



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB2768

Introduced 1/17/2024, by Sen. Christopher Belt

SYNOPSIS AS INTRODUCED:

55 ILCS 5/3-3014

from Ch. 34, par. 3-3014

Amends the Coroner Division of the Counties Code. Provides that a county in which the body of a deceased person is found shall indemnify and hold harmless a pathologist who renders services under the provisions for all of the pathologist's conduct arising out of the pathologist's testimony as an expert witness in a criminal proceeding based on the service provided under the provisions, except actions involving willful and wanton misconduct of the pathologist. Conditions the duty of the county to indemnify a pathologist who rendered services under the provisions for a judgment recovered against the pathologist upon receiving notice of the filing of the action. Provides that, if a pathologist is made a party defendant to an action and the action against the pathologist is based upon the pathologist's conduct arising out of the pathologist's testimony as an expert witness in a criminal proceeding, then, within 10 days of service of process, the pathologist shall notify the county in which the body of a deceased person was found of the fact that the pathologist has been made a party defendant to the action. Includes requirements for the notice. Provides that the State's Attorney of the county in which the body of the deceased person is found may appear and defend on behalf of the pathologist.

LRB103 35992 AWJ 66079 b

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 3-3014 as follows:

6 (55 ILCS 5/3-3014) (from Ch. 34, par. 3-3014)

7 Sec. 3-3014. Autopsy to be performed by licensed
8 physician; costs; reports. Any medical examination or autopsy
9 conducted pursuant to this Division shall be performed by a
10 physician duly licensed to practice medicine in all of its
11 branches, and wherever possible by one having special training
12 in pathology. In Class I counties, medical examinations or
13 autopsies (including those performed on exhumed bodies) shall
14 be performed by physicians appointed or designated by the
15 coroner, and in Class II counties by physicians appointed or
16 designated by the Director of Public Health upon the
17 recommendation of the advisory board on necropsy service to
18 coroners after the board has consulted with the elected
19 coroner. Any autopsy performed by a physician so appointed or
20 designated shall be deemed lawful. The cost of all autopsies,
21 medical examinations, laboratory fees, if any, and travel
22 expenses of the examining physician and the costs of exhuming
23 a body under the authority of subsection (c) of Section 3-3015

1 shall be payable from the general fund of the county where the
2 body is found. The examining physician shall file copies of
3 the reports or results of his or her autopsies and medical
4 examinations with the coroner and also with the Department of
5 Public Health.

6 No coroner may perform any autopsy required or authorized
7 by law unless the coroner is a pathologist whose services are
8 requested by the coroner of another county.

9 The county in which the body of a deceased person is found
10 shall indemnify and hold harmless a pathologist who renders
11 services under this Section for all of the pathologist's
12 conduct arising out of the pathologist's testimony as an
13 expert witness in a criminal proceeding based on the service
14 provided under this Section, except actions involving willful
15 and wanton misconduct of the pathologist. The duty of the
16 county to indemnify a pathologist who rendered services under
17 this Section for a judgment recovered against the pathologist
18 is conditioned upon receiving notice of the filing of the
19 action as required under this paragraph. If a pathologist is
20 made a party defendant to an action and the action against the
21 pathologist is based upon the pathologist's conduct arising
22 out of the pathologist's testimony as an expert witness in a
23 criminal proceeding, then, within 10 days of service of
24 process, the pathologist shall notify the county in which the
25 body of a deceased person was found of the fact that the
26 pathologist has been made a party defendant to the action. The

1 notice must be in writing and filed in the office of the
2 State's Attorney and in the office of the county clerk, either
3 by the pathologist or the pathologist's agent or attorney. The
4 notice shall state the name of the pathologist; that the
5 pathologist has been served with process, including the date
6 the pathologist was served; that the pathologist has been made
7 a party defendant to an action in which it is claimed that an
8 individual has suffered injury to the individual's body or
9 property caused by the pathologist's conduct as an expert
10 witness in a criminal proceeding; the title and number of the
11 case; and the court in which the action is pending. The State's
12 Attorney of the county in which the body of the deceased person
13 is found may appear and defend on behalf of the pathologist.

14 (Source: P.A. 86-962; 87-317.)