

1 AN ACT in relation to 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
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
23 this amendatory Act of 1989, and sentenced to a term of
24 imprisonment, periodic imprisonment, fine, probation,
25 conditional discharge or any other form of sentence, or
26 given a disposition of court supervision for the offense,
27 or

28 (1.5) found guilty or given supervision under the
29 Juvenile Court Act of 1987 for a qualifying offense or
30 attempt of a qualifying offense on or after the effective
31 date of this amendatory Act of 1996, or

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

4 (3) convicted of a qualifying offense or attempt of
5 a qualifying offense before the effective date of this
6 amendatory Act of 1989 and is presently confined as a
7 result of such conviction in any State correctional
8 facility or county jail or is presently serving a
9 sentence of probation, conditional discharge or periodic
10 imprisonment as a result of such conviction, or

11 (4) presently institutionalized as a sexually
12 dangerous person or presently institutionalized as a
13 person found guilty but mentally ill of a sexual offense
14 or attempt to commit a sexual offense; or

15 (4.5) ordered committed as a sexually violent
16 person on or after the effective date of the Sexually
17 Violent Persons Commitment Act; or

18 (5) seeking transfer to or residency in Illinois
19 under Sections 3-3-11 through 3-3-11.5 of the Unified
20 Code of Corrections (Interstate Compact for the
21 Supervision of Parolees and Probationers) or the
22 Interstate Agreements on Sexually Dangerous Persons Act.

23 (a-5) Any person who was otherwise convicted of or
24 received a disposition of court supervision for any other
25 offense under the Criminal Code of 1961 or any offense
26 classified as a felony under Illinois law or who was found
27 guilty or given supervision for such a violation under the
28 Juvenile Court Act of 1987, may, regardless of the sentence
29 imposed, be required by an order of the court to submit
30 specimens of blood to the Illinois Department of State Police
31 in accordance with the provisions of this Section.

32 (b) Any person required by paragraphs (a)(1), (a)(1.5),
33 (a)(2), and (a-5) to provide specimens of blood shall provide
34 specimens of blood within 45 days after sentencing or

1 disposition at a collection site designated by the Illinois
2 Department of State Police.

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

8 (c-5) Any person required by paragraph (a)(5) to provide
9 specimens of blood shall, where feasible, be required to
10 provide the specimens before being accepted for conditioned
11 residency in Illinois under the interstate compact or
12 agreement, but no later than 45 days after arrival in this
13 State.

14 (d) The Illinois Department of State Police shall
15 provide all equipment and instructions necessary for the
16 collection of blood samples. The collection of samples shall
17 be performed in a medically approved manner. Only a
18 physician authorized to practice medicine, a registered nurse
19 or other qualified person trained in venipuncture may
20 withdraw blood for the purposes of this Act. The samples
21 shall thereafter be forwarded to the Illinois Department of
22 State Police, Division of Forensic Services, for analysis and
23 categorizing into genetic marker groupings.

24 (e) The genetic marker groupings shall be maintained by
25 the Illinois Department of State Police, Division of Forensic
26 Services.

27 (f) The genetic marker grouping analysis information
28 obtained pursuant to this Act shall be confidential and shall
29 be released only to peace officers of the United States, of
30 other states or territories, of the insular possessions of
31 the United States, of foreign countries duly authorized to
32 receive the same, to all peace officers of the State of
33 Illinois and to all prosecutorial agencies. Notwithstanding
34 any other statutory provision to the contrary, all

1 information obtained under this Section shall be maintained
2 in a single State data base, which may be uploaded into a
3 national database, and may not be subject to expungement.

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

6 (1) Any violation or inchoate violation of Section
7 11-6, 11-9.1, 11-11, 11-15.1, 11-17.1, 11-18.1, 11-19.1,
8 11-19.2, 11-20.1, 12-13, 12-14, 12-14.1, 12-15, 12-16, or
9 12-33 of the Criminal Code of 1961, or

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

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

17 (3) Any violation of paragraph (10) of subsection
18 (b) of Section 10-5 of the Criminal Code of 1961 when the
19 sentencing court, upon a motion by the State's Attorney
20 or Attorney General, makes a finding that the child
21 luring involved an intent to commit sexual penetration or
22 sexual conduct as defined in Section 12-12 of the
23 Criminal Code of 1961, or

24 (4) Any violation or inchoate violation of Section
25 9-3.1, 11-9.3, 12-3.3, 12-4.2, 12-4.3, 12-7.3, 12-7.4,
26 18-5, 19-3, 20-1.1, or 20.5-5 of the Criminal Code of
27 1961.

28 (g-5) The Department of State Police is not required to
29 provide equipment to collect or to accept or process blood
30 specimens from individuals convicted of any offense listed in
31 paragraph (1.1) or (4) of subsection (g), until acquisition
32 of the resources necessary to process such blood specimens,
33 or in the case of paragraph (1.1) of subsection (g) until
34 July 1, 2003, whichever is earlier.

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

15 Until the Department of State Police provides
16 notification, designated collection agencies are not required
17 to collect blood specimen from individuals convicted of
18 offenses enumerated in paragraphs (1.1) and (4) of subsection
19 (g).

20 (h) The Illinois Department of State Police shall be the
21 State central repository for all genetic marker grouping
22 analysis information obtained pursuant to this Act. The
23 Illinois Department of State Police may promulgate rules for
24 the form and manner of the collection of blood samples and
25 other procedures for the operation of this Act. The
26 provisions of the Administrative Review Law shall apply to
27 all actions taken under the rules so promulgated.

28 (i) A person required to provide a blood specimen shall
29 cooperate with the collection of the specimen and any
30 deliberate act by that person intended to impede, delay or
31 stop the collection of the blood specimen is a Class A
32 misdemeanor.

33 (j) Any person required by subsection (a) to submit
34 specimens of blood to the Illinois Department of State Police

1 for analysis and categorization into genetic marker grouping,
2 in addition to any other disposition, penalty, or fine
3 imposed, shall pay an analysis fee of \$500. Upon verified
4 petition of the person, the court may suspend payment of all
5 or part of the fee if it finds that the person does not have
6 the ability to pay the fee.

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

9 (1) The State Offender DNA Identification System
10 Fund is hereby created as a special fund in the State
11 Treasury.

12 (2) All fees shall be collected by the clerk of the
13 court and forwarded to the State Offender DNA
14 Identification System Fund for deposit. The clerk of the
15 circuit court may retain the amount of \$10 from each
16 collected analysis fee to offset administrative costs
17 incurred in carrying out the clerk's responsibilities
18 under this Section.

19 (3) Fees deposited into the State Offender DNA
20 Identification System Fund shall be used by Illinois
21 State Police crime laboratories as designated by the
22 Director of State Police. These funds shall be in
23 addition to any allocations made pursuant to existing
24 laws and shall be designated for the exclusive use of
25 State crime laboratories. These uses may include, but
26 are not limited to, the following:

27 (A) Costs incurred in providing analysis and
28 genetic marker categorization as required by
29 subsection (d).

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

32 (C) Costs incurred in the purchase and
33 maintenance of equipment for use in performing
34 analyses.

1 (D) Costs incurred in continuing research and
2 development of new techniques for analysis and
3 genetic marker categorization.

4 (E) Costs incurred in continuing education,
5 training, and professional development of forensic
6 scientists regularly employed by these laboratories.

7 (1) ~~(1)~~ The failure of a person to provide a specimen,
8 or of any person or agency to collect a specimen, within the
9 45 day period shall in no way alter the obligation of the
10 person to submit such specimen, or the authority of the
11 Illinois Department of State Police or persons designated by
12 the Department to collect the specimen, or the authority of
13 the Illinois Department of State Police to accept, analyze
14 and maintain the specimen or to maintain or upload results of
15 genetic marker grouping analysis information into a State or
16 national database.

17 (Source: P.A. 90-124, eff. 1-1-98; 90-130, eff. 1-1-98;
18 90-655, eff. 7-30-98; 90-793, eff. 8-14-98; 91-528, eff.
19 1-1-00; revised 6-13-00.)

20 Section 99. Effective date. This Act takes effect upon
21 becoming law.