

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Code of Criminal Procedure of 1963 is  
5 amended by changing Section 115-5.1 as follows:

6 (725 ILCS 5/115-5.1) (from Ch. 38, par. 115-5.1)

7 Sec. 115-5.1. In any civil or criminal action the records  
8 of the coroner's medical or laboratory examiner summarizing and  
9 detailing the performance of his or her official duties in  
10 performing medical examinations upon deceased persons or  
11 autopsies, or both, and kept in the ordinary course of business  
12 of the coroner's office, duly certified by the county coroner  
13 or chief supervisory coroner's pathologist or medical  
14 examiner, shall be received as competent evidence in any court  
15 of this State, to the extent permitted by this Section. These  
16 reports, specifically including but not limited to the  
17 pathologist's protocol, autopsy reports, photographs, and  
18 toxicological reports, shall be public documents and thereby  
19 may be admissible as prima facie evidence of the facts,  
20 findings, opinions, diagnoses and conditions stated therein.

21 A duly certified coroner's protocol or autopsy report, or  
22 both, complying with the requirements of this Section may be  
23 duly admitted into evidence as an exception to the hearsay rule

1 as prima facie proof of the cause of death of the person to  
2 whom it relates. The records referred to in this Section shall  
3 be limited to the records of the results of post-mortem  
4 examinations of the findings of autopsy, including  
5 photographs, and toxicological laboratory examinations.

6 Persons who prepare reports or records offered in evidence  
7 hereunder may be subpoenaed as witnesses in civil or criminal  
8 cases upon the request of either party to the cause. However,  
9 the fact that such person is for any reason unavailable or not  
10 present to testify shall not be a bar to admissibility of the  
11 reports or records. Such reports or records shall be admissible  
12 if the county coroner or a duly authorized official of the  
13 coroner's office testifies or attests ~~However, if such person~~  
14 ~~is dead, the county coroner or a duly authorized official of~~  
15 ~~the coroner's office may testify to the fact that the examining~~  
16 ~~pathologist, toxicologist or other medical or laboratory~~  
17 ~~examiner is deceased and that the offered report or record was~~  
18 ~~prepared by such deceased person. The witness must further~~  
19 ~~attest~~ that the medical report or record was prepared in the  
20 ordinary and usual course of the preparer's ~~deceased person's~~  
21 duty or employment in conformity with the provisions of this  
22 Section.

23 (Source: P.A. 82-783.)