

1 AN ACT concerning evidence.

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

4 Section 5. The Code of Criminal Procedure of 1963 is
5 amended by changing Section 115-15 as follows:

6 (725 ILCS 5/115-15)

7 Sec. 115-15. Laboratory reports.

8 (a) In any criminal prosecution for a violation of
9 either the Cannabis Control Act or the Illinois Controlled
10 Substances Act, a laboratory report from the Department of
11 State Police, Division of Forensic Services, that is signed
12 and sworn to by the person performing an analysis and that
13 states (1) that the substance that is the basis of the
14 alleged violation has been weighed and analyzed, and (2) the
15 person's findings as to the contents, weight and identity of
16 the substance, and (3) that it contains any amount of a
17 controlled substance or cannabis is prima facie evidence of
18 the contents, identity and weight of the substance. This
19 report of the evidence submitted to the laboratory may be
20 based on Random Sampling Under Normal Theory and
21 Hypergeometric Sampling, both scientifically acceptable
22 methods of determining the net weight and population content
23 of controlled substances and cannabis. Attached to the report
24 shall be a copy of a notarized statement by the signer of the
25 report giving the name of the signer and stating (i) that he
26 or she is an employee of the Department of State Police,
27 Division of Forensic Services, (ii) the name and location of
28 the laboratory where the analysis was performed, (iii) that
29 performing the analysis is a part of his or her regular
30 duties, and (iv) that the signer is qualified by education,
31 training and experience to perform the analysis. The signer

1 shall also allege that scientifically accepted tests were
2 performed with due caution and that the evidence was handled
3 in accordance with established and accepted procedures while
4 in the custody of the laboratory.

5 (a-5) In any criminal prosecution for reckless homicide
6 under Section 9-3 of the Criminal Code of 1961 or driving
7 under the influence of alcohol, other drug, or combination of
8 both, in violation of Section 11-501 of the Illinois Vehicle
9 Code or in any civil action held under a statutory summary
10 suspension hearing under Section 2-118.1 of the Illinois
11 Vehicle Code, a laboratory report from the Department of
12 State Police, Division of Forensic Services, that is signed
13 and sworn to by the person performing an analysis, and that
14 states that the sample of blood or urine was tested for
15 alcohol or drugs, and contains the person's findings as to
16 the presence and amount of alcohol or drugs and type of drug
17 is prima facie evidence of the presence, content, and amount
18 of the alcohol or drugs analyzed in the blood or urine.
19 Attached to the report must be a copy of a notarized
20 statement by the signer of the report giving the name of the
21 signer and stating (1) that he or she is an employee of the
22 Department of State Police, Division of Forensic Services,
23 (2) the name and location of the laboratory where the
24 analysis was performed, (3) that performing the analysis is a
25 part of his or her regular duties, (4) that the signer is
26 qualified by education, training, and experience to perform
27 the analysis, and (5) that scientifically accepted tests were
28 performed with due caution and that the evidence was handled
29 in accordance with established and accepted procedures while
30 in the custody of the laboratory.

31 (b) The State's Attorney shall serve a copy of the
32 report on the attorney of record for the accused, or on the
33 accused if he or she has no attorney, before any proceeding
34 in which the report is to be used against the accused other

1 than at a preliminary hearing or grand jury hearing when the
2 report may be used without having been previously served upon
3 the accused.

4 (c) The report shall not be prima facie evidence if the
5 accused or his or her attorney demands the testimony of the
6 person signing the report by serving the demand upon the
7 State's Attorney within 7 days from the accused or his or her
8 attorney's receipt of the report.

9 (Source: P.A. 90-130, eff. 1-1-98; 91-563, eff. 1-1-00.)

10 Section 99. Effective date. This Act takes effect
11 January 1, 2002.