



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB2519

Introduced 1/28/2020, by Sen. Omar Aquino

SYNOPSIS AS INTRODUCED:

55 ILCS 5/3-3009

from Ch. 34, par. 3-3009

Amends the Counties Code. Provides that if a coroner fails to disqualify himself or herself from acting at an investigation or inquest due to conflicts of interest, an interested party may file a petition to disqualify the coroner for cause with the circuit court of the county for which the coroner has jurisdiction. Provides that the court, after hearing, may disqualify the coroner. Provides that a circuit court may, upon the motion of any interested party for good cause shown, temporarily appoint a coroner who has a mutual aid agreement with the coroner having jurisdiction to perform the duties of the coroner having jurisdiction and the judge shall make the appointment within 24 hours after the filing of the motion. Provides that the temporarily appointed coroner shall have jurisdiction only over the matters provided in the court's order and the appointment shall terminate upon completion of the final certification of death.

LRB101 16076 AWJ 65438 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning local government.

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

4 Section 5. The Counties Code is amended by changing Section
5 3-3009 as follows:

6 (55 ILCS 5/3-3009) (from Ch. 34, par. 3-3009)

7 Sec. 3-3009. Disqualification; deputy ~~Deputy~~ coroner's,
8 sheriff's or police officer's performance of coroner's duties;
9 mutual aid agreement.

10 (a) If there is no coroner, or it shall appear in like
11 manner that he or she is also a party to or interested in the
12 suit, or of kin, or partial to or prejudiced against either
13 party, or the coroner has an economic or personal interest that
14 conflicts with his or her official duties as coroner, the
15 coroner shall disqualify himself or herself from acting at an
16 investigation or inquest and process shall in like manner issue
17 to the deputy coroner if designated by the coroner to fill the
18 vacancy, or, if no designation is made, to any sheriff,
19 sheriff's deputy or police officer, in the county, who shall
20 perform like duties as required of the coroner. The designation
21 shall be in writing and filed with the county clerk.

22 (b) If a coroner fails to disqualify himself or herself
23 from acting at an investigation or inquest due to the conflicts

1 set forth in subsection (a), an interested party may file a
2 petition to disqualify the coroner for cause with the circuit
3 court of the county for which the coroner has jurisdiction.
4 Such a petition shall set forth the specific cause for
5 disqualification and shall be verified by the affidavit of the
6 petitioner. Upon the filing of a petition to disqualify the
7 coroner for cause, a hearing to determine whether the cause
8 exists shall be conducted as soon as possible. The coroner
9 named may not testify but may submit an affidavit if the
10 coroner wishes. If the petition is granted, the coroner is
11 disqualified and his or her duties shall be performed by
12 another as provided under subsection (a). If the petition is
13 denied, the case shall continue with the coroner presiding.

14 (c) A circuit court may, upon the motion of any interested
15 party for good cause shown, temporarily appoint a coroner who
16 has a mutual aid agreement with the coroner having jurisdiction
17 to perform the duties of the coroner having jurisdiction. The
18 court shall make this appointment within 24 hours after the
19 filing of the motion under this subsection. The coroner
20 appointed under this subsection shall have the same power and
21 authority within the county in relation to such matters as the
22 coroner having jurisdiction within the county. All expenses
23 incurred for the investigation by the temporarily appointed
24 coroner shall be paid by the county where the death occurred.
25 The temporarily appointed coroner shall have jurisdiction only
26 over the matters provided in the court's order and the

1 appointment shall terminate upon completion of the final
2 certification of death.

3 (Source: P.A. 98-812, eff. 8-1-14.)