

1 AMENDMENT TO SENATE BILL 2022

2 AMENDMENT NO. _____. Amend Senate Bill 2022, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

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

1 danger of violence to the person under protection. Any
2 information so disclosed shall be used for investigative
3 purposes only and shall not be publicly disseminated. Any
4 person participating in good faith in the disclosure of such
5 information in accordance with this provision shall have
6 immunity from any liability, civil, criminal or otherwise, if
7 such information is disclosed relying upon the representation
8 of an officer of the United States Secret Service or the
9 Department of State Police that a person is under the
10 protection of the United States Secret Service or is a public
11 official.

12 For the purpose of this subsection (a), the term "public
13 official" means the Governor, Lieutenant Governor, Attorney
14 General, Secretary of State, State Comptroller, State
15 Treasurer or member of the General Assembly. The term shall
16 also include the spouse, child or children of a public
17 official.

18 (b) The Department of Human Services (acting as
19 successor to the Department of Mental Health and
20 Developmental Disabilities) and all private hospitals are
21 required, as hereafter described in this subsection, to
22 furnish the Department of State Police only such information
23 as may be required for the sole purpose of determining
24 whether an individual who may be or may have been a patient
25 is disqualified because of that status from receiving or
26 retaining a Firearm Owner's Identification Card under
27 subsection (e) of Section 8 of the Firearm Owners
28 Identification Card Act. All private hospitals shall, in the
29 form and manner required by the Department, provide such
30 information as shall be necessary for the Department to
31 comply with the reporting requirements to the Department of
32 State Police. Such information shall be furnished within 30
33 days after admission to a private hospital. Any such
34 information disclosed under this subsection shall remain

1 privileged and confidential, and shall not be redisclosed nor
2 utilized for any other purpose. The method of requiring the
3 providing of such information shall guarantee that no
4 information is released beyond what is necessary for this
5 purpose. In addition, the information disclosed shall be
6 provided by the Department within the time period established
7 by Section 24-3 of the Criminal Code of 1961 regarding the
8 delivery of firearms. The method used shall be sufficient to
9 provide the necessary information within the prescribed time
10 period, which may include periodically providing lists to the
11 Department of Human Services or any private hospital of
12 Firearm Owner's Identification Card applicants on which the
13 Department or hospital shall indicate the identities of those
14 individuals who are to its knowledge disqualified from having
15 a Firearm Owner's Identification Card for reasons described
16 herein. The Department may provide for a centralized source
17 of information for the State on this subject under its
18 jurisdiction.

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

1 and 290ee-3.

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

4 (1) "Hospital" means only that type of institution
5 which is providing full-time residential facilities and
6 treatment for in-patients and excludes institutions, such
7 as community clinics, which only provide treatment to
8 out-patients.

9 (2) "Patient" shall mean only a person who is an
10 in-patient or resident of any hospital, not an
11 out-patient or client seen solely for periodic
12 consultation.

13 (c) Upon the request of a peace officer who takes a
14 person into custody and transports such person to a mental
15 health or developmental disability facility pursuant to
16 Section 3-606 or 4-404 of the Mental Health and Developmental
17 Disabilities Code or who transports a person from such
18 facility, a facility director shall furnish said peace
19 officer the name, address, age and name of the nearest
20 relative of the person transported to or from the mental
21 health or developmental disability facility. In no case
22 shall the facility director disclose to the peace officer any
23 information relating to the diagnosis, treatment or
24 evaluation of the person's mental or physical health.

25 For the purposes of this subsection (c), the terms
26 "mental health or developmental disability facility", "peace
27 officer" and "facility director" shall have the meanings
28 ascribed to them in the Mental Health and Developmental
29 Disabilities Code.

30 (d) Upon the request of a peace officer or prosecuting
31 authority who is conducting a bona fide investigation of a
32 criminal offense, or attempting to apprehend a fugitive from
33 justice, a facility director may disclose whether a person is
34 present at the facility. Upon request of a peace officer or

1 prosecuting authority who has a valid forcible felony warrant
2 issued, a facility director shall disclose: (1) whether the
3 person who is the subject of the warrant is present at the
4 facility and (2) the date of that person's discharge or
5 future discharge from the facility. The requesting peace
6 officer or prosecuting authority must furnish a case number
7 and the purpose of the investigation or an outstanding arrest
8 warrant at the time of the request. Any person, institution,
9 or agency participating in good faith in disclosing such
10 information in accordance with this subsection (d) is immune
11 from any liability, civil, criminal or otherwise, that might
12 result by reason of the action.

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

14 Section 99. Effective date. This Act takes effect upon
15 becoming law."