



Sen. Ira I. Silverstein

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09500SB1313sam001

LRB095 10899 HLH 31870 a

1 AMENDMENT TO SENATE BILL 1313

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1313 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Counties Code is amended by changing  
5 Sections 3-3015 and 3-3034 as follows:

6 (55 ILCS 5/3-3015) (from Ch. 34, par. 3-3015)

7 Sec. 3-3015. Circumstances under which autopsy to be  
8 performed.

9 (a) Where a death has occurred and the circumstances  
10 concerning the death are suspicious, obscure, mysterious, or  
11 otherwise unexplained and in the opinion of the examining  
12 physician or the coroner the cause of death cannot be  
13 established definitely except by autopsy, and where a death has  
14 occurred while being pursued, apprehended, or taken into  
15 custody by or while in the custody of any law enforcement

1 agency, it is declared that the public interest requires that  
2 an autopsy be performed, and it shall be the duty and  
3 responsibility of the coroner to cause an autopsy to be  
4 performed, including the taking of x-rays and the performance  
5 of other medical tests as the coroner deems appropriate.

6 (b) Subject to the limitations set forth in subsection (d),  
7 the ~~The~~ coroner shall instruct involved parties that embalming  
8 of the body is not to be conducted until the toxicology samples  
9 are drawn. If a child dies from suspicious or unexplained  
10 circumstances, the coroner shall secure the services of a  
11 pathologist. The Department of Public Health shall provide  
12 coroners and pathologists with a child death autopsy protocol.

13 (c) Subject to the limitations set forth in subsection (d)  
14 of this Section, if ~~if~~ the coroner determines it advisable to  
15 exhume a body for the purpose of investigation or autopsy or  
16 both, and the coroner would have been authorized under this  
17 Section to perform an investigation or autopsy on the body  
18 before it was interred, the coroner may exhume the body after  
19 consulting on the matter with the state's attorney and upon the  
20 order of the circuit court directing the exhumation upon the  
21 petition of the state's attorney.

22 (d) No dissection or autopsy shall be performed, nor shall  
23 a toxicology sample be drawn, over the objection of a surviving  
24 relative or friend that the autopsy, dissection, or sample  
25 collection is contrary to the religious beliefs of the  
26 deceased, or if there is otherwise reason to believe that the

1 dissection, autopsy, or sample collection is contrary to the  
2 decedent's religious beliefs, until notice is given to the next  
3 of kin or friend, as defined in this subsection, or until 48  
4 hours have elapsed, whichever is later, in order to allow an  
5 objecting party to institute a legal proceeding in the  
6 appropriate circuit court to determine the propriety of the  
7 dissection, autopsy, or sample collection. A court, upon ex  
8 parte motion, may dispense with the waiting period if it  
9 determines that a delay may prejudice the accuracy of the  
10 autopsy, dissection, or sample collection or if the objecting  
11 party is a suspect in a homicide, as defined in items (a)  
12 through (e) of Section 3-3013 of this Code, of which the  
13 decedent is the victim. Whenever a coroner shall, because of a  
14 compelling public necessity, deem it necessary to perform an  
15 autopsy, dissection, or sample collection over the objection of  
16 a surviving relative or friend, the coroner shall institute a  
17 special proceeding, without fee, in the circuit court for the  
18 county in which the procedure is to take place, seeking an  
19 order authorizing the autopsy, dissection, or sample  
20 collection. The proceeding shall have preference over all other  
21 cases in the court and shall be determined summarily upon the  
22 petition and oral and written proof offered by the parties. The  
23 court shall grant the relief sought in the petition if it finds  
24 that the petitioner has established a compelling public  
25 necessity for the autopsy or dissection. If the petition is  
26 denied and no stay is granted by the court, the body shall

1 immediately be released to whomever has custody of the body for  
2 burial.

3 If the autopsy is performed over the objection of a  
4 relative or friend that the dissection or autopsy is contrary  
5 to the religious beliefs of the deceased person, the autopsy  
6 shall be performed in the least intrusive manner possible and  
7 all organs, tissues, and parts, as defined in Section 1-10 of  
8 the Illinois Anatomical Gift Act, shall be released as soon as  
9 possible to the person who has custody of the body for burial.

10 For the purposes of this subsection the following terms  
11 have the following meanings. "Friend" includes any person who  
12 maintained regular contact with the deceased person and who was  
13 familiar with the deceased person's activities, health, and  
14 religious beliefs. "Relative" means the deceased person's  
15 spouse, children, parents, or siblings. "Compelling public  
16 necessity" means either (i) that the dissection, autopsy, or  
17 toxicology sample is necessary to the conduct of a criminal  
18 investigation of a homicide, as defined in items (a) through  
19 (e) of Section 3-3013 of this Code, of which the decedent is  
20 the victim, or (ii) that discovery of the cause of death is  
21 necessary to meet an immediate and substantial threat to the  
22 public health and that a dissection, autopsy, or toxicology  
23 sample is necessary to ascertain the cause of death.

24 (Source: P.A. 86-962; 87-317; 87-419; 87-895.)

1           Sec. 3-3034. Disposition of body. After the inquest the  
2 coroner must make a reasonable effort to ~~may~~ deliver the body  
3 or human remains of the deceased to the family of the deceased  
4 within 48 hours after the inquest or, if there are no family  
5 members to accept the body or the remains, then to friends of  
6 the deceased, if there be any, but if not, the coroner shall  
7 cause the body or the remains to be decently buried, the  
8 expenses to be paid from the property of the deceased, if there  
9 is sufficient, if not, by the county. If the State Treasurer,  
10 pursuant to the Uniform Disposition of Unclaimed Property Act,  
11 delivers human remains to the coroner, the coroner shall cause  
12 the human remains to be disposed of as provided in this  
13 Section.

14           (Source: P.A. 94-422, eff. 8-2-05.)".