



Rep. Dan Brady

Filed: 05/07/04

09300SB0132ham002

LRB093 04297 MKM 50687 a

1 AMENDMENT TO SENATE BILL 132

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 132, AS AMENDED, by  
3 replacing everything after the enacting clause with the  
4 following:

5 "Section 5. The Counties Code is amended by changing  
6 Section 3-3013 as follows:

7 (55 ILCS 5/3-3013) (from Ch. 34, par. 3-3013)

8 Sec. 3-3013. Preliminary investigations; blood and urine  
9 analysis; summoning jury. Every coroner, whenever, as soon as  
10 he knows or is informed that the dead body of any person is  
11 found, or lying within his county, whose death is suspected of  
12 being:

13 (a) A sudden or violent death, whether apparently suicidal,  
14 homicidal or accidental, including but not limited to deaths  
15 apparently caused or contributed to by thermal, traumatic,  
16 chemical, electrical or radiational injury, or a complication  
17 of any of them, or by drowning or suffocation, or as a result  
18 of domestic violence as defined in the Illinois Domestic  
19 Violence Act of 1986;

20 (b) A maternal or fetal death due to abortion, or any death  
21 due to a sex crime or a crime against nature;

22 (c) A death where the circumstances are suspicious,  
23 obscure, mysterious or otherwise unexplained or where, in the  
24 written opinion of the attending physician, the cause of death

1 is not determined;

2 (d) A death where addiction to alcohol or to any drug may  
3 have been a contributory cause; or

4 (e) A death where the decedent was not attended by a  
5 licensed physician;

6 shall go to the place where the dead body is, and take charge  
7 of the same and shall make a preliminary investigation into the  
8 circumstances of the death. In the case of death without  
9 attendance by a licensed physician the body may be moved with  
10 the coroner's consent from the place of death to a mortuary in  
11 the same county. Coroners in their discretion shall notify such  
12 physician as is designated in accordance with Section 3-3014 to  
13 attempt to ascertain the cause of death, either by autopsy or  
14 otherwise.

15 In cases of accidental death involving a motor vehicle in  
16 which the decedent was (1) the operator or a suspected operator  
17 of a motor vehicle, or (2) a pedestrian 16 years of age or  
18 older, the coroner shall require that a blood specimen of at  
19 least 30 cc., and if medically possible a urine specimen of at  
20 least 30 cc. or as much as possible up to 30 cc., be withdrawn  
21 from the body of the decedent in a timely fashion after ~~within~~  
22 ~~6 hours of~~ the accident causing his death, by such physician as  
23 has been designated in accordance with Section 3-3014, or by  
24 the coroner or deputy coroner or a qualified person designated  
25 by at the direction of such physician, coroner, or deputy  
26 coroner. If the county does not maintain laboratory facilities  
27 for making such analysis, the blood and urine so drawn shall be  
28 sent to the Department of State Police or any other accredited  
29 or State-certified laboratory for analysis, ~~when necessary,~~ of  
30 the alcohol, carbon monoxide, and dangerous or narcotic drug  
31 content of such blood and urine specimens. Each specimen  
32 submitted shall be accompanied by pertinent information  
33 concerning the decedent upon a form prescribed by such  
34 laboratory. ~~Department. If the analysis is performed in county~~

1 ~~laboratory facilities, the coroner shall forward the results of~~  
2 ~~each analysis and pertinent information concerning the~~  
3 ~~decedent to the Department of Public Health upon a form~~  
4 ~~prescribed by such Department. The coroner causing the blood~~  
5 ~~and urine to be withdrawn shall be notified of the results of~~  
6 ~~any analysis made by the Department of State Police and the~~  
7 ~~Department of Public Health shall keep a record of the results~~  
8 ~~of all such examinations to be used for statistical purposes.~~  
9 ~~The cumulative results of the examinations, without~~  
10 ~~identifying the individuals involved, shall be disseminated~~  
11 ~~and made public by the Department of Public Health. Any person~~  
12 drawing blood and urine and any person making any examination  
13 of the blood and urine under the terms of this Division shall  
14 be immune from all liability, civil or criminal, that might  
15 otherwise be incurred or imposed. ~~The coroner shall be paid a~~  
16 ~~fee of \$10 by the Department of Public Health for each~~  
17 ~~acceptable set of blood and urine specimens sent to the~~  
18 ~~Department of State Police forensic science laboratory~~  
19 ~~accompanied by the required form or for each report of analysis~~  
20 ~~performed by a county laboratory furnished upon the required~~  
21 ~~form. Upon collection, the coroner shall pay the fee over to~~  
22 ~~the county treasurer for deposit in the general fund of the~~  
23 ~~county.~~

24 In all other cases coming within the jurisdiction of the  
25 coroner and referred to in subparagraphs (a) through (e) above,  
26 blood, and whenever possible, urine samples shall be analyzed  
27 for the presence of alcohol and other drugs. When the coroner  
28 suspects that drugs may have been involved in the death, either  
29 directly or indirectly, a toxicological examination shall be  
30 performed which may include analyses of blood, urine, bile,  
31 gastric contents and other tissues. When the coroner suspects a  
32 death is due to toxic substances, other than drugs, the coroner  
33 shall consult with the toxicologist prior to collection of  
34 samples. Information submitted to the toxicologist shall

1 include information as to height, weight, age, sex and race of  
2 the decedent as well as medical history, medications used by  
3 and the manner of death of decedent.

4 Except in counties that have a jury commission, in cases of  
5 apparent suicide, homicide, or accidental death or in other  
6 cases, within the discretion of the coroner, the coroner shall  
7 summon 8 persons of lawful age from those persons drawn for  
8 petit jurors in the county. The summons shall command these  
9 persons to present themselves personally at such a place and  
10 time as the coroner shall determine, and may be in any form  
11 which the coroner shall determine and may incorporate any  
12 reasonable form of request for acknowledgement which the  
13 coroner deems practical and provides a reliable proof of  
14 service. The summons may be served by first class mail. From  
15 the 8 persons so summoned, the coroner shall select 6 to serve  
16 as the jury for the inquest. Inquests may be continued from  
17 time to time, as the coroner may deem necessary. The 6 jurors  
18 selected in a given case may view the body of the deceased. If  
19 at any continuation of an inquest one or more of the original  
20 jurors shall be unable to continue to serve, the coroner shall  
21 fill the vacancy or vacancies. A juror serving pursuant to this  
22 paragraph shall receive compensation from the county at the  
23 same rate as the rate of compensation that is paid to petit or  
24 grand jurors in the county. The coroner shall furnish to each  
25 juror without fee at the time of his discharge a certificate of  
26 the number of days in attendance at an inquest, and, upon being  
27 presented with such certificate, the county treasurer shall pay  
28 to the juror the sum provided for his services.

29 In counties which have a jury commission, in cases of  
30 apparent suicide or homicide or of accidental death, the  
31 coroner shall, and in other cases in his discretion may,  
32 conduct an inquest. The jury commission shall provide at least  
33 8 jurors to the coroner, from whom the coroner shall select any  
34 6 to serve as the jury for the inquest. Inquests may be

1 continued from time to time as the coroner may deem necessary.  
2 The 6 jurors originally chosen in a given case may view the  
3 body of the deceased. If at any continuation of an inquest one  
4 or more of the 6 jurors originally chosen shall be unable to  
5 continue to serve, the coroner shall fill the vacancy or  
6 vacancies. At the coroner's discretion, additional jurors to  
7 fill such vacancies shall be supplied by the jury commission. A  
8 juror serving pursuant to this paragraph in such county shall  
9 receive compensation from the county at the same rate as the  
10 rate of compensation that is paid to petit or grand jurors in  
11 the county.

12 In addition, in every case in which domestic violence is  
13 determined to be a contributing factor in a death, the coroner  
14 shall report the death to the Department of State Police.

15 All deaths in State institutions and all deaths of wards of  
16 the State in private care facilities or in programs funded by  
17 the Department of Human Services under its powers relating to  
18 mental health and developmental disabilities or alcoholism and  
19 substance abuse or funded by the Department of Children and  
20 Family Services shall be reported to the coroner of the county  
21 in which the facility is located. If the coroner has reason to  
22 believe that an investigation is needed to determine whether  
23 the death was caused by maltreatment or negligent care of the  
24 ward of the State, the coroner may conduct a preliminary  
25 investigation of the circumstances of such death as in cases of  
26 death under circumstances set forth in paragraphs (a) through  
27 (e) of this Section.

28 (Source: P.A. 91-521, eff. 1-1-00.)".