



Sen. Sue Rezin

Filed: 3/13/2023

10300SB1086sam001

LRB103 05521 AWJ 58885 a

1 AMENDMENT TO SENATE BILL 1086

2 AMENDMENT NO. _____. Amend Senate Bill 1086 by replacing
3 everything after the enacting clause with the following:

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

1 injury, or a complication of any of them, or by drowning or
2 suffocation, or as a result of domestic violence as
3 defined in the Illinois Domestic Violence Act of 1986;

4 (b) A death due to a sex crime;

5 (c) A death where the circumstances are suspicious,
6 obscure, mysterious, or otherwise unexplained or where, in
7 the written opinion of the attending physician, the cause
8 of death is not determined;

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

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

13 shall go to the place where the dead body is, and take charge
14 of the same and shall make a preliminary investigation into
15 the circumstances of the death. In the case of death without
16 attendance by a licensed physician, the body may be moved with
17 the coroner's consent from the place of death to a mortuary in
18 the same county. Coroners in their discretion shall notify
19 such physician as is designated in accordance with Section
20 3-3014 to attempt to ascertain the cause of death, either by
21 autopsy or otherwise.

22 In cases of accidental death involving a motor vehicle in
23 which the decedent was (1) the operator or a suspected
24 operator of a motor vehicle, or (2) a pedestrian 16 years of
25 age or older, the coroner shall require that a blood specimen
26 of at least 30 cc., and if medically possible a urine specimen

1 of at least 30 cc. or as much as possible up to 30 cc., be
2 withdrawn from the body of the decedent in a timely fashion
3 after the accident causing his death, by such physician as has
4 been designated in accordance with Section 3-3014, or by the
5 coroner or deputy coroner or a qualified person designated by
6 such physician, coroner, or deputy coroner. If the county does
7 not maintain laboratory facilities for making such analysis,
8 the blood and urine so drawn shall be sent to the Illinois
9 State Police or any other accredited or State-certified
10 laboratory for analysis of the alcohol, carbon monoxide, and
11 dangerous or narcotic drug content of such blood and urine
12 specimens. Each specimen submitted shall be accompanied by
13 pertinent information concerning the decedent upon a form
14 prescribed by such laboratory. Any person drawing blood and
15 urine and any person making any examination of the blood and
16 urine under the terms of this Division shall be immune from all
17 liability, civil or criminal, that might otherwise be incurred
18 or imposed.

19 In all other cases coming within the jurisdiction of the
20 coroner and referred to in subparagraphs (a) through (e)
21 above, blood, and, whenever possible, urine samples shall be
22 analyzed for the presence of alcohol and other drugs. When the
23 coroner suspects that drugs may have been involved in the
24 death, either directly or indirectly, a toxicological
25 examination shall be performed which may include analyses of
26 blood, urine, bile, gastric contents, and other tissues. When

1 the coroner suspects a death is due to toxic substances, other
2 than drugs, the coroner shall consult with the toxicologist
3 prior to collection of samples. Information submitted to the
4 toxicologist shall include information as to height, weight,
5 age, sex, and race of the decedent as well as medical history,
6 medications used by, and the manner of death of the decedent.

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

1 State Police and shall be maintained by the Illinois State
2 Police in the State central repository in the same manner, and
3 subject to the same conditions, as provided in Section 5-4-3
4 of the Unified Code of Corrections. The requirements of this
5 paragraph are in addition to any other findings, specimens, or
6 information that the coroner or medical examiner is required
7 to provide during the conduct of a criminal investigation.

8 In all counties, in cases of apparent suicide, homicide,
9 or accidental death or in other cases, within the discretion
10 of the coroner, the coroner may summon 8 persons of lawful age
11 from those persons drawn for petit jurors in the county. The
12 summons shall command these persons to present themselves
13 personally at such a place and time as the coroner shall
14 determine, and may be in any form which the coroner shall
15 determine and may incorporate any reasonable form of request
16 for acknowledgment which the coroner deems practical and
17 provides a reliable proof of service. The summons may be
18 served by first class mail. From the 8 persons so summoned, the
19 coroner shall select 6 to serve as the jury for the inquest.
20 Inquests may be continued from time to time, as the coroner may
21 deem necessary. The 6 jurors selected in a given case may view
22 the body of the deceased. If at any continuation of an inquest
23 one or more of the original jurors shall be unable to continue
24 to serve, the coroner shall fill the vacancy or vacancies. A
25 juror serving pursuant to this paragraph shall receive
26 compensation from the county at the same rate as the rate of

1 compensation that is paid to petit or grand jurors in the
2 county. The coroner shall furnish to each juror without fee at
3 the time of his discharge a certificate of the number of days
4 in attendance at an inquest, and, upon being presented with
5 such certificate, the county treasurer shall pay to the juror
6 the sum provided for his services.

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

23 In every case in which a fire is determined to be a
24 contributing factor in a death, the coroner shall report the
25 death to the Office of the State Fire Marshal. The coroner
26 shall provide a copy of the death certificate (i) within 30

1 days after filing the permanent death certificate and (ii) in
2 a manner that is agreed upon by the coroner and the State Fire
3 Marshal.

4 In every case in which a drug overdose is determined to be
5 the cause or a contributing factor in the death, the coroner or
6 medical examiner shall report the death to the Department of
7 Public Health. The Department of Public Health shall adopt
8 rules regarding specific information that must be reported in
9 the event of such a death. If possible, the coroner shall
10 report the cause of the overdose. As used in this Section,
11 "overdose" has the same meaning as it does in Section 414 of
12 the Illinois Controlled Substances Act. The Department of
13 Public Health shall issue a semiannual report to the General
14 Assembly summarizing the reports received. The Department
15 shall also provide on its website a monthly report of overdose
16 death figures organized by location, age, and any other
17 factors, the Department deems appropriate.

18 In addition, in every case in which domestic violence is
19 determined to be a contributing factor in a death, the coroner
20 shall report the death to the Illinois State Police.

21 All deaths in State institutions and all deaths of wards
22 of the State or youth in care as defined in Section 4d of the
23 Children and Family Services Act in private care facilities or
24 in programs funded by the Department of Human Services under
25 its powers relating to mental health and developmental
26 disabilities or alcoholism and substance abuse or funded by

1 the Department of Children and Family Services shall be
2 reported to the coroner of the county in which the facility is
3 located. If the coroner has reason to believe that an
4 investigation is needed to determine whether the death was
5 caused by maltreatment or negligent care of the ward of the
6 State or youth in care as defined in Section 4d of the Children
7 and Family Services Act, the coroner may conduct a preliminary
8 investigation of the circumstances of such death as in cases
9 of death under circumstances set forth in subparagraphs
10 ~~paragraphs~~ (a) through (e) of this Section.

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

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

14 Sec. 3-3013. Preliminary investigations; blood and urine
15 analysis; summoning jury; reports. Every coroner, whenever,
16 as soon as he knows or is informed that the dead body of any
17 person is found, or lying within his county, whose death is
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20 suicidal, homicidal, or accidental, including, but not
21 limited to, deaths apparently caused or contributed to by
22 thermal, traumatic, chemical, electrical, or radiational
23 injury, or a complication of any of them, or by drowning or
24 suffocation, or as a result of domestic violence as
25 defined in the Illinois Domestic Violence Act of 1986;

1 (b) A death due to a sex crime;

2 (c) A death where the circumstances are suspicious,
3 obscure, mysterious, or otherwise unexplained or where, in
4 the written opinion of the attending physician, the cause
5 of death is not determined;

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

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

10 shall go to the place where the dead body is, and take charge
11 of the same and shall make a preliminary investigation into
12 the circumstances of the death. In the case of death without
13 attendance by a licensed physician, the body may be moved with
14 the coroner's consent from the place of death to a mortuary in
15 the same county. Coroners in their discretion shall notify
16 such physician as is designated in accordance with Section
17 3-3014 to attempt to ascertain the cause of death, either by
18 autopsy or otherwise.

19 In cases of accidental death involving a motor vehicle in
20 which the decedent was (1) the operator or a suspected
21 operator of a motor vehicle, or (2) a pedestrian 16 years of
22 age or older, the coroner shall require that a blood specimen
23 of at least 30 cc., and if medically possible a urine specimen
24 of at least 30 cc. or as much as possible up to 30 cc., be
25 withdrawn from the body of the decedent in a timely fashion
26 after the crash causing his death, by such physician as has

1 been designated in accordance with Section 3-3014, or by the
2 coroner or deputy coroner or a qualified person designated by
3 such physician, coroner, or deputy coroner. If the county does
4 not maintain laboratory facilities for making such analysis,
5 the blood and urine so drawn shall be sent to the Illinois
6 State Police or any other accredited or State-certified
7 laboratory for analysis of the alcohol, carbon monoxide, and
8 dangerous or narcotic drug content of such blood and urine
9 specimens. Each specimen submitted shall be accompanied by
10 pertinent information concerning the decedent upon a form
11 prescribed by such laboratory. Any person drawing blood and
12 urine and any person making any examination of the blood and
13 urine under the terms of this Division shall be immune from all
14 liability, civil or criminal, that might otherwise be incurred
15 or imposed.

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

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

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

1 of the Unified Code of Corrections. The requirements of this
2 paragraph are in addition to any other findings, specimens, or
3 information that the coroner or medical examiner is required
4 to provide during the conduct of a criminal investigation.

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

1 in attendance at an inquest, and, upon being presented with
2 such certificate, the county treasurer shall pay to the juror
3 the sum provided for his services.

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

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

1 In every case in which a drug overdose is determined to be
2 the cause or a contributing factor in the death, the coroner or
3 medical examiner shall report the death to the Department of
4 Public Health. The Department of Public Health shall adopt
5 rules regarding specific information that must be reported in
6 the event of such a death. If possible, the coroner shall
7 report the cause of the overdose. As used in this Section,
8 "overdose" has the same meaning as it does in Section 414 of
9 the Illinois Controlled Substances Act, but does not include
10 any cause of death caused by fentanyl, which shall be
11 considered poisoning. In every case in which fentanyl is
12 determined to be the cause or a contributing factor in the
13 death, the corner or medical examiner shall report the death
14 to the Department of Public Health as "fentanyl poisoning".
15 The Department of Public Health shall issue a semiannual
16 report to the General Assembly summarizing the reports
17 received. The Department shall also provide on its website a
18 monthly report of overdose death and fentanyl poisoning death
19 figures organized by location, age, and any other factors, ~~7~~ the
20 Department deems appropriate.

21 In addition, in every case in which domestic violence is
22 determined to be a contributing factor in a death, the coroner
23 shall report the death to the Illinois State Police.

24 All deaths in State institutions and all deaths of wards
25 of the State or youth in care as defined in Section 4d of the
26 Children and Family Services Act in private care facilities or

1 in programs funded by the Department of Human Services under
2 its powers relating to mental health and developmental
3 disabilities or alcoholism and substance abuse or funded by
4 the Department of Children and Family Services shall be
5 reported to the coroner of the county in which the facility is
6 located. If the coroner has reason to believe that an
7 investigation is needed to determine whether the death was
8 caused by maltreatment or negligent care of the ward of the
9 State or youth in care as defined in Section 4d of the Children
10 and Family Services Act, the coroner may conduct a preliminary
11 investigation of the circumstances of such death as in cases
12 of death under circumstances set forth in subparagraphs
13 ~~paragraphs~~ (a) through (e) of this Section.

14 (Source: P.A. 101-13, eff. 6-12-19; 102-538, eff. 8-20-21;
15 102-982, eff. 7-1-23; revised 8-23-22.)

16 Section 95. No acceleration or delay. Where this Act makes
17 changes in a statute that is represented in this Act by text
18 that is not yet or no longer in effect (for example, a Section
19 represented by multiple versions), the use of that text does
20 not accelerate or delay the taking effect of (i) the changes
21 made by this Act or (ii) provisions derived from any other
22 Public Act."