



Rep. Dan Brady

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09300HB6426ham001

LRB093 16309 MKM 48985 a

1 AMENDMENT TO HOUSE BILL 6426

2 AMENDMENT NO. _____. Amend House Bill 6426 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 Sec. 3-3013. Preliminary investigations; blood and urine
8 analysis; summoning jury. Every coroner, whenever, as soon as
9 he knows or is informed that the dead body of any person is
10 found, or lying within his county, whose death is suspected of
11 being:

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

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

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

1 (d) A death where addiction to alcohol or to any drug may
2 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
6 of 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 such
11 physician as is designated in accordance with Section 3-3014 to
12 attempt to ascertain the cause of death, either by autopsy or
13 otherwise.

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 or as much as possible up to 30 cc., be withdrawn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

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

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

1 the decedent as well as medical history, medications used by
2 and the manner of death of decedent.

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

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

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

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

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

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