

29 Section 99. Effective date. This Act takes effect upon
30 becoming law."