

HB2591



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB2591

Introduced 2/15/2023, by Rep. Adam M. Niemerg

SYNOPSIS AS INTRODUCED:

55 ILCS 5/3-3013

from Ch. 34, par. 3-3013

Amends the Counties Code. Provides that, when a coroner knows or is informed that a death is suspected to be a maternal or fetal death due to an abortion, the coroner shall go to the place where the dead body is located, take charge of the body, and make a preliminary investigation into the circumstances of the death. Effective immediate.

LRB103 28049 AWJ 54428 b

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
5 Section 3-3013 as follows:

6 (55 ILCS 5/3-3013) (from Ch. 34, par. 3-3013)

7 (Text of Section before amendment by P.A. 102-982)

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

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

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

22 (c) A death where the circumstances are suspicious,
23 obscure, mysterious, or otherwise unexplained or where, in

1 the written opinion of the attending physician, the cause
2 of death is not determined;

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

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

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

16 In cases of accidental death involving a motor vehicle in
17 which the decedent was (1) the operator or a suspected
18 operator of a motor vehicle, or (2) a pedestrian 16 years of
19 age or older, the coroner shall require that a blood specimen
20 of at least 30 cc., and if medically possible a urine specimen
21 of at least 30 cc. or as much as possible up to 30 cc., be
22 withdrawn from the body of the decedent in a timely fashion
23 after the accident causing his death, by such physician as has
24 been designated in accordance with Section 3-3014, or by the
25 coroner or deputy coroner or a qualified person designated by
26 such physician, coroner, or deputy coroner. If the county does

1 not maintain laboratory facilities for making such analysis,
2 the blood and urine so drawn shall be sent to the Illinois
3 State Police or any other accredited or State-certified
4 laboratory for analysis of the alcohol, carbon monoxide, and
5 dangerous or narcotic drug content of such blood and urine
6 specimens. Each specimen submitted shall be accompanied by
7 pertinent information concerning the decedent upon a form
8 prescribed by such laboratory. Any person drawing blood and
9 urine and any person making any examination of the blood and
10 urine under the terms of this Division shall be immune from all
11 liability, civil or criminal, that might otherwise be incurred
12 or imposed.

13 In all other cases coming within the jurisdiction of the
14 coroner and referred to in subparagraphs (a) through (e)
15 above, blood, and and, whenever possible, urine samples shall be
16 analyzed for the presence of alcohol and other drugs. When the
17 coroner suspects that drugs may have been involved in the
18 death, either directly or indirectly, a toxicological
19 examination shall be performed which may include analyses of
20 blood, urine, bile, gastric contents, and other tissues. When
21 the coroner suspects a death is due to toxic substances, other
22 than drugs, the coroner shall consult with the toxicologist
23 prior to collection of samples. Information submitted to the
24 toxicologist shall include information as to height, weight,
25 age, sex, and race of the decedent as well as medical history,
26 medications used by and the manner of death of the decedent.

1 When the coroner or medical examiner finds that the cause
2 of death is due to homicidal means, the coroner or medical
3 examiner shall cause blood and buccal specimens (tissue may be
4 submitted if no uncontaminated blood or buccal specimen can be
5 obtained), whenever possible, to be withdrawn from the body of
6 the decedent in a timely fashion. For proper preservation of
7 the specimens, collected blood and buccal specimens shall be
8 dried and tissue specimens shall be frozen if available
9 equipment exists. As soon as possible, but no later than 30
10 days after the collection of the specimens, the coroner or
11 medical examiner shall release those specimens to the police
12 agency responsible for investigating the death. As soon as
13 possible, but no later than 30 days after the receipt from the
14 coroner or medical examiner, the police agency shall submit
15 the specimens using the agency case number to a National DNA
16 Index System (NDIS) participating laboratory within this
17 State, such as the Illinois State Police, Division of Forensic
18 Services, for analysis and categorizing into genetic marker
19 groupings. The results of the analysis and categorizing into
20 genetic marker groupings shall be provided to the Illinois
21 State Police and shall be maintained by the Illinois State
22 Police in the State central repository in the same manner, and
23 subject to the same conditions, as provided in Section 5-4-3
24 of the Unified Code of Corrections. The requirements of this
25 paragraph are in addition to any other findings, specimens, or
26 information that the coroner or medical examiner is required

1 to provide during the conduct of a criminal investigation.

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

1 In counties which have a jury commission, in cases of
2 apparent suicide or homicide or of accidental death, the
3 coroner may conduct an inquest. The jury commission shall
4 provide at least 8 jurors to the coroner, from whom the coroner
5 shall select any 6 to serve as the jury for the inquest.
6 Inquests may be continued from time to time as the coroner may
7 deem necessary. The 6 jurors originally chosen in a given case
8 may view the body of the deceased. If at any continuation of an
9 inquest one or more of the 6 jurors originally chosen shall be
10 unable to continue to serve, the coroner shall fill the
11 vacancy or vacancies. At the coroner's discretion, additional
12 jurors to fill such vacancies shall be supplied by the jury
13 commission. A juror serving pursuant to this paragraph in such
14 county shall receive compensation from the county at the same
15 rate as the rate of compensation that is paid to petit or grand
16 jurors in the county.

17 In every case in which a fire is determined to be a
18 contributing factor in a death, the coroner shall report the
19 death to the Office of the State Fire Marshal. The coroner
20 shall provide a copy of the death certificate (i) within 30
21 days after filing the permanent death certificate and (ii) in
22 a manner that is agreed upon by the coroner and the State Fire
23 Marshal.

24 In every case in which a drug overdose is determined to be
25 the cause or a contributing factor in the death, the coroner or
26 medical examiner shall report the death to the Department of

1 Public Health. The Department of Public Health shall adopt
2 rules regarding specific information that must be reported in
3 the event of such a death. If possible, the coroner shall
4 report the cause of the overdose. As used in this Section,
5 "overdose" has the same meaning as it does in Section 414 of
6 the Illinois Controlled Substances Act. The Department of
7 Public Health shall issue a semiannual report to the General
8 Assembly summarizing the reports received. The Department
9 shall also provide on its website a monthly report of overdose
10 death figures organized by location, age, and any other
11 factors, the Department deems appropriate.

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 Illinois State Police.

15 All deaths in State institutions and all deaths of wards
16 of the State or youth in care as defined in Section 4d of the
17 Children and Family Services Act in private care facilities or
18 in programs funded by the Department of Human Services under
19 its powers relating to mental health and developmental
20 disabilities or alcoholism and substance abuse or funded by
21 the Department of Children and Family Services shall be
22 reported to the coroner of the county in which the facility is
23 located. If the coroner has reason to believe that an
24 investigation is needed to determine whether the death was
25 caused by maltreatment or negligent care of the ward of the
26 State or youth in care as defined in Section 4d of the Children

1 and Family Services Act, the coroner may conduct a preliminary
2 investigation of the circumstances of such death as in cases
3 of death under circumstances set forth in subparagraphs
4 ~~paragraphs~~ (a) through (e) of this Section.

5 (Source: P.A. 101-13, eff. 6-12-19; 102-538, eff. 8-20-21;
6 revised 8-23-22.)

7 (Text of Section after amendment by P.A. 102-982)

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

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

22 (c) A death where the circumstances are suspicious,
23 obscure, mysterious, or otherwise unexplained or where, in
24 the written opinion of the attending physician, the cause
25 of death is not determined;

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

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

5 shall go to the place where the dead body is⁷ and take charge
6 of the same and shall make a preliminary investigation into
7 the circumstances of the death. In the case of death without
8 attendance by a licensed physician,⁴ the body may be moved with
9 the coroner's consent from the place of death to a mortuary in
10 the same county. Coroners in their discretion shall notify
11 such physician as is designated in accordance with Section
12 3-3014 to attempt to ascertain the cause of death, either by
13 autopsy or otherwise.

14 In cases of accidental death involving a motor vehicle in
15 which the decedent was (1) the operator or a suspected
16 operator of a motor vehicle, or (2) a pedestrian 16 years of
17 age or older, the coroner shall require that a blood specimen
18 of at least 30 cc., and if medically possible a urine specimen
19 of at least 30 cc. or as much as possible up to 30 cc., be
20 withdrawn from the body of the decedent in a timely fashion
21 after the crash causing his death, by such physician as has
22 been designated in accordance with Section 3-3014, or by the
23 coroner or deputy coroner or a qualified person designated by
24 such physician, coroner, or deputy coroner. If the county does
25 not maintain laboratory facilities for making such analysis,
26 the blood and urine so drawn shall be sent to the Illinois

1 State Police or any other accredited or State-certified
2 laboratory for analysis of the alcohol, carbon monoxide, and
3 dangerous or narcotic drug content of such blood and urine
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5 pertinent information concerning the decedent upon a form
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7 urine and any person making any examination of the blood and
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9 liability, civil or criminal, that might otherwise be incurred
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26 investigation of the circumstances of such death as in cases

1 of death under circumstances set forth in subparagraphs
2 ~~paragraphs~~ (a) through (e) of this Section.

3 (Source: P.A. 101-13, eff. 6-12-19; 102-538, eff. 8-20-21;
4 102-982, eff. 7-1-23; revised 8-23-22.)

5 Section 95. No acceleration or delay. Where this Act makes
6 changes in a statute that is represented in this Act by text
7 that is not yet or no longer in effect (for example, a Section
8 represented by multiple versions), the use of that text does
9 not accelerate or delay the taking effect of (i) the changes
10 made by this Act or (ii) provisions derived from any other
11 Public Act.

12 Section 99. Effective date. This Act takes effect upon
13 becoming law.