



April 23, 2010

---

## HOUSE UNANIMOUSLY PASSES BILL TO REQUIRE LAW ENFORCEMENT TO SUBMIT EVIDENCE IN SEXUAL ASSAULT CASES

### ***Legislation Moves to Governor's Desk; Would Make Illinois First in Nation to Mandate Submitting Evidence in Sexual Assault Cases***

Springfield – Attorney General Lisa Madigan today applauded the General Assembly's unanimous passage of new legislation that would make Illinois the first state in the nation to mandate the submission of sexual assault evidence for testing. The Attorney General worked to craft the legislation, sponsored by Sen. Toi Hutchinson (D-40th) and Rep. Emily McCassey (D-85th), in response to mounting concerns that law enforcement agencies weren't automatically submitting physical evidence for inclusion in sexual assault investigations. The House passed the bill on Thursday (113-0) and the Senate passed the bill on March 18th (56-0). The bill now moves to the Governor's desk for his signature.

"When a rape victim goes through the invasive, uncomfortable process of having evidence collected from her body, she places her faith in the authorities to use that evidence to bring her offender to justice," Madigan said. "Leaving evidence that is so painstakingly collected sitting untested on police departments' shelves sends a horrible message to survivors of these violent crimes. This legislation will overhaul the analysis process and help to restore victims' faith that the justice system will work to ensure their cases are prosecuted and their offenders put behind bars."

Victims of sexual assault frequently undergo an invasive examination in order for law enforcement to obtain forensic evidence needed to solve the crime and prosecute the offender. The next step in the process is to submit this evidence to the Illinois State Police crime lab for analysis. Submission of the evidence to the State Police crime lab is critical to ensuring that prosecutors and law enforcement can aggressively investigate and prosecute sexual assault cases. The DNA profiles of the offenders that are obtained through testing this evidence are entered into a national database, improving the chances of solving current and cold cases. Unfortunately, current law does not require law enforcement agencies to submit this evidence gathered in these evidence collection kits for analysis to the Illinois State Police.

If signed by the Governor, Senate Bill 3269 will make Illinois the first state in the nation to require the submission of sexual assault evidence kits for crime lab analysis. The bill would specifically require investigating law enforcement agencies to submit all evidence of sexual assault to the crime lab within 10 days of receiving it from the hospital. It also would require law enforcement agencies to provide the Illinois State Police with an inventory of all untested kits in their possession. Once the Illinois State Police have received these inventories, the bill would require that by Feb. 15, 2011, the Illinois State Police must submit to the Governor, Attorney General and General Assembly a plan for analyzing the inventory evidence, including a timeline for completion of the analysis.

"Today is a benchmark in this State and in the nation. From the day our new law takes effect, every sexual assault victim who goes through the evidence collection process will know that the evidence she provides will be submitted and tested. If her attacker has attacked before, or if he attacks again, the submission and analysis of her evidence makes it far more likely that he will be caught and convicted. This is a proud day for the State of Illinois, and I am proud to have worked with Rep. McCassey, Attorney General Madigan, the Illinois Coalition Against Sexual Assault and the Illinois State Police to get this bill passed," said Sen. Hutchinson.

"This bill will help to ensure that the DNA database will be an even stronger tool for identifying repeat offenders and solving cold cases," said Rep. McCassey. "This bill sends a message that we are serious about protecting the people of Illinois who are victims of violent crimes and seeing that their offenders are punished."

"This is a significant day for rape victims in Illinois. Now, rape kits will be analyzed as victims and the public have always expected," said Polly Poskin, Executive Director of the Illinois Coalition Against Sexual Assault. "More investigations should go forward,

prosecutions should increase and more victims should receive justice.”

Madigan said that her office began drafting the legislation in response to a growing concern that physical evidence collected from sexual assault victims and crime scenes was not always being properly submitted for analysis. Last fall, Attorney General Madigan convened a working group to research and develop an effective statewide policy to address inconsistent approaches to gathering and analyzing evidence in sexual assault cases. Members of the working group included representatives from the Illinois State Police, the Chicago Police Department, the Bolingbrook Police Department, the Cook County State’s Attorney’s Office and the Illinois Coalition Against Sexual Assault.

-30-

[Return to April 2010 Press Releases](#)



[© 2020 Illinois Attorney General](#)

[Home](#) • [Privacy Policy](#) • [Contact Us](#)