



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB0233

by Rep. Dan Brady

SYNOPSIS AS INTRODUCED:

55 ILCS 5/3-3013

from Ch. 34, par. 3-3013

Amends the Counties Code. Provides that any blood, buccal, or tissue specimen collected by a coroner or medical examiner from a body of a decedent whose death is found to be due to a homicide are to be dried or frozen. Provides that the specimens collected shall be delivered to the police agency responsible for investigating the homicide as soon as possible, but no later than 30 days after collection of the specimen. Provides that the police agency must submit the specimens to a National DNA Index System (NDIS) participating laboratory for testing as soon as possible, but no later than 30 days after the police agency receives the specimens. Provides that the NDIS participating laboratory shall provide the testing results to the Department of State Police.

LRB099 02809 AWJ 22817 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 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; reports. Every coroner, whenever, as
9 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 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

1 of death is not determined;

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

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

6 shall go to the place where the dead body is, and take charge
7 of the same and shall make a preliminary investigation into the
8 circumstances of the death. In the case of death without
9 attendance by a licensed physician the body may be moved with
10 the coroner's consent from the place of death to a mortuary in
11 the same county. Coroners in their discretion shall notify such
12 physician as is designated in accordance with Section 3-3014 to
13 attempt to ascertain the cause of death, either by autopsy or
14 otherwise.

15 In cases of accidental death involving a motor vehicle in
16 which the decedent was (1) the operator or a suspected operator
17 of a motor vehicle, or (2) a pedestrian 16 years of age or
18 older, the coroner shall require that a blood specimen of at
19 least 30 cc., and if medically possible a urine specimen of at
20 least 30 cc. or as much as possible up to 30 cc., be withdrawn
21 from the body of the decedent in a timely fashion after the
22 accident causing his death, by such physician as has been
23 designated in accordance with Section 3-3014, or by the coroner
24 or deputy coroner or a qualified person designated by such
25 physician, coroner, or deputy coroner. If the county does not
26 maintain laboratory facilities for making such analysis, the

1 blood and urine so drawn shall be sent to the Department of
2 State Police or any other accredited or State-certified
3 laboratory for analysis of the alcohol, carbon monoxide, and
4 dangerous or narcotic drug content of such blood and urine
5 specimens. Each specimen submitted shall be accompanied by
6 pertinent information concerning the decedent upon a form
7 prescribed by such laboratory. Any person drawing blood and
8 urine and any person making any examination of the blood and
9 urine under the terms of this Division shall be immune from all
10 liability, civil or criminal, that might otherwise be incurred
11 or imposed.

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

26 When the coroner or medical examiner finds that the cause

1 of death is due to homicidal means, the coroner or medical
2 examiner shall cause blood and buccal specimens (tissue may be
3 submitted if no uncontaminated blood or buccal specimen can be
4 obtained), whenever possible, to be withdrawn from the body of
5 the decedent in a timely fashion. For proper preservation of
6 the specimens, collected blood and buccal specimens shall be
7 dried and tissue specimens shall be frozen. As soon as
8 possible, but no later than 30 ~~Within 45~~ days after the
9 collection of the specimens, the coroner or medical examiner
10 shall deliver those specimens, ~~dried,~~ to the police agency
11 responsible for investigating the homicide. As soon as possible
12 but no later than 30 days after the receipt from the coroner or
13 medical examiner, the police agency shall submit the specimens
14 using the agency case number to a National DNA Index System
15 (NDIS) participating laboratory within this State, such as the
16 Illinois Department of State Police, Division of Forensic
17 Services, for analysis and categorizing into genetic marker
18 groupings. The results of the analysis and categorizing into
19 genetic marker groupings shall be provided to the Illinois
20 Department of State Police and shall ~~to~~ be maintained by the
21 Illinois Department of State Police in the State central
22 repository in the same manner, and subject to the same
23 conditions, as provided in Section 5-4-3 of the Unified Code of
24 Corrections. The requirements of this paragraph are in addition
25 to any other findings, specimens, or information that the
26 coroner or medical examiner is required to provide during the

1 conduct of a criminal investigation.

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

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

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

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.

1 All deaths in State institutions and all deaths of wards of
2 the State in private care facilities or in programs funded by
3 the Department of Human Services under its powers relating to
4 mental health and developmental disabilities or alcoholism and
5 substance abuse or funded by the Department of Children and
6 Family Services shall be reported to the coroner of the county
7 in which the facility is located. If the coroner has reason to
8 believe that an investigation is needed to determine whether
9 the death was caused by maltreatment or negligent care of the
10 ward of the State, the coroner may conduct a preliminary
11 investigation of the circumstances of such death as in cases of
12 death under circumstances set forth in paragraphs (a) through
13 (e) of this Section.

14 (Source: P.A. 95-484, eff. 6-1-08; 96-1059, eff. 7-14-10.)