

1 AN ACT concerning the Department of State Police.

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

4 Section 5. The Department of State Police Law of the  
5 Civil Administrative Code of Illinois is amended by changing  
6 Sections 2605-25, 2605-30, 2605-35, 2605-40, 2605-45,  
7 2605-50, 2605-220, and 2605-250 as follows:

8 (20 ILCS 2605/2605-25) (was 20 ILCS 2605/55a-1)

9 Sec. 2605-25. Department organization divisions. The  
10 Department shall be organized as prescribed by the Director.  
11 The Director shall assign and delegate the powers and duties  
12 of the Department to any division, command, bureau, or other  
13 Department entity, as may be necessary, in a manner that  
14 reflects the efficient and effective use of available  
15 resources to administer the provisions of this Law or to  
16 fulfill any other statutory responsibility of the Department.  
17 ~~The--Department--is--divided--into--the--Illinois--State--Police~~  
18 ~~Academy--and--4--divisions:--the--Division--of--Operations,--the~~  
19 ~~Division--of--Forensic--Services,--the--Division--of~~  
20 ~~Administration,--and--the--Division--of--Internal--Investigation.~~  
21 (Source: P.A. 90-130, eff. 1-1-98; 91-239, eff. 1-1-00;  
22 91-760, eff. 1-1-01.)

23 (20 ILCS 2605/2605-30) (was 20 ILCS 2605/55a-2)

24 Sec. 2605-30. Operational functions Division--of  
25 Operations--(formerly--State--Troopers). The Department Division  
26 of--Operations shall exercise the operational following  
27 functions and ~~these~~ in this Section and Section 2605-35:

- 28 (1) Cooperate with federal and State authorities  
29 requesting utilization of the Department's radio network  
30 system under the Illinois Aeronautics Act.

1 (2) Exercise the rights, powers, and duties of the  
2 State Police under the State Police Act.

3 (3) Exercise the rights, powers, and duties vested  
4 by law in the Department by the State Police Radio Act.

5 (4) Exercise the rights, powers, and duties of the  
6 Department vested by law in the Department and the  
7 Illinois State Police by the Illinois Vehicle Code.

8 (5) Exercise other duties that have been or may be  
9 vested by law in the Illinois State Police.

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

13 (Source: P.A. 91-239, eff. 1-1-00; 91-760, eff. 1-1-01.)

14 (20 ILCS 2605/2605-35) (was 20 ILCS 2605/55a-3)

15 Sec. 2605-35. Additional operational functions Division  
16 of-Operations-(formerly-Criminal-Investigation).

17 (a) The Department Division-of-Operations shall exercise  
18 the operational following functions and-these in this Section  
19 and Section 2605-30:

20 (1) Exercise the rights, powers, and duties vested  
21 by law in the Department by the Illinois Horse Racing Act  
22 of 1975.

23 (2) Investigate the origins, activities, personnel,  
24 and incidents of crime and enforce the criminal laws of  
25 this State related thereto.

26 (3) Enforce all laws regulating the production,  
27 sale, prescribing, manufacturing, administering,  
28 transporting, having in possession, dispensing,  
29 delivering, distributing, or use of controlled substances  
30 and cannabis.

31 (4) Cooperate with the police of cities, villages,  
32 and incorporated towns and with the police officers of  
33 any county in enforcing the laws of the State and in

1 making arrests and recovering property.

2 (5) Apprehend and deliver up any person charged in  
3 this State or any other state with treason or a felony or  
4 other crime who has fled from justice and is found in  
5 this State.

6 (6) Investigate recipients and providers under the  
7 Illinois Public Aid Code and any personnel involved in  
8 the administration of the Code who are suspected of any  
9 violation of the Code pertaining to fraud in the  
10 administration, receipt, or provision of assistance and  
11 pertaining to any violation of criminal law; and exercise  
12 the functions required under Section 2605-220 in the  
13 conduct of those investigations.

14 (7) Conduct other investigations as provided by law.

15 (8) Exercise the powers and perform the duties that  
16 have been vested in the Department by the Sex Offender  
17 Registration Act and the Sex Offender and Child Murderer  
18 Community Notification Law; and promulgate reasonable  
19 rules and regulations necessitated thereby.

20 (9) Exercise other duties that may be assigned by  
21 the Director in order to fulfill the responsibilities and  
22 achieve the purposes of the Department.

23 (b) There is hereby established in the Department  
24 ~~Division--of--Operations~~ the Office of Coordination of Gang  
25 Prevention, hereafter referred to as the Office.

26 The Office shall consult with units of local government  
27 and school districts to assist them in gang control  
28 activities and to administer a system of grants to units of  
29 local government and school districts that, upon application,  
30 have demonstrated a workable plan to reduce gang activity in  
31 their area. The grants shall not include reimbursement for  
32 personnel, nor shall they exceed 75% of the total request by  
33 any applicant. The grants may be calculated on a  
34 proportional basis, determined by funds available to the

1 Department for this purpose. The Department has the  
2 authority to promulgate appropriate rules and regulations to  
3 administer this program.

4 The Office shall establish mobile units of trained  
5 personnel to respond to gang activities.

6 The Office shall also consult with and use the services  
7 of religious leaders and other celebrities to assist in gang  
8 control activities.

9 The Office may sponsor seminars, conferences, or any  
10 other educational activity to assist communities in their  
11 gang crime control activities.

12 (Source: P.A. 90-193, eff. 7-24-97; 91-239, eff. 1-1-00;  
13 91-760, eff. 1-1-01.)

14 (20 ILCS 2605/2605-40) (was 20 ILCS 2605/55a-4)

15 Sec. 2605-40. Forensic service functions Division-of  
16 Forensic--Services. The Department Division--of--Forensic  
17 Services shall exercise the following forensic service  
18 functions:

19 (1) Exercise the rights, powers, and duties vested  
20 by law in the Department by the Criminal Identification  
21 Act.

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

24 (3) Provide assistance to local law enforcement  
25 agencies through training, management, and consultant  
26 services.

27 (4) (Blank).

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

31 (6) Establish and operate a forensic science  
32 laboratory system, including a forensic toxicological  
33 laboratory service, for the purpose of testing specimens

1 submitted by coroners and other law enforcement officers  
 2 in their efforts to determine whether alcohol, drugs, or  
 3 poisonous or other toxic substances have been involved in  
 4 deaths, accidents, or illness. Forensic toxicological  
 5 laboratories shall be established in Springfield,  
 6 Chicago, and elsewhere in the State as needed.

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

13 (Source: P.A. 90-130, eff. 1-1-98; 91-239, eff. 1-1-00;  
 14 91-589, eff. 1-1-00; 91-760, eff. 1-1-01.)

15 (20 ILCS 2605/2605-45) (was 20 ILCS 2605/55a-5)  
 16 Sec. 2605-45. Administrative functions ~~Division--of~~  
 17 ~~Administration.~~ The Department ~~Division--of-Administration~~  
 18 shall exercise the following administrative functions:

19 (1) Exercise the rights, powers, and duties vested  
 20 in the Department by the Bureau of the Budget Act.

21 (2) Pursue research and the publication of studies  
 22 pertaining to local law enforcement activities.

23 (3) Exercise the rights, powers, and duties vested  
 24 in the Department by the Personnel Code.

25 (4) Operate an electronic data processing and  
 26 computer center for the storage and retrieval of data  
 27 pertaining to criminal activity.

28 (5) Exercise the rights, powers, and duties vested  
 29 in the former Division of State Troopers by Section 17 of  
 30 the State Police Act.

31 (6) Exercise the rights, powers, and duties vested  
 32 in the Department by "An Act relating to internal  
 33 auditing in State government", approved August 11, 1967

1 (repealed; now the Fiscal Control and Internal Auditing  
2 Act, 30 ILCS 10/).

3 (6.5) Exercise the rights, powers, and duties  
4 vested in the Department by the Firearm Owners  
5 Identification Card Act.

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

9 (Source: P.A. 91-239, eff. 1-1-00; 91-760, eff. 1-1-01.)

10 (20 ILCS 2605/2605-50) (was 20 ILCS 2605/55a-6)

11 Sec. 2605-50. Internal investigation functions Division  
12 of--Internal--Investigation. The Department Division---of  
13 Internal--Investigation shall initiate internal departmental  
14 investigations and, at the direction of the Governor,  
15 investigate complaints and initiate investigations of  
16 official misconduct by State officers and State employees  
17 under the jurisdiction of the Governor.

18 (Source: P.A. 91-239, eff. 1-1-00.)

19 (20 ILCS 2605/2605-220) (was 20 ILCS 2605/55a-7)

20 Sec. 2605-220. Public aid fraud investigations. The  
21 Department,---through---the--Division--of--Operations, shall  
22 investigate recipients and providers under the Illinois  
23 Public Aid Code and any personnel involved in the  
24 administration of the Code who are suspected of any  
25 violations of the Code pertaining to fraud in the  
26 administration, receipt, or provision of assistance and  
27 pertaining to any violation of criminal law. The Department  
28 shall, in addition to functions otherwise authorized by State  
29 and federal law, exercise the following functions:

30 (1) Initiate investigations of suspected cases of  
31 public aid fraud.

32 (2) Investigate cases of public aid fraud.

1 (Source: P.A. 91-239, eff. 1-1-00; 91-760, eff. 1-1-01.)

2 (20 ILCS 2605/2605-250) (was 20 ILCS 2605/55a in part)

3 Sec. 2605-250. Obtaining evidence. To expend the sums  
4 the Director deems necessary from contractual services  
5 appropriations for the Department Division-of-Operations for  
6 the purchase of evidence and for the employment of persons to  
7 obtain evidence. The sums shall be advanced to agents  
8 authorized by the Director to expend funds, on vouchers  
9 signed by the Director.

10 (Source: P.A. 90-18, eff. 7-1-97; 90-130, eff. 1-1-98;  
11 90-372, eff. 7-1-98; 90-590, eff. 1-1-00; 90-655, eff.  
12 7-30-98; 90-793, eff. 8-14-98; 91-239, eff. 1-1-00; 91-760,  
13 eff. 1-1-01.)

14 Section 10. The State Police Act is amended by changing  
15 Section 8 as follows:

16 (20 ILCS 2610/8) (from Ch. 121, par. 307.8)

17 Sec. 8. The Board shall exercise jurisdiction over the  
18 certification for appointment and promotion, and over the  
19 discipline, removal, demotion and suspension of Department of  
20 State Police officers. Pursuant to recognized merit  
21 principles of public employment, the Board shall formulate,  
22 adopt, and put into effect rules, regulations and procedures  
23 for its operation and the transaction of its business. The  
24 Board shall establish a classification of ranks of persons  
25 subject to its jurisdiction and shall set standards and  
26 qualifications for each rank. Each Department of State Police  
27 officer appointed by the Director shall be classified as a  
28 State Police officer as follows: trooper, sergeant, master  
29 sergeant, lieutenant, or captain, ~~or major, or as a Special~~  
30 ~~Agent, Special-Agent-Sergeant, Special-Agent-Master-Sergeant,~~  
31 ~~Special-Agent-Lieutenant, Special-Agent-Captain or Special~~

1     Agent--Major. The Director may use other additional  
 2     designations for State Police officers to reflect special  
 3     duties or training. Any individual having been promoted to  
 4     the rank of major prior to the effective date of this  
 5     amendatory Act of the 92nd General Assembly shall retain the  
 6     rank of major until retirement, separation from service, or  
 7     otherwise provided by a personnel action governed by the  
 8     Department of State Police Merit Board.

9     (Source: P.A. 84-25.)

10           Section 15. The State Finance Act is amended by changing  
 11     Section 8.3 as follows:

12           (30 ILCS 105/8.3) (from Ch. 127, par. 144.3)

13           Sec. 8.3. Money in the Road Fund shall, if and when the  
 14     State of Illinois incurs any bonded indebtedness for the  
 15     construction of permanent highways, be set aside and used for  
 16     the purpose of paying and discharging annually the principal  
 17     and interest on that bonded indebtedness then due and  
 18     payable, and for no other purpose. The surplus, if any, in  
 19     the Road Fund after the payment of principal and interest on  
 20     that bonded indebtedness then annually due shall be used as  
 21     follows:

22           first -- to pay the cost of administration of  
 23     Chapters 2 through 10 of the Illinois Vehicle Code,  
 24     except the cost of administration of Articles I and II of  
 25     Chapter 3 of that Code; and

26           secondly -- for expenses of the Department of  
 27     Transportation for construction, reconstruction,  
 28     improvement, repair, maintenance, operation, and  
 29     administration of highways in accordance with the  
 30     provisions of laws relating thereto, or for any purpose  
 31     related or incident to and connected therewith, including  
 32     the separation of grades of those highways with railroads



1 and with highways and including the payment of awards  
2 made by the Industrial Commission under the terms of the  
3 Workers' Compensation Act or Workers' Occupational  
4 Diseases Act for injury or death of an employee of the  
5 Division of Highways in the Department of Transportation;  
6 or for the acquisition of land and the erection of  
7 buildings for highway purposes, including the acquisition  
8 of highway right-of-way or for investigations to  
9 determine the reasonably anticipated future highway  
10 needs; or for making of surveys, plans, specifications  
11 and estimates for and in the construction and maintenance  
12 of flight strips and of highways necessary to provide  
13 access to military and naval reservations, to defense  
14 industries and defense-industry sites, and to the sources  
15 of raw materials and for replacing existing highways and  
16 highway connections shut off from general public use at  
17 military and naval reservations and defense-industry  
18 sites, or for the purchase of right-of-way, except that  
19 the State shall be reimbursed in full for any expense  
20 incurred in building the flight strips; or for the  
21 operating and maintaining of highway garages; or for  
22 patrolling and policing the public highways and  
23 conserving the peace; or for any of those purposes or any  
24 other purpose that may be provided by law.

25 Appropriations for any of those purposes are payable from  
26 the Road Fund. Appropriations may also be made from the Road  
27 Fund for the administrative expenses of any State agency that  
28 are related to motor vehicles or arise from the use of motor  
29 vehicles.

30 Beginning with fiscal year 1980 and thereafter, no Road  
31 Fund monies shall be appropriated to the following  
32 Departments or agencies of State government for  
33 administration, grants, or operations; but this limitation is  
34 not a restriction upon appropriating for those purposes any

- 1 Road Fund monies that are eligible for federal reimbursement;
- 2       1. Department of Public Health;
- 3       2. Department of Transportation, only with respect
- 4       to subsidies for one-half fare Student Transportation and
- 5       Reduced Fare for Elderly;
- 6       3. Department of Central Management Services,
- 7       except for expenditures incurred for group insurance
- 8       premiums of appropriate personnel;
- 9       4. Judicial Systems and Agencies.

10       Beginning with fiscal year 1981 and thereafter, no Road  
 11 Fund monies shall be appropriated to the following  
 12 Departments or agencies of State government for  
 13 administration, grants, or operations; but this limitation is  
 14 not a restriction upon appropriating for those purposes any  
 15 Road Fund monies that are eligible for federal reimbursement:

- 16       1. Department of State Police, except for
- 17       expenditures with respect to its operational functions
- 18       ~~the-Division-of-Operations~~;
- 19       2. Department of Transportation, only with respect
- 20       to Intercity Rail Subsidies and Rail Freight Services.

21       Beginning with fiscal year 1982 and thereafter, no Road  
 22 Fund monies shall be appropriated to the following  
 23 Departments or agencies of State government for  
 24 administration, grants, or operations; but this limitation is  
 25 not a restriction upon appropriating for those purposes any  
 26 Road Fund monies that are eligible for federal reimbursement:  
 27 Department of Central Management Services, except for awards  
 28 made by the Industrial Commission under the terms of the  
 29 Workers' Compensation Act or Workers' Occupational Diseases  
 30 Act for injury or death of an employee of the Division of  
 31 Highways in the Department of Transportation.

32       Beginning with fiscal year 1984 and thereafter, no Road  
 33 Fund monies shall be appropriated to the following  
 34 Departments or agencies of State government for

1 administration, grants, or operations; but this limitation is  
2 not a restriction upon appropriating for those purposes any  
3 Road Fund monies that are eligible for federal reimbursement:

4 1. Department of State Police, except not more than  
5 40% of the funds appropriated for its operational  
6 functions ~~the-Division-of-Operations~~;

7 2. State Officers.

8 Beginning with fiscal year 1984 and thereafter, no Road  
9 Fund monies shall be appropriated to any Department or agency  
10 of State government for administration, grants, or operations  
11 except as provided hereafter; but this limitation is not a  
12 restriction upon appropriating for those purposes any Road  
13 Fund monies that are eligible for federal reimbursement. It  
14 shall not be lawful to circumvent the above appropriation  
15 limitations by governmental reorganization or other methods.  
16 Appropriations shall be made from the Road Fund only in  
17 accordance with the provisions of this Section.

18 Money in the Road Fund shall, if and when the State of  
19 Illinois incurs any bonded indebtedness for the construction  
20 of permanent highways, be set aside and used for the purpose  
21 of paying and discharging during each fiscal year the  
22 principal and interest on that bonded indebtedness as it  
23 becomes due and payable as provided in the Transportation  
24 Bond Act, and for no other purpose. The surplus, if any, in  
25 the Road Fund after the payment of principal and interest on  
26 that bonded indebtedness then annually due shall be used as  
27 follows:

28 first -- to pay the cost of administration of  
29 Chapters 2 through 10 of the Illinois Vehicle Code; and

30 secondly -- no Road Fund monies derived from fees,  
31 excises, or license taxes relating to registration,  
32 operation and use of vehicles on public highways or to  
33 fuels used for the propulsion of those vehicles, shall be  
34 appropriated or expended other than for costs of

1 administering the laws imposing those fees, excises, and  
2 license taxes, statutory refunds and adjustments allowed  
3 thereunder, administrative costs of the Department of  
4 Transportation, payment of debts and liabilities incurred  
5 in construction and reconstruction of public highways and  
6 bridges, acquisition of rights-of-way for and the cost of  
7 construction, reconstruction, maintenance, repair, and  
8 operation of public highways and bridges under the  
9 direction and supervision of the State, political  
10 subdivision, or municipality collecting those monies, and  
11 the costs for patrolling and policing the public highways  
12 (by State, political subdivision, or municipality  
13 collecting that money) for enforcement of traffic laws.  
14 The separation of grades of such highways with railroads  
15 and costs associated with protection of at-grade highway  
16 and railroad crossing shall also be permissible.

17 Appropriations for any of such purposes are payable from  
18 the Road Fund or the Grade Crossing Protection Fund as  
19 provided in Section 8 of the Motor Fuel Tax Law.

20 Beginning with fiscal year 1991 and thereafter, no Road  
21 Fund monies shall be appropriated to the Department of State  
22 Police for the purposes of this Section in excess of its  
23 total fiscal year 1990 Road Fund appropriations for those  
24 purposes unless otherwise provided in Section 5g of this Act.  
25 It shall not be lawful to circumvent this limitation on  
26 appropriations by governmental reorganization or other  
27 methods unless otherwise provided in Section 5g of this Act.

28 In fiscal year 1994, no Road Fund monies shall be  
29 appropriated to the Secretary of State for the purposes of  
30 this Section in excess of the total fiscal year 1991 Road  
31 Fund appropriations to the Secretary of State for those  
32 purposes, plus \$9,800,000. It shall not be lawful to  
33 circumvent this limitation on appropriations by governmental  
34 reorganization or other method.

1           Beginning with fiscal year 1995 and thereafter, no Road  
 2 Fund monies shall be appropriated to the Secretary of State  
 3 for the purposes of this Section in excess of the total  
 4 fiscal year 1994 Road Fund appropriations to the Secretary of  
 5 State for those purposes. It shall not be lawful to  
 6 circumvent this limitation on appropriations by governmental  
 7 reorganization or other methods.

8           Beginning with fiscal year 2000, total Road Fund  
 9 appropriations to the Secretary of State for the purposes of  
 10 this Section shall not exceed the amounts specified for the  
 11 following fiscal years:

12	Fiscal Year 2000	\$80,500,000;
13	Fiscal Year 2001	\$80,500,000;
14	Fiscal Year 2002	\$80,500,000;
15	Fiscal Year 2003	\$80,500,000;
16	Fiscal Year 2004 and	
17	each year thereafter	\$30,500,000.

18           It shall not be lawful to circumvent this limitation on  
 19 appropriations by governmental reorganization or other  
 20 methods.

21           No new program may be initiated in fiscal year 1991 and  
 22 thereafter that is not consistent with the limitations  
 23 imposed by this Section for fiscal year 1984 and thereafter,  
 24 insofar as appropriation of Road Fund monies is concerned.

25           Nothing in this Section prohibits transfers from the Road  
 26 Fund to the State Construction Account Fund under Section 5e  
 27 of this Act.

28 (Source: P.A. 91-37, eff. 7-1-99; 91-760, eff. 1-1-01.)

29           Section 20. The Code of Criminal Procedure of 1963 is  
 30 amended by changing Section 115-15 as follows:

31           (725 ILCS 5/115-15)  
 32           Sec. 115-15. Laboratory reports.

1           (a) In any criminal prosecution for a violation of  
2 either the Cannabis Control Act or the Illinois Controlled  
3 Substances Act, a laboratory report from the Department of  
4 State Police, ~~Division of Forensic Services~~, that is signed  
5 and sworn to by the person performing an analysis and that  
6 states (1) that the substance that is the basis of the  
7 alleged violation has been weighed and analyzed, and (2) the  
8 person's findings as to the contents, weight and identity of  
9 the substance, and (3) that it contains any amount of a  
10 controlled substance or cannabis is prima facie evidence of  
11 the contents, identity and weight of the substance. Attached  
12 to the report shall be a copy of a notarized statement by the  
13 signer of the report giving the name of the signer and  
14 stating (i) that he or she is an employee of the Department  
15 of State Police, ~~Division of Forensic Services~~, (ii) the name  
16 and location of the laboratory where the analysis was  
17 performed, (iii) that performing the analysis is a part of  
18 his or her regular duties, and (iv) that the signer is  
19 qualified by education, training and experience to perform  
20 the analysis. The signer shall also allege that  
21 scientifically accepted tests were performed with due caution  
22 and that the evidence was handled in accordance with  
23 established and accepted procedures while in the custody of  
24 the laboratory.

25           (a-5) In any criminal prosecution for reckless homicide  
26 under Section 9-3 of the Criminal Code of 1961 or driving  
27 under the influence of alcohol, other drug, or combination of  
28 both, in violation of Section 11-501 of the Illinois Vehicle  
29 Code or in any civil action held under a statutory summary  
30 suspension hearing under Section 2-118.1 of the Illinois  
31 Vehicle Code, a laboratory report from the Department of  
32 State Police, ~~Division of Forensic Services~~, that is signed  
33 and sworn to by the person performing an analysis, and that  
34 states that the sample of blood or urine was tested for

1 alcohol or drugs, and contains the person's findings as to  
2 the presence and amount of alcohol or drugs and type of drug  
3 is prima facie evidence of the presence, content, and amount  
4 of the alcohol or drugs analyzed in the blood or urine.  
5 Attached to the report must be a copy of a notarized  
6 statement by the signer of the report giving the name of the  
7 signer and stating (1) that he or she is an employee of the  
8 Department of State Police, ~~Division of Forensic Services,~~  
9 (2) the name and location of the laboratory where the  
10 analysis was performed, (3) that performing the analysis is a  
11 part of his or her regular duties, (4) that the signer is  
12 qualified by education, training, and experience to perform  
13 the analysis, and (5) that scientifically accepted tests were  
14 performed with due caution and that the evidence was handled  
15 in accordance with established and accepted procedures while  
16 in the custody of the laboratory.

17 (b) The State's Attorney shall serve a copy of the  
18 report on the attorney of record for the accused, or on the  
19 accused if he or she has no attorney, before any proceeding  
20 in which the report is to be used against the accused other  
21 than at a preliminary hearing or grand jury hearing when the  
22 report may be used without having been previously served upon  
23 the accused.

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

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

30 Section 25. The Unified Code of Corrections is amended  
31 by changing Section 5-4-3 as follows:

32 (730 ILCS 5/5-4-3) (from Ch. 38, par. 1005-4-3)

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

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

15                 (1) convicted of a qualifying offense or attempt of  
16 a qualifying offense on or after the effective date of  
17 this amendatory Act of 1989, and sentenced to a term of  
18 imprisonment, periodic imprisonment, fine, probation,  
19 conditional discharge or any other form of sentence, or  
20 given a disposition of court supervision for the offense,  
21 or

22                 (1.5) found guilty or given supervision under the  
23 Juvenile Court Act of 1987 for a qualifying offense or  
24 attempt of a qualifying offense on or after the effective  
25 date of this amendatory Act of 1996, or

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

29                 (3) convicted of a qualifying offense or attempt of  
30 a qualifying offense before the effective date of this  
31 amendatory Act of 1989 and is presently confined as a  
32 result of such conviction in any State correctional  
33 facility or county jail or is presently serving a  
34 sentence of probation, conditional discharge or periodic



1 imprisonment as a result of such conviction, or

2 (4) presently institutionalized as a sexually  
3 dangerous person or presently institutionalized as a  
4 person found guilty but mentally ill of a sexual offense  
5 or attempt to commit a sexual offense; or

6 (4.5) ordered committed as a sexually violent  
7 person on or after the effective date of the Sexually  
8 Violent Persons Commitment Act; or

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

14 (a-5) Any person who was otherwise convicted of or  
15 received a disposition of court supervision for any other  
16 offense under the Criminal Code of 1961 or any offense  
17 classified as a felony under Illinois law or who was found  
18 guilty or given supervision for such a violation under the  
19 Juvenile Court Act of 1987, may, regardless of the sentence  
20 imposed, be required by an order of the court to submit  
21 specimens of blood to the Illinois Department of State Police  
22 in accordance with the provisions of this Section.

23 (b) Any person required by paragraphs (a)(1), (a)(1.5),  
24 (a)(2), and (a-5) to provide specimens of blood shall provide  
25 specimens of blood within 45 days after sentencing or  
26 disposition at a collection site designated by the Illinois  
27 Department of State Police.

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

33 (c-5) Any person required by paragraph (a)(5) to provide  
34 specimens of blood shall, where feasible, be required to

1 provide the specimens before being accepted for conditioned  
2 residency in Illinois under the interstate compact or  
3 agreement, but no later than 45 days after arrival in this  
4 State.

5 (d) The Illinois Department of State Police shall  
6 provide all equipment and instructions necessary for the  
7 collection of blood samples. The collection of samples shall  
8 be performed in a medically approved manner. Only a  
9 physician authorized to practice medicine, a registered nurse  
10 or other qualified person trained in venipuncture may  
11 withdraw blood for the purposes of this Act. The samples  
12 shall thereafter be forwarded to the Illinois Department of  
13 State Police, ~~Division of Forensic Services~~, for analysis and  
14 categorizing into genetic marker groupings.

15 (e) The genetic marker groupings shall be maintained by  
16 the Illinois Department of State Police, ~~Division of Forensic~~  
17 ~~Services~~.

18 (f) The genetic marker grouping analysis information  
19 obtained pursuant to this Act shall be confidential and shall  
20 be released only to peace officers of the United States, of  
21 other states or territories, of the insular possessions of  
22 the United States, of foreign countries duly authorized to  
23 receive the same, to all peace officers of the State of  
24 Illinois and to all prosecutorial agencies. Notwithstanding  
25 any other statutory provision to the contrary, all  
26 information obtained under this Section shall be maintained  
27 in a single State data base, which may be uploaded into a  
28 national database, and may not be subject to expungement.

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

31 (1) Any violation or inchoate violation of Section  
32 11-6, 11-9.1, 11-11, 11-15.1, 11-17.1, 11-18.1, 11-19.1,  
33 11-19.2, 11-20.1, 12-13, 12-14, 12-14.1, 12-15, 12-16, or  
34 12-33 of the Criminal Code of 1961, or

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

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

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

15          (4) Any violation or inchoate violation of Section  
16          9-3.1, 11-9.3, 12-3.3, 12-4.2, 12-4.3, 12-7.3, 12-7.4,  
17          18-5, 19-3, 20-1.1, or 20.5-5 of the Criminal Code of  
18          1961.

19          (g-5) The Department of State Police is not required to  
20          provide equipment to collect or to accept or process blood  
21          specimens from individuals convicted of any offense listed in  
22          paragraph (1.1) or (4) of subsection (g), until acquisition  
23          of the resources necessary to process such blood specimens,  
24          or in the case of paragraph (1.1) of subsection (g) until  
25          July 1, 2003, whichever is earlier.

26          Upon acquisition of necessary resources, including an  
27          appropriation for the purpose of implementing this amendatory  
28          Act of the 91st General Assembly, but in the case of  
29          paragraph (1.1) of subsection (g) no later than July 1, 2003,  
30          the Department of State Police shall notify the Department of  
31          Corrections, the Administrative Office of the Illinois  
32          Courts, and any other entity deemed appropriate by the  
33          Department of State Police, to begin blood specimen  
34          collection from individuals convicted of offenses enumerated

1 in paragraphs (1.1) and (4) of subsection (g) that the  
2 Department is prepared to provide collection equipment and  
3 receive and process blood specimens from individuals  
4 convicted of offenses enumerated in paragraph (1.1) of  
5 subsection (g).

6 Until the Department of State Police provides  
7 notification, designated collection agencies are not required  
8 to collect blood specimen from individuals convicted of  
9 offenses enumerated in paragraphs (1.1) and (4) of subsection  
10 (g).

11 (h) The Illinois Department of State Police shall be the  
12 State central repository for all genetic marker grouping  
13 analysis information obtained pursuant to this Act. The  
14 Illinois Department of State Police may promulgate rules for  
15 the form and manner of the collection of blood samples and  
16 other procedures for the operation of this Act. The  
17 provisions of the Administrative Review Law shall apply to  
18 all actions taken under the rules so promulgated.

19 (i) A person required to provide a blood specimen shall  
20 cooperate with the collection of the specimen and any  
21 deliberate act by that person intended to impede, delay or  
22 stop the collection of the blood specimen is a Class A  
23 misdemeanor.

24 (j) Any person required by subsection (a) to submit  
25 specimens of blood to the Illinois Department of State Police  
26 for analysis and categorization into genetic marker grouping,  
27 in addition to any other disposition, penalty, or fine  
28 imposed, shall pay an analysis fee of \$500. Upon verified  
29 petition of the person, the court may suspend payment of all  
30 or part of the fee if it finds that the person does not have  
31 the ability to pay the fee.

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

34 (1) The State Offender DNA Identification System

1 Fund is hereby created as a special fund in the State  
2 Treasury.

3 (2) All fees shall be collected by the clerk of the  
4 court and forwarded to the State Offender DNA  
5 Identification System Fund for deposit. The clerk of the  
6 circuit court may retain the amount of \$10 from each  
7 collected analysis fee to offset administrative costs  
8 incurred in carrying out the clerk's responsibilities  
9 under this Section.

10 (3) Fees deposited into the State Offender DNA  
11 Identification System Fund shall be used by Illinois  
12 State Police crime laboratories as designated by the  
13 Director of State Police. These funds shall be in  
14 addition to any allocations made pursuant to existing  
15 laws and shall be designated for the exclusive use of  
16 State crime laboratories. These uses may include, but  
17 are not limited to, the following:

18 (A) Costs incurred in providing analysis and  
19 genetic marker categorization as required by  
20 subsection (d).

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

23 (C) Costs incurred in the purchase and  
24 maintenance of equipment for use in performing  
25 analyses.

26 (D) Costs incurred in continuing research and  
27 development of new techniques for analysis and  
28 genetic marker categorization.

29 (E) Costs incurred in continuing education,  
30 training, and professional development of forensic  
31 scientists regularly employed by these laboratories.

32 (1) The failure of a person to provide a specimen, or of  
33 any person or agency to collect a specimen, within the 45 day  
34 period shall in no way alter the obligation of the person to

1 submit such specimen, or the authority of the Illinois  
 2 Department of State Police or persons designated by the  
 3 Department to collect the specimen, or the authority of the  
 4 Illinois Department of State Police to accept, analyze and  
 5 maintain the specimen or to maintain or upload results of  
 6 genetic marker grouping analysis information into a State or  
 7 national database.

8 (Source: P.A. 91-528, eff. 1-1-00; 92-16, eff. 6-28-01;  
 9 92-40, eff. 6-29-01.)

10 Section 30. The Whistleblower Reward and Protection Act  
 11 is amended by changing Section 2 as follows:

12 (740 ILCS 175/2) (from Ch. 127, par. 4102)

13 Sec. 2. Definitions. As used in this Act:

14 (a) "State" means the State of Illinois; any agency of  
 15 State government; and any of the following entities which may  
 16 elect to adopt the provisions of this Act by ordinance or  
 17 resolution, a copy of which shall be filed with the Attorney  
 18 General within 30 days of its adoption: the system of State  
 19 colleges and universities, any school district, any public  
 20 community college district, any municipality, municipal  
 21 corporations, units of local government, and any combination  
 22 of the above under an intergovernmental agreement that  
 23 includes provisions for a governing body of the agency  
 24 created by the agreement.

25 (b) "Guard" means the Illinois National Guard.

26 (c) "Investigation" means any inquiry conducted by any  
 27 investigator for the purpose of ascertaining whether any  
 28 person is or has been engaged in any violation of this Act.

29 (d) "Investigator" means a person who is charged by the  
 30 Department of State Police with the duty of conducting any  
 31 investigation under this Act, or any officer or employee of  
 32 the State acting under the direction and supervision of the

1 Department of State Police, ~~through the Division of~~  
2 ~~Operations or the Division of Internal Investigation,~~ in the  
3 course of an investigation.

4 (e) "Documentary material" includes the original or any  
5 copy of any book, record, report, memorandum, paper,  
6 communication, tabulation, chart, or other document, or data  
7 compilations stored in or accessible through computer or  
8 other information retrieval systems, together with  
9 instructions and all other materials necessary to use or  
10 interpret such data compilations, and any product of  
11 discovery.

12 (f) "Custodian" means the custodian, or any deputy  
13 custodian, designated by the Attorney General under  
14 subsection (i)(1) of Section 6.

15 (g) "Product of discovery" includes:

16 (1) the original or duplicate of any deposition,  
17 interrogatory, document, thing, result of the inspection  
18 of land or other property, examination, or admission,  
19 which is obtained by any method of discovery in any  
20 judicial or administrative proceeding of an adversarial  
21 nature;

22 (2) any digest, analysis, selection, compilation,  
23 or derivation of any item listed in paragraph (1); and

24 (3) any index or other manner of access to any item  
25 listed in paragraph (1).

26 (Source: P.A. 91-760, eff. 1-1-01.)

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Statutes amended in order of appearance

20 ILCS 2605/2605-25	was	20 ILCS 2605/55a-1
20 ILCS 2605/2605-30	was	20 ILCS 2605/55a-2
20 ILCS 2605/2605-35	was	20 ILCS 2605/55a-3
20 ILCS 2605/2605-40	was	20 ILCS 2605/55a-4
20 ILCS 2605/2605-45	was	20 ILCS 2605/55a-5
20 ILCS 2605/2605-50	was	20 ILCS 2605/55a-6
20 ILCS 2605/2605-220	was	20 ILCS 2605/55a-7
20 ILCS 2605/2605-250	was	20 ILCS 2605/55a in part
20 ILCS 2610/8	from	Ch. 121, par. 307.8
30 ILCS 105/8.3	from	Ch. 127, par. 144.3
725 ILCS 5/115-15		
730 ILCS 5/5-4-3	from	Ch. 38, par. 1005-4-3
740 ILCS 175/2	from	Ch. 127, par. 4102