

1 AN ACT concerning mental health and developmental  
2 disabilities confidentiality.

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

5 Section 5. The Mental Health and Developmental  
6 Disabilities Confidentiality Act is amended by changing  
7 Section 12 as follows:

8 (740 ILCS 110/12) (from Ch. 91 1/2, par. 812)

9 Sec. 12. (a) If the United States Secret Service or the  
10 Department of State Police requests information from a mental  
11 health or developmental disability facility, as defined in  
12 Section 1-107 and 1-114 of the Mental Health and  
13 Developmental Disabilities Code, relating to a specific  
14 recipient and the facility director determines that  
15 disclosure of such information may be necessary to protect  
16 the life of, or to prevent the infliction of great bodily  
17 harm to, a public official, or a person under the protection  
18 of the United States Secret Service, only the following  
19 information may be disclosed: the recipient's name, address,  
20 and age and the date of any admission to or discharge from a  
21 facility; and any information which would indicate whether or  
22 not the recipient has a history of violence or presents a  
23 danger of violence to the person under protection. Any  
24 information so disclosed shall be used for investigative  
25 purposes only and shall not be publicly disseminated. Any  
26 person participating in good faith in the disclosure of such  
27 information in accordance with this provision shall have  
28 immunity from any liability, civil, criminal or otherwise, if  
29 such information is disclosed relying upon the representation  
30 of an officer of the United States Secret Service or the  
31 Department of State Police that a person is under the

1 protection of the United States Secret Service or is a public  
2 official.

3 For the purpose of this subsection (a), the term "public  
4 official" means the Governor, Lieutenant Governor, Attorney  
5 General, Secretary of State, State Comptroller, State  
6 Treasurer or member of the General Assembly. The term shall  
7 also include the spouse, child or children of a public  
8 official.

9 (b) The Department of Human Services (acting as  
10 successor to the Department of Mental Health and  
11 Developmental Disabilities) and all private hospitals are  
12 required, as hereafter described in this subsection, to  
13 furnish the Department of State Police only such information  
14 as may be required for the sole purpose of determining  
15 whether an individual who may be or may have been a patient  
16 is disqualified because of that status from receiving or  
17 retaining a Firearm Owner's Identification Card under  
18 subsection (e) of Section 8 of the Firearm Owners  
19 Identification Card Act. All private hospitals shall, in the  
20 form and manner required by the Department, provide such  
21 information as shall be necessary for the Department to  
22 comply with the reporting requirements to the Department of  
23 State Police. Such information shall be furnished within 30  
24 days after admission to a private hospital. Any such  
25 information disclosed under this subsection shall remain  
26 privileged and confidential, and shall not be redisclosed nor  
27 utilized for any other purpose. The method of requiring the  
28 providing of such information shall guarantee that no  
29 information is released beyond what is necessary for this  
30 purpose. In addition, the information disclosed shall be  
31 provided by the Department within the time period established  
32 by Section 24-3 of the Criminal Code of 1961 regarding the  
33 delivery of firearms. The method used shall be sufficient to  
34 provide the necessary information within the prescribed time

1 period, which may include periodically providing lists to the  
2 Department of Human Services or any private hospital of  
3 Firearm Owner's Identification Card applicants on which the  
4 Department or hospital shall indicate the identities of those  
5 individuals who are to its knowledge disqualified from having  
6 a Firearm Owner's Identification Card for reasons described  
7 herein. The Department may provide for a centralized source  
8 of information for the State on this subject under its  
9 jurisdiction.

10 Any person, institution, or agency, under this Act,  
11 participating in good faith in the reporting or disclosure of  
12 records and communications otherwise in accordance with this  
13 provision or with rules, regulations or guidelines issued by  
14 the Department shall have immunity from any liability, civil,  
15 criminal or otherwise, that might result by reason of the  
16 action. For the purpose of any proceeding, civil or  
17 criminal, arising out of a report or disclosure in accordance  
18 with this provision, the good faith of any person,  
19 institution, or agency so reporting or disclosing shall be  
20 presumed. The full extent of the immunity provided in this  
21 subsection (b) shall apply to any person, institution or  
22 agency that fails to make a report or disclosure in the good  
23 faith belief that the report or disclosure would violate  
24 federal regulations governing the confidentiality of alcohol  
25 and drug abuse patient records implementing 42 U.S.C. 290dd-3  
26 and 290ee-3.

27 For purposes of this subsection (b) only, the following  
28 terms shall have the meaning prescribed:

29 (1) "Hospital" means only that type of institution  
30 which is providing full-time residential facilities and  
31 treatment for in-patients and excludes institutions, such  
32 as community clinics, which only provide treatment to  
33 out-patients.

34 (2) "Patient" shall mean only a person who is an

1 in-patient or resident of any hospital, not an  
2 out-patient or client seen solely for periodic  
3 consultation.

4 (c) Upon the request of a peace officer who takes a  
5 person into custody and transports such person to a mental  
6 health or developmental disability facility pursuant to  
7 Section 3-606 or 4-404 of the Mental Health and Developmental  
8 Disabilities Code or who transports a person from such  
9 facility, a facility director shall furnish said peace  
10 officer the name, address, age and name of the nearest  
11 relative of the person transported to or from the mental  
12 health or developmental disability facility. In no case  
13 shall the facility director disclose to the peace officer any  
14 information relating to the diagnosis, treatment or  
15 evaluation of the person's mental or physical health.

16 For the purposes of this subsection (c), the terms  
17 "mental health or developmental disability facility", "peace  
18 officer" and "facility director" shall have the meanings  
19 ascribed to them in the Mental Health and Developmental  
20 Disabilities Code.

21 (d) Upon the request of a peace officer or prosecuting  
22 authority who is conducting a bona fide investigation of a  
23 criminal offense, or attempting to apprehend a fugitive from  
24 justice, a facility director may disclose whether a person is  
25 present at the facility. Upon request of a peace officer or  
26 prosecuting authority who has a valid forcible felony warrant  
27 issued, a facility director shall disclose: (1) whether the  
28 person who is the subject of the warrant is present at the  
29 facility and (2) the date of that person's discharge or  
30 future discharge from the facility. The requesting peace  
31 officer or prosecuting authority must furnish a case number  
32 and the purpose of the investigation or an outstanding arrest  
33 warrant at the time of the request. Any person, institution,  
34 or agency participating in good faith in disclosing such

1 information in accordance with this subsection (d) is immune  
2 from any liability, civil, criminal or otherwise, that might  
3 result by reason of the action.

4 (Source: P.A. 89-507, eff. 7-1-97; 90-423, eff. 8-15-97.)

5 Section 99. Effective date. This Act takes effect upon  
6 becoming law.