



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
HB0914

Introduced 2/2/2005, by Rep. Dan Brady

SYNOPSIS AS INTRODUCED:

55 ILCS 5/3-3013

from Ch. 34, par. 3-3013

Amends the Counties Code. Provides that every coroner shall send to the State Police blood, tissue, and saliva specimens from any person who is suspected to have died of unnatural causes for inclusion in the State DNA central repository.

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FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

1 AN ACT concerning coroners.

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 Section
5 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
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 defined
18 in the Illinois Domestic Violence Act of 1986;

19 (b) A maternal or fetal death due to abortion, or any
20 death 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
23 the written opinion of the attending physician, the cause
24 of death is not determined;

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

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

29 shall go to the place where the dead body is, and take charge
30 of the same and shall make a preliminary investigation into the
31 circumstances of the death. In the case of death without
32 attendance by a licensed physician the body may be moved with

1 the coroner's consent from the place of death to a mortuary in
2 the same county. Coroners in their discretion shall notify such
3 physician as is designated in accordance with Section 3-3014 to
4 attempt to ascertain the cause of death, either by autopsy or
5 otherwise.

6 In cases of accidental death involving a motor vehicle in
7 which the decedent was (1) the operator or a suspected operator
8 of a motor vehicle, or (2) a pedestrian 16 years of age or
9 older, the coroner shall require that a blood specimen of at
10 least 30 cc., and if medically possible a urine specimen of at
11 least 30 cc. or as much as possible up to 30 cc., be withdrawn
12 from the body of the decedent in a timely fashion after the
13 accident causing his death, by such physician as has been
14 designated in accordance with Section 3-3014, or by the coroner
15 or deputy coroner or a qualified person designated by such
16 physician, coroner, or deputy coroner. If the county does not
17 maintain laboratory facilities for making such analysis, the
18 blood and urine so drawn shall be sent to the Department of
19 State Police or any other accredited or State-certified
20 laboratory for analysis of the alcohol, carbon monoxide, and
21 dangerous or narcotic drug content of such blood and urine
22 specimens. Each specimen submitted shall be accompanied by
23 pertinent information concerning the decedent upon a form
24 prescribed by such laboratory. Any person drawing blood and
25 urine and any person making any examination of the blood and
26 urine under the terms of this Division shall be immune from all
27 liability, civil or criminal, that might otherwise be incurred
28 or imposed.

29 In all other cases coming within the jurisdiction of the
30 coroner and referred to in subparagraphs (a) through (e) above,
31 blood, and whenever possible, urine samples shall be analyzed
32 for the presence of alcohol and other drugs. When the coroner
33 suspects that drugs may have been involved in the death, either
34 directly or indirectly, a toxicological examination shall be
35 performed which may include analyses of blood, urine, bile,
36 gastric contents and other tissues. When the coroner suspects a

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

7 When the coroner suspects a death due to other than natural
8 causes, the coroner shall cause blood, tissue, and saliva
9 specimens, whenever possible, to be withdrawn from the body of
10 the decedent in a timely fashion. The coroner shall deliver
11 these specimens within 45 days of the collection of the
12 specimens to the Illinois Department of State Police, Division
13 of Forensic Services, for analysis and categorizing into
14 genetic marker groupings to be maintained by the Illinois
15 Department of State Police in the State central repository in
16 the same manner, and subject to the same conditions, as
17 provided in Section 5-4-3 of the Unified Code of Corrections.

18 Except in counties that have a jury commission, in cases of
19 apparent suicide, homicide, or accidental death or in other
20 cases, within the discretion of the coroner, the coroner shall
21 summon 8 persons of lawful age from those persons drawn for
22 petit jurors in the county. The summons shall command these
23 persons to present themselves personally at such a place and
24 time as the coroner shall determine, and may be in any form
25 which the coroner shall determine and may incorporate any
26 reasonable form of request for acknowledgement which the
27 coroner deems practical and provides a reliable proof of
28 service. The summons may be served by first class mail. From
29 the 8 persons so summoned, the coroner shall select 6 to serve
30 as the jury for the inquest. Inquests may be continued from
31 time to time, as the coroner may deem necessary. The 6 jurors
32 selected in a given case may view the body of the deceased. If
33 at any continuation of an inquest one or more of the original
34 jurors shall be unable to continue to serve, the coroner shall
35 fill the vacancy or vacancies. A juror serving pursuant to this
36 paragraph shall receive compensation from the county at the

1 same rate as the rate of compensation that is paid to petit or
2 grand jurors in the county. The coroner shall furnish to each
3 juror without fee at the time of his discharge a certificate of
4 the number of days in attendance at an inquest, and, upon being
5 presented with such certificate, the county treasurer shall pay
6 to the juror 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 shall, and in other cases in his discretion may,
10 conduct an inquest. The jury commission shall provide at least
11 8 jurors to the coroner, from whom the coroner shall select any
12 6 to serve as the jury for the inquest. Inquests may be
13 continued from time to time as the coroner may deem necessary.
14 The 6 jurors originally chosen in a given case may view the
15 body of the deceased. If at any continuation of an inquest one
16 or more of the 6 jurors originally chosen shall be unable to
17 continue to serve, the coroner shall fill the vacancy or
18 vacancies. At the coroner's discretion, additional jurors to
19 fill such vacancies shall be supplied by the jury commission. A
20 juror serving pursuant to this paragraph in such county shall
21 receive compensation from the county at the same rate as the
22 rate of compensation that is paid to petit or grand jurors in
23 the county.

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

27 All deaths in State institutions and all deaths of wards of
28 the State in private care facilities or in programs funded by
29 the Department of Human Services under its powers relating to
30 mental health and developmental disabilities or alcoholism and
31 substance abuse or funded by the Department of Children and
32 Family Services shall be reported to the coroner of the county
33 in which the facility is located. If the coroner has reason to
34 believe that an investigation is needed to determine whether
35 the death was caused by maltreatment or negligent care of the
36 ward of the State, the coroner may conduct a preliminary

1 investigation of the circumstances of such death as in cases of
2 death under circumstances set forth in paragraphs (a) through
3 (e) of this Section.

4 (Source: P.A. 93-1005, eff. 1-1-05.)