



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB2964

Introduced 1/31/2024, by Sen. Sue Rezin

SYNOPSIS AS INTRODUCED:

55 ILCS 5/3-3013

from Ch. 34, par. 3-3013

Amends the Coroner Division of the Counties Code. In provisions regarding preliminary investigations where a drug overdose is determined to be the cause or a contributing factor in a death, modifies the definition of "overdose" to exclude death caused by fentanyl, which shall be considered poisoning. Provides that, in every case in which fentanyl is determined to be the cause or a contributing factor in the death, the coroner or medical examiner shall report the death to the Department of Public Health as "fentanyl poisoning". Provides that, in the monthly report of overdose deaths, the Department shall also report on fentanyl poisoning deaths.

LRB103 36959 AWJ 67073 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 3-3013 as follows:

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

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

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

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

20 (c) A death where the circumstances are suspicious,
21 obscure, mysterious, or otherwise unexplained or where, in
22 the written opinion of the attending physician, the cause
23 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 is and take charge of
6 the same and shall make a preliminary investigation into the
7 circumstances of the death. In the case of death without
8 attendance by a licensed physician, 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
4 specimens. Each specimen submitted shall be accompanied by
5 pertinent information concerning the decedent upon a form
6 prescribed by such laboratory. Any person drawing blood and
7 urine and any person making any examination of the blood and
8 urine under the terms of this Division shall be immune from all
9 liability, civil or criminal, that might otherwise be incurred
10 or imposed.

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

25 When the coroner or medical examiner finds that the cause
26 of death is due to homicidal means, the coroner or medical

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

26 In all counties, in cases of apparent suicide, homicide,

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

25 In counties which have a jury commission, in cases of
26 apparent suicide or homicide or of accidental death, the

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

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

22 In every case in which a drug overdose is determined to be
23 the cause or a contributing factor in the death, the coroner or
24 medical examiner shall report the death to the Department of
25 Public Health. The Department of Public Health shall adopt
26 rules regarding specific information that must be reported in

1 the event of such a death. If possible, the coroner shall
2 report the cause of the overdose. As used in this Section,
3 "overdose" has the same meaning as it does in Section 414 of
4 the Illinois Controlled Substances Act, but does not include
5 any cause of death caused by fentanyl, which shall be
6 considered poisoning. In every case in which fentanyl is
7 determined to be the cause or a contributing factor in the
8 death, the coroner or medical examiner shall report the death
9 to the Department of Public Health as "fentanyl poisoning".

10 The Department of Public Health shall issue a semiannual
11 report to the General Assembly summarizing the reports
12 received. The Department shall also provide on its website a
13 monthly report of overdose and fentanyl poisoning death
14 figures organized by location, age, and any other factors the
15 Department deems appropriate.

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

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

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

9 (Source: P.A. 102-538, eff. 8-20-21; 102-982, eff. 7-1-23;
10 103-154, eff. 6-30-23.)