Sexual Assault Evidence Collection Kit

(410 ILCS 70/6.4) (from Ch. 111 1/2, par. 87-6.4)

6.4. Sexual assault evidence collection program.

Here is created a statewide sexual assault evidence collection program to facilitate the prosecution of persons accused of sexual assault. This program shall be administered by the Illinois State Police. The program shall consist of the following: (1) distribution of sexual assault evidence collection kits which have been approved by the Illinois State Police to hospitals that request them, (2) collection of the kits from hospitals after the kits have been used to collect evidence, (3) analysis of the collected evidence and conducting laboratory tests, (4) maintaining the chain of custody and safekeeping of the evidence in a legal proceeding, and (5) the comparison of the collected evidence with the genetic grouping analysis information maintained by the Department of State Police under Section 3 of the Illinois State Police's National DNA database; provided the amount and quality of genetic marker results obtained from the evidence in the sexual assault case meets the requirements of the Department of State Police and the Federal Bureau of Investigation's Combined DNA Index System (CODIS) policies. The standardized evidence collection kit for the State of Illinois shall be the Illinois State Police Sexual Assault Evidence Kit. A sexual assault evidence collection kit may not be released by a hospital without the written consent of the sexual assault survivor. In the case of a survivor who is a minor 13 years of age or older, evidence and information concerning the sexual assault may be released at the written request of the minor. If the survivor is a minor who is under 13 years of age, evidence and information concerning the alleged sexual assault may be released at the request of the parent, guardian, or Department of Children and Family Services. Any health care professional, including any physician, advanced practice nurse, physician assistant, or nurse, sexual assault nurse examiner, and any health care institution, including any hospital, who provides evidence or information to a law enforcement officer pursuant to a written request as specified in this Section is immune from any civil or professional liability that might arise from those actions, with the exception of willful or wanton misconduct. The immunity provision applies only if all of the requirements of this Section are met.

All sexual assault evidence collected using the State Police Evidence Collection Kits before January 1, 2005 (the effective date of Public Act 93-781) that have not been previously analyzed and tested by the Department of State Police shall be analyzed and tested within 2 years after receipt of all necessary evidence and standards into the State Police Laboratory if sufficient staffing and resources are available. All sexual assault evidence collected using the State Police Evidence Collection Kits on or after January 1, 2005 (the effective date of Public Act 93-781) shall be analyzed and tested by the Department of State Police within one year after receipt of all necessary evidence and standards into the State Police Laboratory if sufficient staffing and resources are available. The Illinois State Police shall administer a program to train hospitals and hospital personnel in the correct use and application of sexual assault evidence collection kits. A sexual assault nurse examiner may conduct examinations using the sexual assault evidence collection kits, without the presence or participation of a physician. The Department shall cooperate with the Illinois State Police in this program as it relates to medical aspects of the evidence collection.

In this Section, “sexual assault nurse examiner” means a registered nurse who has completed a sexual assault nurse examiner (SANE) training program that meets the Forensic Sexual Assault Nurse Examiner Education Guidelines established by the International Association of Forensic Nurses.

Source: P.A. 95-331, eff. 8-21-07; 95-432, eff. 1-1-08.)