



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB2488

Introduced 2/15/2023, by Rep. Maurice A. West, II

SYNOPSIS AS INTRODUCED:

See Index

Amends the Counties Code. Provides that the county board or board of county commissioners of each county shall appoint a medical examiner and the medical examiner may appoint a deputy medical examiner, who both shall be physicians licensed to practice within this State. Discontinues the office of the coroner in each county on December 1, 2024 replacing it with the appointed medical examiner. Allows a medical examiner to appoint investigators. Provides that 2 or more counties may enter into an agreement to allow the same persons to act as medical examiners, deputy medical examiners, and investigators. Allows a medical examiner to establish an elderly and vulnerable adult death review team. Makes other changes concerning removal of medical examiners and deputy medical examiners, bonds, death investigations, identification of bodies, expenses, records, organ donation and cremation of a body subject to investigation, autopsies, removal of property found near a body, and notification of a medical examiner. Limits concurrent exercise of home rule powers. Amends various other Acts and Codes making conforming changes. Effective December 1, 2024, except that specified provisions take effect immediately.

LRB103 26308 AWJ 52668 b

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

A BILL FOR

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 Statute on Statutes is amended by changing
5 Section 1.08 as follows:

6 (5 ILCS 70/1.08) (from Ch. 1, par. 1009)

7 Sec. 1.08. "Sheriff," "medical examiner," ~~"coroner,"~~
8 "clerk," or other words used for an executive or ministerial
9 officer may include any deputy or other person performing the
10 duties of such officer, either generally or in special cases.
11 (Source: Laws 1965, p. 373.)

12 Section 10. The Freedom of Information Act is amended by
13 changing Sections 7 and 7.5 as follows:

14 (5 ILCS 140/7)

15 (Text of Section before amendment by P.A. 102-982)

16 Sec. 7. Exemptions.

17 (1) When a request is made to inspect or copy a public
18 record that contains information that is exempt from
19 disclosure under this Section, but also contains information
20 that is not exempt from disclosure, the public body may elect
21 to redact the information that is exempt. The public body

1 shall make the remaining information available for inspection
2 and copying. Subject to this requirement, the following shall
3 be exempt from inspection and copying:

4 (a) Information specifically prohibited from
5 disclosure by federal or State law or rules and
6 regulations implementing federal or State law.

7 (b) Private information, unless disclosure is required
8 by another provision of this Act, a State or federal law,
9 or a court order.

10 (b-5) Files, documents, and other data or databases
11 maintained by one or more law enforcement agencies and
12 specifically designed to provide information to one or
13 more law enforcement agencies regarding the physical or
14 mental status of one or more individual subjects.

15 (c) Personal information contained within public
16 records, the disclosure of which would constitute a
17 clearly unwarranted invasion of personal privacy, unless
18 the disclosure is consented to in writing by the
19 individual subjects of the information. "Unwarranted
20 invasion of personal privacy" means the disclosure of
21 information that is highly personal or objectionable to a
22 reasonable person and in which the subject's right to
23 privacy outweighs any legitimate public interest in
24 obtaining the information. The disclosure of information
25 that bears on the public duties of public employees and
26 officials shall not be considered an invasion of personal

1 privacy.

2 (d) Records in the possession of any public body
3 created in the course of administrative enforcement
4 proceedings, and any law enforcement or correctional
5 agency for law enforcement purposes, but only to the
6 extent that disclosure would:

7 (i) interfere with pending or actually and
8 reasonably contemplated law enforcement proceedings
9 conducted by any law enforcement or correctional
10 agency that is the recipient of the request;

11 (ii) interfere with active administrative
12 enforcement proceedings conducted by the public body
13 that is the recipient of the request;

14 (iii) create a substantial likelihood that a
15 person will be deprived of a fair trial or an impartial
16 hearing;

17 (iv) unavoidably disclose the identity of a
18 confidential source, confidential information
19 furnished only by the confidential source, or persons
20 who file complaints with or provide information to
21 administrative, investigative, law enforcement, or
22 penal agencies; except that the identities of
23 witnesses to traffic accidents, traffic accident
24 reports, and rescue reports shall be provided by
25 agencies of local government, except when disclosure
26 would interfere with an active criminal investigation

1 conducted by the agency that is the recipient of the
2 request;

3 (v) disclose unique or specialized investigative
4 techniques other than those generally used and known
5 or disclose internal documents of correctional
6 agencies related to detection, observation, or
7 investigation of incidents of crime or misconduct, and
8 disclosure would result in demonstrable harm to the
9 agency or public body that is the recipient of the
10 request;

11 (vi) endanger the life or physical safety of law
12 enforcement personnel or any other person; or

13 (vii) obstruct an ongoing criminal investigation
14 by the agency that is the recipient of the request.

15 (d-5) A law enforcement record created for law
16 enforcement purposes and contained in a shared electronic
17 record management system if the law enforcement agency
18 that is the recipient of the request did not create the
19 record, did not participate in or have a role in any of the
20 events which are the subject of the record, and only has
21 access to the record through the shared electronic record
22 management system.

23 (d-6) Records contained in the Officer Professional
24 Conduct Database under Section 9.2 of the Illinois Police
25 Training Act, except to the extent authorized under that
26 Section. This includes the documents supplied to the

1 Illinois Law Enforcement Training Standards Board from the
2 Illinois State Police and Illinois State Police Merit
3 Board.

4 (e) Records that relate to or affect the security of
5 correctional institutions and detention facilities.

6 (e-5) Records requested by persons committed to the
7 Department of Corrections, Department of Human Services
8 Division of Mental Health, or a county jail if those
9 materials are available in the library of the correctional
10 institution or facility or jail where the inmate is
11 confined.

12 (e-6) Records requested by persons committed to the
13 Department of Corrections, Department of Human Services
14 Division of Mental Health, or a county jail if those
15 materials include records from staff members' personnel
16 files, staff rosters, or other staffing assignment
17 information.

18 (e-7) Records requested by persons committed to the
19 Department of Corrections or Department of Human Services
20 Division of Mental Health if those materials are available
21 through an administrative request to the Department of
22 Corrections or Department of Human Services Division of
23 Mental Health.

24 (e-8) Records requested by a person committed to the
25 Department of Corrections, Department of Human Services
26 Division of Mental Health, or a county jail, the

1 disclosure of which would result in the risk of harm to any
2 person or the risk of an escape from a jail or correctional
3 institution or facility.

4 (e-9) Records requested by a person in a county jail
5 or committed to the Department of Corrections or
6 Department of Human Services Division of Mental Health,
7 containing personal information pertaining to the person's
8 victim or the victim's family, including, but not limited
9 to, a victim's home address, home telephone number, work
10 or school address, work telephone number, social security
11 number, or any other identifying information, except as
12 may be relevant to a requester's current or potential case
13 or claim.

14 (e-10) Law enforcement records of other persons
15 requested by a person committed to the Department of
16 Corrections, Department of Human Services Division of
17 Mental Health, or a county jail, including, but not
18 limited to, arrest and booking records, mug shots, and
19 crime scene photographs, except as these records may be
20 relevant to the requester's current or potential case or
21 claim.

22 (f) Preliminary drafts, notes, recommendations,
23 memoranda, and other records in which opinions are
24 expressed, or policies or actions are formulated, except
25 that a specific record or relevant portion of a record
26 shall not be exempt when the record is publicly cited and

1 identified by the head of the public body. The exemption
2 provided in this paragraph (f) extends to all those
3 records of officers and agencies of the General Assembly
4 that pertain to the preparation of legislative documents.

5 (g) Trade secrets and commercial or financial
6 information obtained from a person or business where the
7 trade secrets or commercial or financial information are
8 furnished under a claim that they are proprietary,
9 privileged, or confidential, and that disclosure of the
10 trade secrets or commercial or financial information would
11 cause competitive harm to the person or business, and only
12 insofar as the claim directly applies to the records
13 requested.

14 The information included under this exemption includes
15 all trade secrets and commercial or financial information
16 obtained by a public body, including a public pension
17 fund, from a private equity fund or a privately held
18 company within the investment portfolio of a private
19 equity fund as a result of either investing or evaluating
20 a potential investment of public funds in a private equity
21 fund. The exemption contained in this item does not apply
22 to the aggregate financial performance information of a
23 private equity fund, nor to the identity of the fund's
24 managers or general partners. The exemption contained in
25 this item does not apply to the identity of a privately
26 held company within the investment portfolio of a private

1 equity fund, unless the disclosure of the identity of a
2 privately held company may cause competitive harm.

3 Nothing contained in this paragraph (g) shall be
4 construed to prevent a person or business from consenting
5 to disclosure.

6 (h) Proposals and bids for any contract, grant, or
7 agreement, including information which if it were
8 disclosed would frustrate procurement or give an advantage
9 to any person proposing to enter into a contractor
10 agreement with the body, until an award or final selection
11 is made. Information prepared by or for the body in
12 preparation of a bid solicitation shall be exempt until an
13 award or final selection is made.

14 (i) Valuable formulae, computer geographic systems,
15 designs, drawings, and research data obtained or produced
16 by any public body when disclosure could reasonably be
17 expected to produce private gain or public loss. The
18 exemption for "computer geographic systems" provided in
19 this paragraph (i) does not extend to requests made by
20 news media as defined in Section 2 of this Act when the
21 requested information is not otherwise exempt and the only
22 purpose of the request is to access and disseminate
23 information regarding the health, safety, welfare, or
24 legal rights of the general public.

25 (j) The following information pertaining to
26 educational matters:

1 (i) test questions, scoring keys, and other
2 examination data used to administer an academic
3 examination;

4 (ii) information received by a primary or
5 secondary school, college, or university under its
6 procedures for the evaluation of faculty members by
7 their academic peers;

8 (iii) information concerning a school or
9 university's adjudication of student disciplinary
10 cases, but only to the extent that disclosure would
11 unavoidably reveal the identity of the student; and

12 (iv) course materials or research materials used
13 by faculty members.

14 (k) Architects' plans, engineers' technical
15 submissions, and other construction related technical
16 documents for projects not constructed or developed in
17 whole or in part with public funds and the same for
18 projects constructed or developed with public funds,
19 including, but not limited to, power generating and
20 distribution stations and other transmission and
21 distribution facilities, water treatment facilities,
22 airport facilities, sport stadiums, convention centers,
23 and all government owned, operated, or occupied buildings,
24 but only to the extent that disclosure would compromise
25 security.

26 (1) Minutes of meetings of public bodies closed to the

1 public as provided in the Open Meetings Act until the
2 public body makes the minutes available to the public
3 under Section 2.06 of the Open Meetings Act.

4 (m) Communications between a public body and an
5 attorney or auditor representing the public body that
6 would not be subject to discovery in litigation, and
7 materials prepared or compiled by or for a public body in
8 anticipation of a criminal, civil, or administrative
9 proceeding upon the request of an attorney advising the
10 public body, and materials prepared or compiled with
11 respect to internal audits of public bodies.

12 (n) Records relating to a public body's adjudication
13 of employee grievances or disciplinary cases; however,
14 this exemption shall not extend to the final outcome of
15 cases in which discipline is imposed.

16 (o) Administrative or technical information associated
17 with automated data processing operations, including, but
18 not limited to, software, operating protocols, computer
19 program abstracts, file layouts, source listings, object
20 modules, load modules, user guides, documentation
21 pertaining to all logical and physical design of
22 computerized systems, employee manuals, and any other
23 information that, if disclosed, would jeopardize the
24 security of the system or its data or the security of
25 materials exempt under this Section.

26 (p) Records relating to collective negotiating matters

1 between public bodies and their employees or
2 representatives, except that any final contract or
3 agreement shall be subject to inspection and copying.

4 (q) Test questions, scoring keys, and other
5 examination data used to determine the qualifications of
6 an applicant for a license or employment.

7 (r) The records, documents, and information relating
8 to real estate purchase negotiations until those
9 negotiations have been completed or otherwise terminated.
10 With regard to a parcel involved in a pending or actually
11 and reasonably contemplated eminent domain proceeding
12 under the Eminent Domain Act, records, documents, and
13 information relating to that parcel shall be exempt except
14 as may be allowed under discovery rules adopted by the
15 Illinois Supreme Court. The records, documents, and
16 information relating to a real estate sale shall be exempt
17 until a sale is consummated.

18 (s) Any and all proprietary information and records
19 related to the operation of an intergovernmental risk
20 management association or self-insurance pool or jointly
21 self-administered health and accident cooperative or pool.
22 Insurance or self-insurance ~~self-insurance~~ (including any
23 intergovernmental risk management association or
24 self-insurance ~~self-insurance~~ pool) claims, loss or risk
25 management information, records, data, advice, or
26 communications.

1 (t) Information contained in or related to
2 examination, operating, or condition reports prepared by,
3 on behalf of, or for the use of a public body responsible
4 for the regulation or supervision of financial
5 institutions, insurance companies, or pharmacy benefit
6 managers, unless disclosure is otherwise required by State
7 law.

8 (u) Information that would disclose or might lead to
9 the disclosure of secret or confidential information,
10 codes, algorithms, programs, or private keys intended to
11 be used to create electronic signatures under the Uniform
12 Electronic Transactions Act.

13 (v) Vulnerability assessments, security measures, and
14 response policies or plans that are designed to identify,
15 prevent, or respond to potential attacks upon a
16 community's population or systems, facilities, or
17 installations, but only to the extent that disclosure
18 could reasonably be expected to expose the vulnerability
19 or jeopardize the effectiveness of the measures, policies,
20 or plans, or the safety of the personnel who implement
21 them or the public. Information exempt under this item may
22 include such things as details pertaining to the
23 mobilization or deployment of personnel or equipment, to
24 the operation of communication systems or protocols, to
25 cybersecurity vulnerabilities, or to tactical operations.

26 (w) (Blank).

1 (x) Maps and other records regarding the location or
2 security of generation, transmission, distribution,
3 storage, gathering, treatment, or switching facilities
4 owned by a utility, by a power generator, or by the
5 Illinois Power Agency.

6 (y) Information contained in or related to proposals,
7 bids, or negotiations related to electric power
8 procurement under Section 1-75 of the Illinois Power
9 Agency Act and Section 16-111.5 of the Public Utilities
10 Act that is determined to be confidential and proprietary
11 by the Illinois Power Agency or by the Illinois Commerce
12 Commission.

13 (z) Information about students exempted from
14 disclosure under Section ~~Sections~~ 10-20.38 or 34-18.29 of
15 the School Code, and information about undergraduate
16 students enrolled at an institution of higher education
17 exempted from disclosure under Section 25 of the Illinois
18 Credit Card Marketing Act of 2009.

19 (aa) Information the disclosure of which is exempted
20 under the Viatical Settlements Act of 2009.

21 (bb) Records and information provided to a mortality
22 review team and records maintained by a mortality review
23 team appointed under the Department of Juvenile Justice
24 Mortality Review Team Act.

25 (cc) Information regarding interments, entombments, or
26 inurnments of human remains that are submitted to the

1 Cemetery Oversight Database under the Cemetery Care Act or
2 the Cemetery Oversight Act, whichever is applicable.

3 (dd) Correspondence and records (i) that may not be
4 disclosed under Section 11-9 of the Illinois Public Aid
5 Code or (ii) that pertain to appeals under Section 11-8 of
6 the Illinois Public Aid Code.

7 (ee) The names, addresses, or other personal
8 information of persons who are minors and are also
9 participants and registrants in programs of park
10 districts, forest preserve districts, conservation
11 districts, recreation agencies, and special recreation
12 associations.

13 (ff) The names, addresses, or other personal
14 information of participants and registrants in programs of
15 park districts, forest preserve districts, conservation
16 districts, recreation agencies, and special recreation
17 associations where such programs are targeted primarily to
18 minors.

19 (gg) Confidential information described in Section
20 1-100 of the Illinois Independent Tax Tribunal Act of
21 2012.

22 (hh) The report submitted to the State Board of
23 Education by the School Security and Standards Task Force
24 under item (8) of subsection (d) of Section 2-3.160 of the
25 School Code and any information contained in that report.

26 (ii) Records requested by persons committed to or

1 detained by the Department of Human Services under the
2 Sexually Violent Persons Commitment Act or committed to
3 the Department of Corrections under the Sexually Dangerous
4 Persons Act if those materials: (i) are available in the
5 library of the facility where the individual is confined;
6 (ii) include records from staff members' personnel files,
7 staff rosters, or other staffing assignment information;
8 or (iii) are available through an administrative request
9 to the Department of Human Services or the Department of
10 Corrections.

11 (jj) Confidential information described in Section
12 5-535 of the Civil Administrative Code of Illinois.

13 (kk) The public body's credit card numbers, debit card
14 numbers, bank account numbers, Federal Employer
15 Identification Number, security code numbers, passwords,
16 and similar account information, the disclosure of which
17 could result in identity theft or impression or defrauding
18 of a governmental entity or a person.

19 (ll) Records concerning the work of the threat
20 assessment team of a school district, including, but not
21 limited to, any threat assessment procedure under the
22 School Safety Drill Act and any information contained in
23 the procedure.

24 (mm) Information prohibited from being disclosed under
25 subsections (a) and (b) of Section 15 of the Student
26 Confidential Reporting Act.

1 (nn) ~~(mm)~~ Proprietary information submitted to the
2 Environmental Protection Agency under the Drug Take-Back
3 Act.

4 (oo) ~~(mm)~~ Records described in subsection (f) of
5 Section 3-5-1 of the Unified Code of Corrections.

6 (1.5) Any information exempt from disclosure under the
7 Judicial Privacy Act shall be redacted from public records
8 prior to disclosure under this Act.

9 (2) A public record that is not in the possession of a
10 public body but is in the possession of a party with whom the
11 agency has contracted to perform a governmental function on
12 behalf of the public body, and that directly relates to the
13 governmental function and is not otherwise exempt under this
14 Act, shall be considered a public record of the public body,
15 for purposes of this Act.

16 (3) This Section does not authorize withholding of
17 information or limit the availability of records to the
18 public, except as stated in this Section or otherwise provided
19 in this Act.

20 (Source: P.A. 101-434, eff. 1-1-20; 101-452, eff. 1-1-20;
21 101-455, eff. 8-23-19; 101-652, eff. 1-1-22; 102-38, eff.
22 6-25-21; 102-558, eff. 8-20-21; 102-694, eff. 1-7-22; 102-752,
23 eff. 5-6-22; 102-753, eff. 1-1-23; 102-776, eff. 1-1-23;
24 102-791, eff. 5-13-22; 102-1055, eff. 6-10-22; revised
25 12-13-22.)

1 (Text of Section after amendment by P.A. 102-982)

2 Sec. 7. Exemptions.

3 (1) When a request is made to inspect or copy a public
4 record that contains information that is exempt from
5 disclosure under this Section, but also contains information
6 that is not exempt from disclosure, the public body may elect
7 to redact the information that is exempt. The public body
8 shall make the remaining information available for inspection
9 and copying. Subject to this requirement, the following shall
10 be exempt from inspection and copying:

11 (a) Information specifically prohibited from
12 disclosure by federal or State law or rules and
13 regulations implementing federal or State law.

14 (b) Private information, unless disclosure is required
15 by another provision of this Act, a State or federal law,
16 or a court order.

17 (b-5) Files, documents, and other data or databases
18 maintained by one or more law enforcement agencies and
19 specifically designed to provide information to one or
20 more law enforcement agencies regarding the physical or
21 mental status of one or more individual subjects.

22 (c) Personal information contained within public
23 records, the disclosure of which would constitute a
24 clearly unwarranted invasion of personal privacy, unless
25 the disclosure is consented to in writing by the
26 individual subjects of the information. "Unwarranted

1 invasion of personal privacy" means the disclosure of
2 information that is highly personal or objectionable to a
3 reasonable person and in which the subject's right to
4 privacy outweighs any legitimate public interest in
5 obtaining the information. The disclosure of information
6 that bears on the public duties of public employees and
7 officials shall not be considered an invasion of personal
8 privacy.

9 (d) Records in the possession of any public body
10 created in the course of administrative enforcement
11 proceedings, and any law enforcement or correctional
12 agency for law enforcement purposes, but only to the
13 extent that disclosure would:

14 (i) interfere with pending or actually and
15 reasonably contemplated law enforcement proceedings
16 conducted by any law enforcement or correctional
17 agency that is the recipient of the request;

18 (ii) interfere with active administrative
19 enforcement proceedings conducted by the public body
20 that is the recipient of the request;

21 (iii) create a substantial likelihood that a
22 person will be deprived of a fair trial or an impartial
23 hearing;

24 (iv) unavoidably disclose the identity of a
25 confidential source, confidential information
26 furnished only by the confidential source, or persons

1 who file complaints with or provide information to
2 administrative, investigative, law enforcement, or
3 penal agencies; except that the identities of
4 witnesses to traffic crashes, traffic crash reports,
5 and rescue reports shall be provided by agencies of
6 local government, except when disclosure would
7 interfere with an active criminal investigation
8 conducted by the agency that is the recipient of the
9 request;

10 (v) disclose unique or specialized investigative
11 techniques other than those generally used and known
12 or disclose internal documents of correctional
13 agencies related to detection, observation, or
14 investigation of incidents of crime or misconduct, and
15 disclosure would result in demonstrable harm to the
16 agency or public body that is the recipient of the
17 request;

18 (vi) endanger the life or physical safety of law
19 enforcement personnel or any other person; or

20 (vii) obstruct an ongoing criminal investigation
21 by the agency that is the recipient of the request.

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23 enforcement purposes and contained in a shared electronic
24 record management system if the law enforcement agency
25 that is the recipient of the request did not create the
26 record, did not participate in or have a role in any of the

1 events which are the subject of the record, and only has
2 access to the record through the shared electronic record
3 management system.

4 (d-6) Records contained in the Officer Professional
5 Conduct Database under Section 9.2 of the Illinois Police
6 Training Act, except to the extent authorized under that
7 Section. This includes the documents supplied to the
8 Illinois Law Enforcement Training Standards Board from the
9 Illinois State Police and Illinois State Police Merit
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12 correctional institutions and detention facilities.

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14 Department of Corrections, Department of Human Services
15 Division of Mental Health, or a county jail if those
16 materials are available in the library of the correctional
17 institution or facility or jail where the inmate is
18 confined.

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24 information.

25 (e-7) Records requested by persons committed to the
26 Department of Corrections or Department of Human Services

1 Division of Mental Health if those materials are available
2 through an administrative request to the Department of
3 Corrections or Department of Human Services Division of
4 Mental Health.

5 (e-8) Records requested by a person committed to the
6 Department of Corrections, Department of Human Services
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16 to, a victim's home address, home telephone number, work
17 or school address, work telephone number, social security
18 number, or any other identifying information, except as
19 may be relevant to a requester's current or potential case
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15 furnished under a claim that they are proprietary,
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17 trade secrets or commercial or financial information would
18 cause competitive harm to the person or business, and only
19 insofar as the claim directly applies to the records
20 requested.

21 The information included under this exemption includes
22 all trade secrets and commercial or financial information
23 obtained by a public body, including a public pension
24 fund, from a private equity fund or a privately held
25 company within the investment portfolio of a private
26 equity fund as a result of either investing or evaluating

1 a potential investment of public funds in a private equity
2 fund. The exemption contained in this item does not apply
3 to the aggregate financial performance information of a
4 private equity fund, nor to the identity of the fund's
5 managers or general partners. The exemption contained in
6 this item does not apply to the identity of a privately
7 held company within the investment portfolio of a private
8 equity fund, unless the disclosure of the identity of a
9 privately held company may cause competitive harm.

10 Nothing contained in this paragraph (g) shall be
11 construed to prevent a person or business from consenting
12 to disclosure.

13 (h) Proposals and bids for any contract, grant, or
14 agreement, including information which if it were
15 disclosed would frustrate procurement or give an advantage
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17 agreement with the body, until an award or final selection
18 is made. Information prepared by or for the body in
19 preparation of a bid solicitation shall be exempt until an
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1 distribution stations and other transmission and
2 distribution facilities, water treatment facilities,
3 airport facilities, sport stadiums, convention centers,
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15 anticipation of a criminal, civil, or administrative
16 proceeding upon the request of an attorney advising the
17 public body, and materials prepared or compiled with
18 respect to internal audits of public bodies.

19 (n) Records relating to a public body's adjudication
20 of employee grievances or disciplinary cases; however,
21 this exemption shall not extend to the final outcome of
22 cases in which discipline is imposed.

23 (o) Administrative or technical information associated
24 with automated data processing operations, including, but
25 not limited to, software, operating protocols, computer
26 program abstracts, file layouts, source listings, object

1 modules, load modules, user guides, documentation
2 pertaining to all logical and physical design of
3 computerized systems, employee manuals, and any other
4 information that, if disclosed, would jeopardize the
5 security of the system or its data or the security of
6 materials exempt under this Section.

7 (p) Records relating to collective negotiating matters
8 between public bodies and their employees or
9 representatives, except that any final contract or
10 agreement shall be subject to inspection and copying.

11 (q) Test questions, scoring keys, and other
12 examination data used to determine the qualifications of
13 an applicant for a license or employment.

14 (r) The records, documents, and information relating
15 to real estate purchase negotiations until those
16 negotiations have been completed or otherwise terminated.
17 With regard to a parcel involved in a pending or actually
18 and reasonably contemplated eminent domain proceeding
19 under the Eminent Domain Act, records, documents, and
20 information relating to that parcel shall be exempt except
21 as may be allowed under discovery rules adopted by the
22 Illinois Supreme Court. The records, documents, and
23 information relating to a real estate sale shall be exempt
24 until a sale is consummated.

25 (s) Any and all proprietary information and records
26 related to the operation of an intergovernmental risk

1 management association or self-insurance pool or jointly
2 self-administered health and accident cooperative or pool.
3 Insurance or self-insurance ~~self-insurance~~ (including any
4 intergovernmental risk management association or
5 self-insurance ~~self-insurance~~ pool) claims, loss or risk
6 management information, records, data, advice, or
7 communications.

8 (t) Information contained in or related to
9 examination, operating, or condition reports prepared by,
10 on behalf of, or for the use of a public body responsible
11 for the regulation or supervision of financial
12 institutions, insurance companies, or pharmacy benefit
13 managers, unless disclosure is otherwise required by State
14 law.

15 (u) Information that would disclose or might lead to
16 the disclosure of secret or confidential information,
17 codes, algorithms, programs, or private keys intended to
18 be used to create electronic signatures under the Uniform
19 Electronic Transactions Act.

20 (v) Vulnerability assessments, security measures, and
21 response policies or plans that are designed to identify,
22 prevent, or respond to potential attacks upon a
23 community's population or systems, facilities, or
24 installations, but only to the extent that disclosure
25 could reasonably be expected to expose the vulnerability
26 or jeopardize the effectiveness of the measures, policies,

1 or plans, or the safety of the personnel who implement
2 them or the public. Information exempt under this item may
3 include such things as details pertaining to the
4 mobilization or deployment of personnel or equipment, to
5 the operation of communication systems or protocols, to
6 cybersecurity vulnerabilities, or to tactical operations.

7 (w) (Blank).

8 (x) Maps and other records regarding the location or
9 security of generation, transmission, distribution,
10 storage, gathering, treatment, or switching facilities
11 owned by a utility, by a power generator, or by the
12 Illinois Power Agency.

13 (y) Information contained in or related to proposals,
14 bids, or negotiations related to electric power
15 procurement under Section 1-75 of the Illinois Power
16 Agency Act and Section 16-111.5 of the Public Utilities
17 Act that is determined to be confidential and proprietary
18 by the Illinois Power Agency or by the Illinois Commerce
19 Commission.

20 (z) Information about students exempted from
21 disclosure under Section ~~Sections~~ 10-20.38 or 34-18.29 of
22 the School Code, and information about undergraduate
23 students enrolled at an institution of higher education
24 exempted from disclosure under Section 25 of the Illinois
25 Credit Card Marketing Act of 2009.

26 (aa) Information the disclosure of which is exempted

1 under the Viatical Settlements Act of 2009.

2 (bb) Records and information provided to a mortality
3 review team and records maintained by a mortality review
4 team appointed under the Department of Juvenile Justice
5 Mortality Review Team Act.

6 (cc) Information regarding interments, entombments, or
7 inurnments of human remains that are submitted to the
8 Cemetery Oversight Database under the Cemetery Care Act or
9 the Cemetery Oversight Act, whichever is applicable.

10 (dd) Correspondence and records (i) that may not be
11 disclosed under Section 11-9 of the Illinois Public Aid
12 Code or (ii) that pertain to appeals under Section 11-8 of
13 the Illinois Public Aid Code.

14 (ee) The names, addresses, or other personal
15 information of persons who are minors and are also
16 participants and registrants in programs of park
17 districts, forest preserve districts, conservation
18 districts, recreation agencies, and special recreation
19 associations.

20 (ff) The names, addresses, or other personal
21 information of participants and registrants in programs of
22 park districts, forest preserve districts, conservation
23 districts, recreation agencies, and special recreation
24 associations where such programs are targeted primarily to
25 minors.

26 (gg) Confidential information described in Section

1 1-100 of the Illinois Independent Tax Tribunal Act of
2 2012.

3 (hh) The report submitted to the State Board of
4 Education by the School Security and Standards Task Force
5 under item (8) of subsection (d) of Section 2-3.160 of the
6 School Code and any information contained in that report.

7 (ii) Records requested by persons committed to or
8 detained by the Department of Human Services under the
9 Sexually Violent Persons Commitment Act or committed to
10 the Department of Corrections under the Sexually Dangerous
11 Persons Act if those materials: (i) are available in the
12 library of the facility where the individual is confined;
13 (ii) include records from staff members' personnel files,
14 staff rosters, or other staffing assignment information;
15 or (iii) are available through an administrative request
16 to the Department of Human Services or the Department of
17 Corrections.

18 (jj) Confidential information described in Section
19 5-535 of the Civil Administrative Code of Illinois.

20 (kk) The public body's credit card numbers, debit card
21 numbers, bank account numbers, Federal Employer
22 Identification Number, security code numbers, passwords,
23 and similar account information, the disclosure of which
24 could result in identity theft or impression or defrauding
25 of a governmental entity or a person.

26 (ll) Records concerning the work of the threat

1 assessment team of a school district, including, but not
2 limited to, any threat assessment procedure under the
3 School Safety Drill Act and any information contained in
4 the procedure.

5 (mm) Information prohibited from being disclosed under
6 subsections (a) and (b) of Section 15 of the Student
7 Confidential Reporting Act.

8 (nn) ~~(mm)~~ Proprietary information submitted to the
9 Environmental Protection Agency under the Drug Take-Back
10 Act.

11 (oo) ~~(mm)~~ Records described in subsection (f) of
12 Section 3-5-1 of the Unified Code of Corrections.

13 (pp) Medical records, books, papers, or other
14 documents that a medical examiner, deputy medical
15 examiner, or investigator obtains in conducting an
16 investigation or inquest under Division 3-3 of the
17 Counties Code.

18 (1.5) Any information exempt from disclosure under the
19 Judicial Privacy Act shall be redacted from public records
20 prior to disclosure under this Act.

21 (2) A public record that is not in the possession of a
22 public body but is in the possession of a party with whom the
23 agency has contracted to perform a governmental function on
24 behalf of the public body, and that directly relates to the
25 governmental function and is not otherwise exempt under this
26 Act, shall be considered a public record of the public body,

1 for purposes of this Act.

2 (3) This Section does not authorize withholding of
3 information or limit the availability of records to the
4 public, except as stated in this Section or otherwise provided
5 in this Act.

6 (Source: P.A. 101-434, eff. 1-1-20; 101-452, eff. 1-1-20;
7 101-455, eff. 8-23-19; 101-652, eff. 1-1-22; 102-38, eff.
8 6-25-21; 102-558, eff. 8-20-21; 102-694, eff. 1-7-22; 102-752,
9 eff. 5-6-22; 102-753, eff. 1-1-23; 102-776, eff. 1-1-23;
10 102-791, eff. 5-13-22; 102-982, eff. 7-1-23; 102-1055, eff.
11 6-10-22; revised 12-13-22.)

12 (5 ILCS 140/7.5)

13 Sec. 7.5. Statutory exemptions. To the extent provided for
14 by the statutes referenced below, the following shall be
15 exempt from inspection and copying:

16 (a) All information determined to be confidential
17 under Section 4002 of the Technology Advancement and
18 Development Act.

19 (b) Library circulation and order records identifying
20 library users with specific materials under the Library
21 Records Confidentiality Act.

22 (c) Applications, related documents, and medical
23 records received by the Experimental Organ Transplantation
24 Procedures Board and any and all documents or other
25 records prepared by the Experimental Organ Transplantation

1 Procedures Board or its staff relating to applications it
2 has received.

3 (d) Information and records held by the Department of
4 Public Health and its authorized representatives relating
5 to known or suspected cases of sexually transmissible
6 disease or any information the disclosure of which is
7 restricted under the Illinois Sexually Transmissible
8 Disease Control Act.

9 (e) Information the disclosure of which is exempted
10 under Section 30 of the Radon Industry Licensing Act.

11 (f) Firm performance evaluations under Section 55 of
12 the Architectural, Engineering, and Land Surveying
13 Qualifications Based Selection Act.

14 (g) Information the disclosure of which is restricted
15 and exempted under Section 50 of the Illinois Prepaid
16 Tuition Act.

17 (h) Information the disclosure of which is exempted
18 under the State Officials and Employees Ethics Act, and
19 records of any lawfully created State or local inspector
20 general's office that would be exempt if created or
21 obtained by an Executive Inspector General's office under
22 that Act.

23 (i) Information contained in a local emergency energy
24 plan submitted to a municipality in accordance with a
25 local emergency energy plan ordinance that is adopted
26 under Section 11-21.5-5 of the Illinois Municipal Code.

1 (j) Information and data concerning the distribution
2 of surcharge moneys collected and remitted by carriers
3 under the Emergency Telephone System Act.

4 (k) Law enforcement officer identification information
5 or driver identification information compiled by a law
6 enforcement agency or the Department of Transportation
7 under Section 11-212 of the Illinois Vehicle Code.

8 (l) Records and information provided to a residential
9 health care facility resident sexual assault and death
10 review team or the Executive Council under the Abuse
11 Prevention Review Team Act.

12 (m) Information provided to the predatory lending
13 database created pursuant to Article 3 of the Residential
14 Real Property Disclosure Act, except to the extent
15 authorized under that Article.

16 (n) Defense budgets and petitions for certification of
17 compensation and expenses for court appointed trial
18 counsel as provided under Sections 10 and 15 of the
19 Capital Crimes Litigation Act. This subsection (n) shall
20 apply until the conclusion of the trial of the case, even
21 if the prosecution chooses not to pursue the death penalty
22 prior to trial or sentencing.

23 (o) Information that is prohibited from being
24 disclosed under Section 4 of the Illinois Health and
25 Hazardous Substances Registry Act.

26 (p) Security portions of system safety program plans,

1 investigation reports, surveys, schedules, lists, data, or
2 information compiled, collected, or prepared by or for the
3 Department of Transportation under Sections 2705-300 and
4 2705-616 of the Department of Transportation Law of the
5 Civil Administrative Code of Illinois, the Regional
6 Transportation Authority under Section 2.11 of the
7 Regional Transportation Authority Act, or the St. Clair
8 County Transit District under the Bi-State Transit Safety
9 Act.

10 (q) Information prohibited from being disclosed by the
11 Personnel Record Review Act.

12 (r) Information prohibited from being disclosed by the
13 Illinois School Student Records Act.

14 (s) Information the disclosure of which is restricted
15 under Section 5-108 of the Public Utilities Act.

16 (t) All identified or deidentified health information
17 in the form of health data or medical records contained
18 in, stored in, submitted to, transferred by, or released
19 from the Illinois Health Information Exchange, and
20 identified or deidentified health information in the form
21 of health data and medical records of the Illinois Health
22 Information Exchange in the possession of the Illinois
23 Health Information Exchange Office due to its
24 administration of the Illinois Health Information
25 Exchange. The terms "identified" and "deidentified" shall
26 be given the same meaning as in the Health Insurance

1 Portability and Accountability Act of 1996, Public Law
2 104-191, or any subsequent amendments thereto, and any
3 regulations promulgated thereunder.

4 (u) Records and information provided to an independent
5 team of experts under the Developmental Disability and
6 Mental Health Safety Act (also known as Brian's Law).

7 (v) Names and information of people who have applied
8 for or received Firearm Owner's Identification Cards under
9 the Firearm Owners Identification Card Act or applied for
10 or received a concealed carry license under the Firearm
11 Concealed Carry Act, unless otherwise authorized by the
12 Firearm Concealed Carry Act; and databases under the
13 Firearm Concealed Carry Act, records of the Concealed
14 Carry Licensing Review Board under the Firearm Concealed
15 Carry Act, and law enforcement agency objections under the
16 Firearm Concealed Carry Act.

17 (v-5) Records of the Firearm Owner's Identification
18 Card Review Board that are exempted from disclosure under
19 Section 10 of the Firearm Owners Identification Card Act.

20 (w) Personally identifiable information which is
21 exempted from disclosure under subsection (g) of Section
22 19.1 of the Toll Highway Act.

23 (x) Information which is exempted from disclosure
24 under Section 5-1014.3 of the Counties Code or Section
25 8-11-21 of the Illinois Municipal Code.

26 (y) Confidential information under the Adult

1 Protective Services Act and its predecessor enabling
2 statute, the Elder Abuse and Neglect Act, including
3 information about the identity and administrative finding
4 against any caregiver of a verified and substantiated
5 decision of abuse, neglect, or financial exploitation of
6 an eligible adult maintained in the Registry established
7 under Section 7.5 of the Adult Protective Services Act.

8 (z) Records and information provided to a fatality
9 review team or the Illinois Fatality Review Team Advisory
10 Council under Section 15 of the Adult Protective Services
11 Act.

12 (aa) Information which is exempted from disclosure
13 under Section 2.37 of the Wildlife Code.

14 (bb) Information which is or was prohibited from
15 disclosure by the Juvenile Court Act of 1987.

16 (cc) Recordings made under the Law Enforcement
17 Officer-Worn Body Camera Act, except to the extent
18 authorized under that Act.

19 (dd) Information that is prohibited from being
20 disclosed under Section 45 of the Condominium and Common
21 Interest Community Ombudsperson Act.

22 (ee) Information that is exempted from disclosure
23 under Section 30.1 of the Pharmacy Practice Act.

24 (ff) Information that is exempted from disclosure
25 under the Revised Uniform Unclaimed Property Act.

26 (gg) Information that is prohibited from being

1 disclosed under Section 7-603.5 of the Illinois Vehicle
2 Code.

3 (hh) Records that are exempt from disclosure under
4 Section 1A-16.7 of the Election Code.

5 (ii) Information which is exempted from disclosure
6 under Section 2505-800 of the Department of Revenue Law of
7 the Civil Administrative Code of Illinois.

8 (jj) Information and reports that are required to be
9 submitted to the Department of Labor by registering day
10 and temporary labor service agencies but are exempt from
11 disclosure under subsection (a-1) of Section 45 of the Day
12 and Temporary Labor Services Act.

13 (kk) Information prohibited from disclosure under the
14 Seizure and Forfeiture Reporting Act.

15 (ll) Information the disclosure of which is restricted
16 and exempted under Section 5-30.8 of the Illinois Public
17 Aid Code.

18 (mm) Records that are exempt from disclosure under
19 Section 4.2 of the Crime Victims Compensation Act.

20 (nn) Information that is exempt from disclosure under
21 Section 70 of the Higher Education Student Assistance Act.

22 (oo) Communications, notes, records, and reports
23 arising out of a peer support counseling session
24 prohibited from disclosure under the First Responders
25 Suicide Prevention Act.

26 (pp) Names and all identifying information relating to

1 an employee of an emergency services provider or law
2 enforcement agency under the First Responders Suicide
3 Prevention Act.

4 (qq) Information and records held by the Department of
5 Public Health and its authorized representatives collected
6 under the Reproductive Health Act.

7 (rr) Information that is exempt from disclosure under
8 the Cannabis Regulation and Tax Act.

9 (ss) Data reported by an employer to the Department of
10 Human Rights pursuant to Section 2-108 of the Illinois
11 Human Rights Act.

12 (tt) Recordings made under the Children's Advocacy
13 Center Act, except to the extent authorized under that
14 Act.

15 (uu) Information that is exempt from disclosure under
16 Section 50 of the Sexual Assault Evidence Submission Act.

17 (vv) Information that is exempt from disclosure under
18 subsections (f) and (j) of Section 5-36 of the Illinois
19 Public Aid Code.

20 (ww) Information that is exempt from disclosure under
21 Section 16.8 of the State Treasurer Act.

22 (xx) Information that is exempt from disclosure or
23 information that shall not be made public under the
24 Illinois Insurance Code.

25 (yy) Information prohibited from being disclosed under
26 the Illinois Educational Labor Relations Act.

1 (zz) Information prohibited from being disclosed under
2 the Illinois Public Labor Relations Act.

3 (aaa) Information prohibited from being disclosed
4 under Section 1-167 of the Illinois Pension Code.

5 (bbb) Information that is prohibited from disclosure
6 by the Illinois Police Training Act and the Illinois State
7 Police Act.

8 (ccc) Records exempt from disclosure under Section
9 2605-304 of the Illinois State Police Law of the Civil
10 Administrative Code of Illinois.

11 (ddd) Information prohibited from being disclosed
12 under Section 35 of the Address Confidentiality for
13 Victims of Domestic Violence, Sexual Assault, Human
14 Trafficking, or Stalking Act.

15 (eee) Information prohibited from being disclosed
16 under subsection (b) of Section 75 of the Domestic
17 Violence Fatality Review Act.

18 (fff) Images from cameras under the Expressway Camera
19 Act. This subsection (fff) is inoperative on and after
20 July 1, 2023.

21 (ggg) Information prohibited from disclosure under
22 paragraph (3) of subsection (a) of Section 14 of the Nurse
23 Agency Licensing Act.

24 (hhh) Information submitted to the Department of State
25 Police in an affidavit or application for an assault
26 weapon endorsement, assault weapon attachment endorsement,

1 .50 caliber rifle endorsement, or .50 caliber cartridge
2 endorsement under the Firearm Owners Identification Card
3 Act.

4 (iii) Information obtained by an elderly and
5 vulnerable adult death review team under subsection (c) of
6 Section 3-3020 of the Counties Code.

7 (Source: P.A. 101-13, eff. 6-12-19; 101-27, eff. 6-25-19;
8 101-81, eff. 7-12-19; 101-221, eff. 1-1-20; 101-236, eff.
9 1-1-20; 101-375, eff. 8-16-19; 101-377, eff. 8-16-19; 101-452,
10 eff. 1-1-20; 101-466, eff. 1-1-20; 101-600, eff. 12-6-19;
11 101-620, eff. 12-20-19; 101-649, eff. 7-7-20; 101-652, eff.
12 1-1-22; 101-656, eff. 3-23-21; 102-36, eff. 6-25-21; 102-237,
13 eff. 1-1-22; 102-292, eff. 1-1-22; 102-520, eff. 8-20-21;
14 102-559, eff. 8-20-21; 102-813, eff. 5-13-22; 102-946, eff.
15 7-1-22; 102-1042, eff. 6-3-22; 102-1116, eff. 1-10-23.)

16 Section 15. The Election Code is amended by changing
17 Section 18A-218.10 as follows:

18 (10 ILCS 5/18A-218.10)

19 Sec. 18A-218.10. Definitions relating to provisional
20 ballots.

21 (a) As used in this Article:

22 "Citywide or villagewide office" means an office
23 elected by the electors of an entire municipality.

24 "Correct precinct" means the precinct containing the

1 addresses at which the provisional voter resides and at
2 which he or she is registered to vote.

3 "Countywide office" means the offices of Clerk,
4 Sheriff, State's Attorney, Circuit Court Clerk, Recorder,
5 Auditor, County Board President, County Board Member or
6 County Commissioner in those counties that elect those
7 officers countywide, ~~Coroner~~, Regional Superintendent of
8 Schools, Sanitary District Commissioners or Trustees,
9 Assessor, Board of Review Members in those counties that
10 elect those officers countywide, and Treasurer.

11 "Election authority" means either the County Clerk,
12 County Board of Election Commissioners, or Municipal Board
13 of Election Commissioners, as the case may be.

14 "Election jurisdiction" means an entire county, in the
15 case of a county in which no city board of election
16 commissioners is located or that is under the jurisdiction
17 of a county board of election commissioners; the
18 territorial jurisdiction of a city board of election
19 commissioners; and the territory in a county outside of
20 the jurisdiction of a city board of election
21 commissioners. Election jurisdictions shall be determined
22 according to which election authority maintains the
23 permanent registration records of qualified electors.

24 "Incorrect precinct" means the precinct in which the
25 voter cast a provisional ballot, but is not the precinct
26 containing the address at which he or she is registered to

1 vote. In order for a provisional ballot to be eligible for
2 counting when cast in an incorrect precinct, that precinct
3 must be located within either the county or municipality
4 in which the voter is registered.

5 "Leading established political party" means one of the
6 two political parties whose candidates for Governor at the
7 most recent 3 gubernatorial elections received either the
8 highest or second highest average number of votes. The
9 first leading political party is the party whose candidate
10 for Governor received the highest average number of votes
11 in the 3 most recent gubernatorial elections and the
12 second leading political party is the party whose
13 candidate for Governor received the second highest average
14 number of votes in the 3 most recent gubernatorial
15 elections.

16 "Legislative district" means the district in which an
17 Illinois State Senator is elected to serve the residents.

18 "Persons entitled to vote provisionally" or
19 "provisional voter" means a person claiming to be a
20 registered voter who is entitled by Section 18A-5 of this
21 Code to vote a provisional ballot under the following
22 circumstances:

23 (1) The person's name does not appear on the
24 official list of eligible voters for the precinct in
25 which the person seeks to vote and the person has
26 refused an opportunity to register at the polling

1 location or another grace period registration site.

2 (2) The person's voting status has been
3 successfully challenged by an election judge, a
4 pollwatcher or any legal voter.

5 (3) A federal or State court order extends the
6 time for closing the polls beyond the time period
7 established by State law and the person votes during
8 the extended time period.

9 (4) The voter registered to vote by mail and is
10 required by law to present identification when voting
11 either in person or by vote by mail ballot, but fails
12 to do so.

13 (5) The voter's name appears on the list of voters
14 who voted during the early voting period, but the
15 voter claims not to have voted during the early voting
16 period.

17 (6) The voter received a vote by mail ballot but
18 did not return the vote by mail ballot to the election
19 authority, and failed to surrender it to the election
20 judges.

21 (7) The voter attempted to register to vote on
22 election day, but failed to provide the necessary
23 documentation.

24 "Representative district" means the district from
25 which an Illinois State Representative is elected to serve
26 the residents.

1 "Statewide office" means the Constitutional offices of
2 Governor and Lt. Governor running jointly, Secretary of
3 State, Attorney General, Comptroller, and Treasurer.

4 "Township office" means an office elected by the
5 electors of an entire township.

6 (b) Procedures for Voting Provisionally in the Polling
7 Place.

8 (1) If any of the 7 reasons cited in the definition of
9 provisional voter in subsection (a) for casting a
10 provisional ballot exists, an election judge must accept
11 any information provided by a person who casts a
12 provisional ballot that the person believes supports his
13 or her claim that he or she is a duly registered voter and
14 qualified to vote in the election. However, if the
15 person's residence address is outside the precinct
16 boundaries, the election judge shall inform the person of
17 that fact, give the person the appropriate telephone
18 number of the election authority in order to locate the
19 polling place assigned to serve that address (or consult
20 any alternative tools provided by the election authority
21 for determining a voter's correct precinct polling place)
22 and instruct the person to go to the proper polling place
23 to vote.

24 (2) Once it has been determined by the election judges
25 that the person is entitled to receive a provisional
26 ballot, and the voter has completed the provisional voter

1 affidavit, the voter shall be given a provisional ballot
2 and shall proceed to vote that ballot. Upon receipt of the
3 ballot by the election judges, the ballot shall be
4 transmitted to the election authority in accordance with
5 subsection (a) of Section 18A-10 of this Code.

6 (3) In the event that a provisional ballot is
7 mistakenly cast in a precinct other than the precinct that
8 contains the voter's address of registration (if the voter
9 believed he or she registered in the precinct in which he
10 or she voted provisionally, and the election judges should
11 have, but did not direct the voter to vote in the correct
12 precinct), Section 218.20 shall apply.

13 (Source: P.A. 98-1171, eff. 6-1-15.)

14 (10 ILCS 5/2A-18 rep.)

15 Section 20. The Election Code is amended by repealing
16 Section 2A-18.

17 Section 25. The Civil Administrative Code of Illinois is
18 amended by changing Section 5-565 and by adding Section 5-566
19 as follows:

20 (20 ILCS 5/5-565) (was 20 ILCS 5/6.06)

21 Sec. 5-565. In the Department of Public Health.

22 (a) The General Assembly declares it to be the public
23 policy of this State that all residents of Illinois are

1 entitled to lead healthy lives. Governmental public health has
2 a specific responsibility to ensure that a public health
3 system is in place to allow the public health mission to be
4 achieved. The public health system is the collection of
5 public, private, and voluntary entities as well as individuals
6 and informal associations that contribute to the public's
7 health within the State. To develop a public health system
8 requires certain core functions to be performed by government.
9 The State Board of Health is to assume the leadership role in
10 advising the Director in meeting the following functions:

- 11 (1) Needs assessment.
- 12 (2) Statewide health objectives.
- 13 (3) Policy development.
- 14 (4) Assurance of access to necessary services.

15 There shall be a State Board of Health composed of 20
16 persons, all of whom shall be appointed by the Governor, with
17 the advice and consent of the Senate for those appointed by the
18 Governor on and after June 30, 1998, and one of whom shall be a
19 senior citizen age 60 or over. Five members shall be
20 physicians licensed to practice medicine in all its branches,
21 one representing a medical school faculty, one who is board
22 certified in preventive medicine, and one who is engaged in
23 private practice. One member shall be a chiropractic
24 physician. One member shall be a dentist; one an environmental
25 health practitioner; one a local public health administrator;
26 one a local board of health member; one a registered nurse; one

1 a physical therapist; one an optometrist; one a veterinarian;
2 one a public health academician; one a health care industry
3 representative; one a representative of the business
4 community; one a representative of the non-profit public
5 interest community; and 2 shall be citizens at large.

6 The terms of Board of Health members shall be 3 years,
7 except that members shall continue to serve on the Board of
8 Health until a replacement is appointed. Upon the effective
9 date of Public Act 93-975 (January 1, 2005), in the
10 appointment of the Board of Health members appointed to
11 vacancies or positions with terms expiring on or before
12 December 31, 2004, the Governor shall appoint up to 6 members
13 to serve for terms of 3 years; up to 6 members to serve for
14 terms of 2 years; and up to 5 members to serve for a term of
15 one year, so that the term of no more than 6 members expire in
16 the same year. All members shall be legal residents of the
17 State of Illinois. The duties of the Board shall include, but
18 not be limited to, the following:

19 (1) To advise the Department of ways to encourage
20 public understanding and support of the Department's
21 programs.

22 (2) To evaluate all boards, councils, committees,
23 authorities, and bodies advisory to, or an adjunct of, the
24 Department of Public Health or its Director for the
25 purpose of recommending to the Director one or more of the
26 following:

1 (i) The elimination of bodies whose activities are
2 not consistent with goals and objectives of the
3 Department.

4 (ii) The consolidation of bodies whose activities
5 encompass compatible programmatic subjects.

6 (iii) The restructuring of the relationship
7 between the various bodies and their integration
8 within the organizational structure of the Department.

9 (iv) The establishment of new bodies deemed
10 essential to the functioning of the Department.

11 (3) To serve as an advisory group to the Director for
12 public health emergencies and control of health hazards.

13 (4) To advise the Director regarding public health
14 policy, and to make health policy recommendations
15 regarding priorities to the Governor through the Director.

16 (5) To present public health issues to the Director
17 and to make recommendations for the resolution of those
18 issues.

19 (6) To recommend studies to delineate public health
20 problems.

21 (7) To make recommendations to the Governor through
22 the Director regarding the coordination of State public
23 health activities with other State and local public health
24 agencies and organizations.

25 (8) To report on or before February 1 of each year on
26 the health of the residents of Illinois to the Governor,

1 the General Assembly, and the public.

2 (9) To review the final draft of all proposed
3 administrative rules, other than emergency or peremptory
4 rules and those rules that another advisory body must
5 approve or review within a statutorily defined time
6 period, of the Department after September 19, 1991 (the
7 effective date of Public Act 87-633). The Board shall
8 review the proposed rules within 90 days of submission by
9 the Department. The Department shall take into
10 consideration any comments and recommendations of the
11 Board regarding the proposed rules prior to submission to
12 the Secretary of State for initial publication. If the
13 Department disagrees with the recommendations of the
14 Board, it shall submit a written response outlining the
15 reasons for not accepting the recommendations.

16 In the case of proposed administrative rules or
17 amendments to administrative rules regarding immunization
18 of children against preventable communicable diseases
19 designated by the Director under the Communicable Disease
20 Prevention Act, after the Immunization Advisory Committee
21 has made its recommendations, the Board shall conduct 3
22 public hearings, geographically distributed throughout the
23 State. At the conclusion of the hearings, the State Board
24 of Health shall issue a report, including its
25 recommendations, to the Director. The Director shall take
26 into consideration any comments or recommendations made by

1 the Board based on these hearings.

2 (10) To deliver to the Governor for presentation to
3 the General Assembly a State Health Assessment (SHA) and a
4 State Health Improvement Plan (SHIP). The first 5 such
5 plans shall be delivered to the Governor on January 1,
6 2006, January 1, 2009, January 1, 2016, January 1, 2021,
7 and December 31, 2023, and then every 5 years thereafter.

8 The State Health Assessment and State Health
9 Improvement Plan shall assess and recommend priorities and
10 strategies to improve the public health system and the
11 health status of Illinois residents, reduce health
12 disparities and inequities, and promote health equity. The
13 State Health Assessment and State Health Improvement Plan
14 development and implementation shall conform to national
15 Public Health Accreditation Board Standards. The State
16 Health Assessment and State Health Improvement Plan
17 development and implementation process shall be carried
18 out with the administrative and operational support of the
19 Department of Public Health.

20 The State Health Assessment shall include
21 comprehensive, broad-based data and information from a
22 variety of sources on health status and the public health
23 system including:

24 (i) quantitative data, if it is available, on the
25 demographics and health status of the population,
26 including data over time on health by gender identity,

1 sexual orientation, race, ethnicity, age,
2 socio-economic factors, geographic region, disability
3 status, and other indicators of disparity;

4 (ii) quantitative data on social and structural
5 issues affecting health (social and structural
6 determinants of health), including, but not limited
7 to, housing, transportation, educational attainment,
8 employment, and income inequality;

9 (iii) priorities and strategies developed at the
10 community level through the Illinois Project for Local
11 Assessment of Needs (IPLAN) and other local and
12 regional community health needs assessments;

13 (iv) qualitative data representing the
14 population's input on health concerns and well-being,
15 including the perceptions of people experiencing
16 disparities and health inequities;

17 (v) information on health disparities and health
18 inequities; and

19 (vi) information on public health system strengths
20 and areas for improvement.

21 The State Health Improvement Plan shall focus on
22 prevention, social determinants of health, and promoting
23 health equity as key strategies for long-term health
24 improvement in Illinois.

25 The State Health Improvement Plan shall identify
26 priority State health issues and social issues affecting

1 health, and shall examine and make recommendations on the
2 contributions and strategies of the public and private
3 sectors for improving health status and the public health
4 system in the State. In addition to recommendations on
5 health status improvement priorities and strategies for
6 the population of the State as a whole, the State Health
7 Improvement Plan shall make recommendations, provided that
8 data exists to support such recommendations, regarding
9 priorities and strategies for reducing and eliminating
10 health disparities and health inequities in Illinois;
11 including racial, ethnic, gender identification, sexual
12 orientation, age, disability, socio-economic, and
13 geographic disparities. The State Health Improvement Plan
14 shall make recommendations regarding social determinants
15 of health, such as housing, transportation, educational
16 attainment, employment, and income inequality.

17 The development and implementation of the State Health
18 Assessment and State Health Improvement Plan shall be a
19 collaborative public-private cross-agency effort overseen
20 by the SHA and SHIP Partnership. The Director of Public
21 Health shall consult with the Governor to ensure
22 participation by the head of State agencies with public
23 health responsibilities (or their designees) in the SHA
24 and SHIP Partnership, including, but not limited to, the
25 Department of Public Health, the Department of Human
26 Services, the Department of Healthcare and Family

1 Services, the Department of Children and Family Services,
2 the Environmental Protection Agency, the Illinois State
3 Board of Education, the Department on Aging, the Illinois
4 Housing Development Authority, the Illinois Criminal
5 Justice Information Authority, the Department of
6 Agriculture, the Department of Transportation, the
7 Department of Corrections, the Department of Commerce and
8 Economic Opportunity, and the Chair of the State Board of
9 Health to also serve on the Partnership. A member of the
10 Governor's staff shall participate in the Partnership and
11 serve as a liaison to the Governor's office.

12 The Director of Public Health shall appoint a minimum
13 of 15 other members of the SHA and SHIP Partnership
14 representing a range of public, private, and voluntary
15 sector stakeholders and participants in the public health
16 system. For the first SHA and SHIP Partnership after April
17 27, 2021 (the effective date of Public Act 102-4),
18 one-half of the members shall be appointed for a 3-year
19 term, and one-half of the members shall be appointed for a
20 5-year term. Subsequently, members shall be appointed to
21 5-year terms. Should any member not be able to fulfill his
22 or her term, the Director may appoint a replacement to
23 complete that term. The Director, in consultation with the
24 SHA and SHIP Partnership, may engage additional
25 individuals and organizations to serve on subcommittees
26 and ad hoc efforts to conduct the State Health Assessment

1 and develop and implement the State Health Improvement
2 Plan. Members of the SHA and SHIP Partnership shall
3 receive no compensation for serving as members, but may be
4 reimbursed for their necessary expenses if departmental
5 resources allow.

6 The SHA and SHIP Partnership shall include
7 representatives of local health departments and
8 individuals with expertise who represent an array of
9 organizations and constituencies engaged in public health
10 improvement and prevention, such as non-profit public
11 interest groups, groups serving populations that
12 experience health disparities and health inequities,
13 groups addressing social determinants of health, health
14 issue groups, faith community groups, health care
15 providers, businesses and employers, academic
16 institutions, and community-based organizations.

17 The Director shall endeavor to make the membership of
18 the Partnership diverse and inclusive of the racial,
19 ethnic, gender, socio-economic, and geographic diversity
20 of the State. The SHA and SHIP Partnership shall be
21 chaired by the Director of Public Health or his or her
22 designee.

23 The SHA and SHIP Partnership shall develop and
24 implement a community engagement process that facilitates
25 input into the development of the State Health Assessment
26 and State Health Improvement Plan. This engagement process

1 shall ensure that individuals with lived experience in the
2 issues addressed in the State Health Assessment and State
3 Health Improvement Plan are meaningfully engaged in the
4 development and implementation of the State Health
5 Assessment and State Health Improvement Plan.

6 The State Board of Health shall hold at least 3 public
7 hearings addressing a draft of the State Health
8 Improvement Plan in representative geographic areas of the
9 State.

10 Upon the delivery of each State Health Assessment and
11 State Health Improvement Plan, the SHA and SHIP
12 Partnership shall coordinate the efforts and engagement of
13 the public, private, and voluntary sector stakeholders and
14 participants in the public health system to implement each
15 SHIP. The Partnership shall serve as a forum for
16 collaborative action; coordinate existing and new
17 initiatives; develop detailed implementation steps, with
18 mechanisms for action; implement specific projects;
19 identify public and private funding sources at the local,
20 State and federal level; promote public awareness of the
21 SHIP; and advocate for the implementation of the SHIP. The
22 SHA and SHIP Partnership shall implement strategies to
23 ensure that individuals and communities affected by health
24 disparities and health inequities are engaged in the
25 process throughout the 5-year cycle. The SHA and SHIP
26 Partnership shall regularly evaluate and update the State

1 Health Assessment and track implementation of the State
2 Health Improvement Plan with revisions as necessary. The
3 SHA and SHIP Partnership shall not have the authority to
4 direct any public or private entity to take specific
5 action to implement the SHIP.

6 The State Board of Health shall submit a report by
7 January 31 of each year on the status of State Health
8 Improvement Plan implementation and community engagement
9 activities to the Governor, General Assembly, and public.
10 In the fifth year, the report may be consolidated into the
11 new State Health Assessment and State Health Improvement
12 Plan.

13 (11) Upon the request of the Governor, to recommend to
14 the Governor candidates for Director of Public Health when
15 vacancies occur in the position.

16 (12) To adopt bylaws for the conduct of its own
17 business, including the authority to establish ad hoc
18 committees to address specific public health programs
19 requiring resolution.

20 (13) (Blank).

21 Upon appointment, the Board shall elect a chairperson from
22 among its members.

23 Members of the Board shall receive compensation for their
24 services at the rate of \$150 per day, not to exceed \$10,000 per
25 year, as designated by the Director for each day required for
26 transacting the business of the Board and shall be reimbursed

1 for necessary expenses incurred in the performance of their
2 duties. The Board shall meet from time to time at the call of
3 the Department, at the call of the chairperson, or upon the
4 request of 3 of its members, but shall not meet less than 4
5 times per year.

6 (b) (Blank).

7 (c) An Advisory Board on Necropsy Service to Medical
8 Examiners ~~Coroners~~ shall counsel and advise with the Director
9 on the administration of the Autopsy Act. The Advisory Board
10 shall consist of 11 members, including a senior citizen age 60
11 or over, appointed by the Governor, one of whom shall be
12 designated as chairman by a majority of the members of the
13 Board. In the appointment of the first Board the Governor
14 shall appoint 3 members to serve for terms of one year, 3 for
15 terms of 2 years, and 3 for terms of 3 years. The members first
16 appointed under Public Act 83-1538 shall serve for a term of 3
17 years. All members appointed thereafter shall be appointed for
18 terms of 3 years, except that when an appointment is made to
19 fill a vacancy, the appointment shall be for the remaining
20 term of the position vacant. The members of the Board shall be
21 citizens of the State of Illinois. In the appointment of
22 members of the Advisory Board, the Governor shall appoint 3
23 members who shall be persons licensed to practice medicine and
24 surgery in the State of Illinois, at least 2 of whom shall have
25 received post-graduate training in the field of pathology; 3
26 members who are medical examiners ~~duly elected coroners~~ in

1 this State; and 5 members who shall have interest and
2 abilities in the field of forensic medicine but who shall be
3 neither persons licensed to practice any branch of medicine in
4 this State nor medical examiners ~~coroners~~. In the appointment
5 of medical and medical examiner ~~coroner~~ members of the Board,
6 the Governor shall invite nominations from recognized medical
7 and medical examiner ~~coroners~~ organizations in this State
8 respectively. Board members, while serving on business of the
9 Board, shall receive actual necessary travel and subsistence
10 expenses while so serving away from their places of residence.
11 (Source: P.A. 102-4, eff. 4-27-21; 102-558, eff. 8-20-21;
12 102-674, eff. 11-30-21; 102-1109, eff. 12-21-22.)

13 (20 ILCS 5/5-566 new)

14 Sec. 5-566. Transition to Advisory Board on Necropsy
15 Service to Medical Examiners. No later than November 30, 2024,
16 the Governor shall appoint 3 medical examiners to the Board
17 under subsection (c) of Section 5-565, designating for each
18 appointment which coroner on the Board is being replaced, from
19 the medical examiners appointed under subsection (a) of
20 Section 3-3000 of the Counties Code. The terms of the medical
21 examiners appointed under this Section shall expire at the
22 same time of the coroner whom each medical examiner replaced.
23 If all 3 medical examiners are not appointed to the Board under
24 this Section on or before November 30, 2024, the coroner or
25 coroners on the Board who have not yet been replaced with a

1 medical examiner on November 30, 2024 shall continue as Board
2 members until medical examiners are appointed and qualified to
3 replace them.

4 Section 30. The Illinois Act on the Aging is amended by
5 changing Section 4.04 as follows:

6 (20 ILCS 105/4.04) (from Ch. 23, par. 6104.04)

7 Sec. 4.04. Long Term Care Ombudsman Program. The purpose
8 of the Long Term Care Ombudsman Program is to ensure that older
9 persons and persons with disabilities receive quality
10 services. This is accomplished by providing advocacy services
11 for residents of long term care facilities and participants
12 receiving home care and community-based care. Managed care is
13 increasingly becoming the vehicle for delivering health and
14 long-term services and supports to seniors and persons with
15 disabilities, including dual eligible participants. The
16 additional ombudsman authority will allow advocacy services to
17 be provided to Illinois participants for the first time and
18 will produce a cost savings for the State of Illinois by
19 supporting the rebalancing efforts of the Patient Protection
20 and Affordable Care Act.

21 (a) Long Term Care Ombudsman Program. The Department shall
22 establish a Long Term Care Ombudsman Program, through the
23 Office of State Long Term Care Ombudsman ("the Office"), in
24 accordance with the provisions of the Older Americans Act of

1 1965, as now or hereafter amended. The Long Term Care
2 Ombudsman Program is authorized, subject to sufficient
3 appropriations, to advocate on behalf of older persons and
4 persons with disabilities residing in their own homes or
5 community-based settings, relating to matters which may
6 adversely affect the health, safety, welfare, or rights of
7 such individuals.

8 (b) Definitions. As used in this Section, unless the
9 context requires otherwise:

10 (1) "Access" means the right to:

11 (i) Enter any long term care facility or assisted
12 living or shared housing establishment or supportive
13 living facility;

14 (ii) Communicate privately and without restriction
15 with any resident, regardless of age, who consents to
16 the communication;

17 (iii) Seek consent to communicate privately and
18 without restriction with any participant or resident,
19 regardless of age;

20 (iv) Inspect the clinical and other records of a
21 participant or resident, regardless of age, with the
22 express written consent of the participant or
23 resident;

24 (v) Observe all areas of the long term care
25 facility or supportive living facilities, assisted
26 living or shared housing establishment except the

1 living area of any resident who protests the
2 observation; and

3 (vi) Subject to permission of the participant or
4 resident requesting services or his or her
5 representative, enter a home or community-based
6 setting.

7 (2) "Long Term Care Facility" means (i) any facility
8 as defined by Section 1-113 of the Nursing Home Care Act,
9 as now or hereafter amended; (ii) any skilled nursing
10 facility or a nursing facility which meets the
11 requirements of Section 1819(a), (b), (c), and (d) or
12 Section 1919(a), (b), (c), and (d) of the Social Security
13 Act, as now or hereafter amended (42 U.S.C. 1395i-3(a),
14 (b), (c), and (d) and 42 U.S.C. 1396r(a), (b), (c), and
15 (d)); (iii) any facility as defined by Section 1-113 of
16 the ID/DD Community Care Act, as now or hereafter amended;
17 (iv) any facility as defined by Section 1-113 of MC/DD
18 Act, as now or hereafter amended; and (v) any facility
19 licensed under Section 4-105 or 4-201 of the Specialized
20 Mental Health Rehabilitation Act of 2013, as now or
21 hereafter amended.

22 (2.5) "Assisted living establishment" and "shared
23 housing establishment" have the meanings given those terms
24 in Section 10 of the Assisted Living and Shared Housing
25 Act.

26 (2.7) "Supportive living facility" means a facility

1 established under Section 5-5.01a of the Illinois Public
2 Aid Code.

3 (2.8) "Community-based setting" means any place of
4 abode other than an individual's private home.

5 (3) "State Long Term Care Ombudsman" means any person
6 employed by the Department to fulfill the requirements of
7 the Office of State Long Term Care Ombudsman as required
8 under the Older Americans Act of 1965, as now or hereafter
9 amended, and Departmental policy.

10 (3.1) "Ombudsman" means any designated representative
11 of the State Long Term Care Ombudsman Program; provided
12 that the representative, whether he is paid for or
13 volunteers his ombudsman services, shall be qualified and
14 designated by the Office to perform the duties of an
15 ombudsman as specified by the Department in rules and in
16 accordance with the provisions of the Older Americans Act
17 of 1965, as now or hereafter amended.

18 (4) "Participant" means an older person aged 60 or
19 over or an adult with a disability aged 18 through 59 who
20 is eligible for services under any of the following:

21 (i) A medical assistance waiver administered by
22 the State.

23 (ii) A managed care organization providing care
24 coordination and other services to seniors and persons
25 with disabilities.

26 (5) "Resident" means an older person aged 60 or over

1 or an adult with a disability aged 18 through 59 who
2 resides in a long-term care facility.

3 (c) Ombudsman; rules. The Office of State Long Term Care
4 Ombudsman shall be composed of at least one full-time
5 ombudsman and shall include a system of designated regional
6 long term care ombudsman programs. Each regional program shall
7 be designated by the State Long Term Care Ombudsman as a
8 subdivision of the Office and any representative of a regional
9 program shall be treated as a representative of the Office.

10 The Department, in consultation with the Office, shall
11 promulgate administrative rules in accordance with the
12 provisions of the Older Americans Act of 1965, as now or
13 hereafter amended, to establish the responsibilities of the
14 Department and the Office of State Long Term Care Ombudsman
15 and the designated regional Ombudsman programs. The
16 administrative rules shall include the responsibility of the
17 Office and designated regional programs to investigate and
18 resolve complaints made by or on behalf of residents of long
19 term care facilities, supportive living facilities, and
20 assisted living and shared housing establishments, and
21 participants residing in their own homes or community-based
22 settings, including the option to serve residents and
23 participants under the age of 60, relating to actions,
24 inaction, or decisions of providers, or their representatives,
25 of such facilities and establishments, of public agencies, or
26 of social services agencies, which may adversely affect the

1 health, safety, welfare, or rights of such residents and
2 participants. The Office and designated regional programs may
3 represent all residents and participants, but are not required
4 by this Act to represent persons under 60 years of age, except
5 to the extent required by federal law. When necessary and
6 appropriate, representatives of the Office shall refer
7 complaints to the appropriate regulatory State agency. The
8 Department, in consultation with the Office, shall cooperate
9 with the Department of Human Services and other State agencies
10 in providing information and training to designated regional
11 long term care ombudsman programs about the appropriate
12 assessment and treatment (including information about
13 appropriate supportive services, treatment options, and
14 assessment of rehabilitation potential) of the participants
15 they serve.

16 The State Long Term Care Ombudsman and all other
17 ombudsmen, as defined in paragraph (3.1) of subsection (b)
18 must submit to background checks under the Health Care Worker
19 Background Check Act and receive training, as prescribed by
20 the Illinois Department on Aging, before visiting facilities,
21 private homes, or community-based settings. The training must
22 include information specific to assisted living
23 establishments, supportive living facilities, shared housing
24 establishments, private homes, and community-based settings
25 and to the rights of residents and participants guaranteed
26 under the corresponding Acts and administrative rules.

1 (c-5) Consumer Choice Information Reports. The Office
2 shall:

3 (1) In collaboration with the Attorney General, create
4 a Consumer Choice Information Report form to be completed
5 by all licensed long term care facilities to aid
6 Illinoisans and their families in making informed choices
7 about long term care. The Office shall create a Consumer
8 Choice Information Report for each type of licensed long
9 term care facility. The Office shall collaborate with the
10 Attorney General and the Department of Human Services to
11 create a Consumer Choice Information Report form for
12 facilities licensed under the ID/DD Community Care Act or
13 the MC/DD Act.

14 (2) Develop a database of Consumer Choice Information
15 Reports completed by licensed long term care facilities
16 that includes information in the following consumer
17 categories:

- 18 (A) Medical Care, Services, and Treatment.
19 (B) Special Services and Amenities.
20 (C) Staffing.
21 (D) Facility Statistics and Resident Demographics.
22 (E) Ownership and Administration.
23 (F) Safety and Security.
24 (G) Meals and Nutrition.
25 (H) Rooms, Furnishings, and Equipment.
26 (I) Family, Volunteer, and Visitation Provisions.

1 (3) Make this information accessible to the public,
2 including on the Internet by means of a hyperlink on the
3 Office's World Wide Web home page. Information about
4 facilities licensed under the ID/DD Community Care Act or
5 the MC/DD Act shall be made accessible to the public by the
6 Department of Human Services, including on the Internet by
7 means of a hyperlink on the Department of Human Services'
8 "For Customers" website.

9 (4) Have the authority, with the Attorney General, to
10 verify that information provided by a facility is
11 accurate.

12 (5) Request a new report from any licensed facility
13 whenever it deems necessary.

14 (6) Include in the Office's Consumer Choice
15 Information Report for each type of licensed long term
16 care facility additional information on each licensed long
17 term care facility in the State of Illinois, including
18 information regarding each facility's compliance with the
19 relevant State and federal statutes, rules, and standards;
20 customer satisfaction surveys; and information generated
21 from quality measures developed by the Centers for
22 Medicare and Medicaid Services.

23 (d) Access and visitation rights.

24 (1) In accordance with subparagraphs (A) and (E) of
25 paragraph (3) of subsection (c) of Section 1819 and
26 subparagraphs (A) and (E) of paragraph (3) of subsection

1 (c) of Section 1919 of the Social Security Act, as now or
2 hereafter amended (42 U.S.C. 1395i-3 (c) (3) (A) and (E) and
3 42 U.S.C. 1396r (c) (3) (A) and (E)), and Section 712 of the
4 Older Americans Act of 1965, as now or hereafter amended
5 (42 U.S.C. 3058f), a long term care facility, supportive
6 living facility, assisted living establishment, and shared
7 housing establishment must:

8 (i) permit immediate access to any resident,
9 regardless of age, by a designated ombudsman;

10 (ii) permit representatives of the Office, with
11 the permission of the resident's legal representative
12 or legal guardian, to examine a resident's clinical
13 and other records, regardless of the age of the
14 resident, and if a resident is unable to consent to
15 such review, and has no legal guardian, permit
16 representatives of the Office appropriate access, as
17 defined by the Department, in consultation with the
18 Office, in administrative rules, to the resident's
19 records; and

20 (iii) permit a representative of the Program to
21 communicate privately and without restriction with any
22 participant who consents to the communication
23 regardless of the consent of, or withholding of
24 consent by, a legal guardian or an agent named in a
25 power of attorney executed by the participant.

26 (2) Each long term care facility, supportive living

1 facility, assisted living establishment, and shared
2 housing establishment shall display, in multiple,
3 conspicuous public places within the facility accessible
4 to both visitors and residents and in an easily readable
5 format, the address and phone number of the Office of the
6 Long Term Care Ombudsman, in a manner prescribed by the
7 Office.

8 (e) Immunity. An ombudsman or any representative of the
9 Office participating in the good faith performance of his or
10 her official duties shall have immunity from any liability
11 (civil, criminal or otherwise) in any proceedings (civil,
12 criminal or otherwise) brought as a consequence of the
13 performance of his official duties.

14 (f) Business offenses.

15 (1) No person shall:

16 (i) Intentionally prevent, interfere with, or
17 attempt to impede in any way any representative of the
18 Office in the performance of his official duties under
19 this Act and the Older Americans Act of 1965; or

20 (ii) Intentionally retaliate, discriminate
21 against, or effect reprisals against any long term
22 care facility resident or employee for contacting or
23 providing information to any representative of the
24 Office.

25 (2) A violation of this Section is a business offense,
26 punishable by a fine not to exceed \$501.

1 (3) The State Long Term Care Ombudsman shall notify
2 the State's Attorney of the county in which the long term
3 care facility, supportive living facility, or assisted
4 living or shared housing establishment is located, or the
5 Attorney General, of any violations of this Section.

6 (g) Confidentiality of records and identities. The
7 Department shall establish procedures for the disclosure by
8 the State Ombudsman or the regional ombudsmen entities of
9 files maintained by the program. The procedures shall provide
10 that the files and records may be disclosed only at the
11 discretion of the State Long Term Care Ombudsman or the person
12 designated by the State Ombudsman to disclose the files and
13 records, and the procedures shall prohibit the disclosure of
14 the identity of any complainant, resident, participant,
15 witness, or employee of a long term care provider unless:

16 (1) the complainant, resident, participant, witness,
17 or employee of a long term care provider or his or her
18 legal representative consents to the disclosure and the
19 consent is in writing;

20 (2) the complainant, resident, participant, witness,
21 or employee of a long term care provider gives consent
22 orally; and the consent is documented contemporaneously in
23 writing in accordance with such requirements as the
24 Department shall establish; or

25 (3) the disclosure is required by court order.

26 (h) Legal representation. The Attorney General shall

1 provide legal representation to any representative of the
2 Office against whom suit or other legal action is brought in
3 connection with the performance of the representative's
4 official duties, in accordance with the State Employee
5 Indemnification Act.

6 (i) Treatment by prayer and spiritual means. Nothing in
7 this Act shall be construed to authorize or require the
8 medical supervision, regulation or control of remedial care or
9 treatment of any resident in a long term care facility
10 operated exclusively by and for members or adherents of any
11 church or religious denomination the tenets and practices of
12 which include reliance solely upon spiritual means through
13 prayer for healing.

14 (j) The Long Term Care Ombudsman Fund is created as a
15 special fund in the State treasury to receive moneys for the
16 express purposes of this Section. All interest earned on
17 moneys in the fund shall be credited to the fund. Moneys
18 contained in the fund shall be used to support the purposes of
19 this Section.

20 (k) Each Regional Ombudsman may, in accordance with rules
21 promulgated by the Office, establish a multi-disciplinary team
22 to act in an advisory role for the purpose of providing
23 professional knowledge and expertise in handling complex
24 abuse, neglect, and advocacy issues involving participants.
25 Each multi-disciplinary team may consist of one or more
26 volunteer representatives from any combination of at least 7

1 members from the following professions: banking or finance;
2 disability care; health care; pharmacology; law; law
3 enforcement; emergency responder; mental health care; clergy;
4 ~~coroner or~~ medical examiner; substance abuse; domestic
5 violence; sexual assault; or other related fields. To support
6 multi-disciplinary teams in this role, law enforcement
7 agencies and ~~coroners or~~ medical examiners shall supply
8 records as may be requested in particular cases. The Regional
9 Ombudsman, or his or her designee, of the area in which the
10 multi-disciplinary team is created shall be the facilitator of
11 the multi-disciplinary team.

12 (Source: P.A. 102-1033, eff. 1-1-23.)

13 Section 35. The Child Death Review Team Act is amended by
14 changing Sections 15, 20, 25, and 40 as follows:

15 (20 ILCS 515/15)

16 Sec. 15. Child death review teams; establishment.

17 (a) The Inspector General of the Department, in
18 consultation and cooperation with the Executive Council, law
19 enforcement, and other professionals who work in the field of
20 investigating, treating, or preventing child abuse or neglect
21 in that subregion, shall appoint members to a child death
22 review team in each of the Department's administrative
23 subregions of the State outside Cook County and at least one
24 child death review team in Cook County. The members of a team

1 shall be appointed for 2-year terms and shall be eligible for
2 reappointment upon the expiration of the terms. The Inspector
3 General of the Department must fill any vacancy in a team
4 within 60 days after that vacancy occurs.

5 (b) Each child death review team shall consist of at least
6 one member from each of the following categories:

7 (1) Pediatrician or other physician knowledgeable
8 about child abuse and neglect.

9 (2) Representative of the Department.

10 (3) State's attorney or State's attorney's
11 representative.

12 (4) Representative of a local law enforcement agency.

13 (5) Psychologist or psychiatrist.

14 (6) Representative of a local health department.

15 (7) Representative of a school district or other
16 education or child care interests.

17 (8) Medical examiner ~~Coroner~~ or forensic pathologist.

18 (9) Representative of a child welfare agency or child
19 advocacy organization.

20 (10) Representative of a local hospital, trauma
21 center, or provider of emergency medical services.

22 (11) Representative of the Illinois State Police.

23 (12) Representative of the Department of Public
24 Health.

25 Each child death review team may make recommendations to
26 the Inspector General of the Department concerning additional

1 appointments. In the event of a disagreement, the Executive
2 Council's decision shall control.

3 Each child death review team member must have demonstrated
4 experience and an interest in investigating, treating, or
5 preventing child abuse or neglect.

6 (c) Each child death review team shall select a
7 chairperson and vice-chairperson from among its members. The
8 chairperson shall also serve on the Illinois Child Death
9 Review Teams Executive Council. The vice-chairperson may also
10 serve on the Illinois Child Death Review Teams Executive
11 Council, but shall not have a vote on child death review team
12 business unless the chairperson is unable to attend a meeting.

13 (d) The child death review teams shall be funded under a
14 separate line item in the Department's annual budget.

15 (e) The Department shall provide at least one full-time
16 Statewide Department of Children and Family Services Liaison
17 who shall attend all child death review team meetings, all
18 Executive meetings, all Executive Council meetings, and
19 meetings between the Director and the Executive Council.

20 (Source: P.A. 102-538, eff. 8-20-21.)

21 (20 ILCS 515/20)

22 Sec. 20. Reviews of child deaths.

23 (a) Every child death shall be reviewed by the team in the
24 subregion which has primary case management responsibility.
25 The deceased child must be one of the following:

1 (1) A youth in care.

2 (2) The subject of an open service case maintained by
3 the Department.

4 (3) The subject of a pending child abuse or neglect
5 investigation.

6 (4) A child who was the subject of an abuse or neglect
7 investigation at any time during the 12 months preceding
8 the child's death.

9 (5) Any other child whose death is reported to the
10 State central register as a result of alleged child abuse
11 or neglect which report is subsequently indicated.

12 A child death review team may, at its discretion, review
13 other sudden, unexpected, or unexplained child deaths, cases
14 of serious or fatal injuries to a child identified under the
15 Children's Advocacy Center Act, and all unfounded child death
16 cases.

17 (b) A child death review team's purpose in conducting
18 reviews of child deaths is to do the following:

19 (1) Assist in determining the cause and manner of the
20 child's death, when requested.

21 (2) Evaluate means by which the death might have been
22 prevented.

23 (3) Report its findings to appropriate agencies and
24 make recommendations that may help to reduce the number of
25 child deaths caused by abuse or neglect.

26 (4) Promote continuing education for professionals

1 involved in investigating, treating, and preventing child
2 abuse and neglect as a means of preventing child deaths
3 due to abuse or neglect.

4 (5) Make specific recommendations to the Director and
5 the Inspector General of the Department concerning the
6 prevention of child deaths due to abuse or neglect and the
7 establishment of protocols for investigating child deaths.

8 (c) A child death review team shall review a child death as
9 soon as practical and not later than 90 days following the
10 completion by the Department of the investigation of the death
11 under the Abused and Neglected Child Reporting Act. When there
12 has been no investigation by the Department, the child death
13 review team shall review a child's death within 90 days after
14 obtaining the information necessary to complete the review
15 from the ~~coroner~~, pathologist, medical examiner, or law
16 enforcement agency, depending on the nature of the case. A
17 child death review team shall meet at least once in each
18 calendar quarter.

19 (d) The Director shall, within 90 days, review and reply
20 to recommendations made by a team under item (5) of subsection
21 (b). With respect to each recommendation made by a team, the
22 Director shall submit his or her reply both to the chairperson
23 of that team and to the chairperson of the Executive Council.
24 The Director's reply to each recommendation must include a
25 statement as to whether the Director intends to implement the
26 recommendation. The Director shall meet in person with the

1 Executive Council at least every 60 days to discuss
2 recommendations and the Department's responses.

3 The Director shall implement recommendations as feasible
4 and appropriate and shall respond in writing to explain the
5 implementation or nonimplementation of the recommendations.

6 (e) Within 90 days after the Director submits a reply with
7 respect to a recommendation as required by subsection (d), the
8 Director must submit an additional report that sets forth in
9 detail the way, if any, in which the Director will implement
10 the recommendation and the schedule for implementing the
11 recommendation. The Director shall submit this report to the
12 chairperson of the team that made the recommendation and to
13 the chairperson of the Executive Council.

14 (f) Within 180 days after the Director submits a report
15 under subsection (e) concerning the implementation of a
16 recommendation, the Director shall submit a further report to
17 the chairperson of the team that made the recommendation and
18 to the chairperson of the Executive Council. This report shall
19 set forth the specific changes in the Department's policies
20 and procedures that have been made in response to the
21 recommendation.

22 (Source: P.A. 100-159, eff. 8-18-17; 100-1122, eff. 11-27-18.)

23 (20 ILCS 515/25)

24 Sec. 25. Team access to information.

25 (a) No later than 21 days prior to a child death review

1 team meeting, the Department shall provide to a child death
2 review team and its staff all records and information in the
3 Department's possession that are relevant to the team's review
4 of a child death, including records and information concerning
5 previous reports or investigations of suspected child abuse or
6 neglect, all records and information from the Statewide
7 Automated Child Welfare Information System or from any other
8 database maintained by the Department, and all documents,
9 including, but not limited to, police reports and medical
10 information.

11 (b) A child death review team shall have access to all
12 records and information that are relevant to its review of a
13 child death and in the possession of a State or local
14 governmental agency, including, but not limited to,
15 information gained through the Child Advocacy Center protocol
16 for cases of serious or fatal injury to a child. These records
17 and information include, without limitation, birth
18 certificates, all relevant medical and mental health records,
19 records of law enforcement agency investigations, records of
20 ~~coroner or~~ medical examiner investigations, records of the
21 Department of Corrections and Department of Juvenile Justice
22 concerning a person's parole or aftercare release, records of
23 a probation and court services department, and records of a
24 social services agency that provided services to the child or
25 the child's family.

26 (c) Child death review team staff must have full access to

1 the Statewide Automated Child Welfare Information System, any
2 other child welfare database maintained by the Department, and
3 any child death certificates held by the Office of Vital
4 Records within the Department of Public Health.

5 (Source: P.A. 100-1122, eff. 11-27-18.)

6 (20 ILCS 515/40)

7 Sec. 40. Illinois Child Death Review Teams Executive
8 Council.

9 (a) The Illinois Child Death Review Teams Executive
10 Council, consisting of the chairpersons of the 9 child death
11 review teams in Illinois, is the coordinating and oversight
12 body for child death review teams and activities in Illinois.
13 The vice-chairperson of a child death review team, as
14 designated by the chairperson, may serve as a back-up member
15 or an alternate member of the Executive Council, if the
16 chairperson of the child death review team is unavailable to
17 serve on the Executive Council. The Inspector General of the
18 Department, ex officio, is a non-voting member of the
19 Executive Council. The Inspector General of the Department may
20 appoint to the Executive Council any additional ex-officio
21 members deemed necessary. Persons with expertise needed by the
22 Executive Council may be invited to meetings. The Executive
23 Council must select from its members a chairperson and a
24 vice-chairperson, each to serve a 2-year, renewable term.

25 The Executive Council must meet at least 4 times during

1 each calendar year. At each such meeting, in addition to any
2 other matters under consideration, the Executive Council shall
3 review all replies and reports received from the Director
4 pursuant to subsections (d), (e), and (f) of Section 20 since
5 the Executive Council's previous meeting. The Executive
6 Council's review must include consideration of the Director's
7 proposed manner of and schedule for implementing each
8 recommendation made by a child death review team.

9 (b) The Department must provide or arrange for the staff
10 support necessary for the Executive Council to carry out its
11 duties. This includes a full-time Executive Director and
12 support staff person. The Inspector General of the Department,
13 in cooperation and consultation with the Executive Council,
14 shall appoint, reappoint, and remove team members. In the
15 event of a disagreement, the Executive Council's decision
16 shall control. From funds available, the Director may select
17 from a list of 2 or more candidates recommended by the
18 Executive Council to serve as the Child Death Review Teams
19 Executive Director. The Child Death Review Teams Executive
20 Director shall oversee the operations of the child death
21 review teams and shall report directly to the Executive
22 Council.

23 (c) The Executive Council has, but is not limited to, the
24 following duties:

- 25 (1) To serve as the voice of child death review teams
26 in Illinois.

1 (2) To oversee the regional teams in order to ensure
2 that the teams' work is coordinated and in compliance with
3 the statutes and the operating protocol.

4 (3) To ensure that the data, results, findings, and
5 recommendations of the teams are adequately used to make
6 any necessary changes in the policies, procedures, and
7 statutes in order to protect children in a timely manner.

8 (4) To collaborate with the General Assembly, the
9 Department, and others in order to develop any legislation
10 needed to prevent child fatalities and to protect
11 children.

12 (5) To assist in the development of quarterly and
13 annual reports based on the work and the findings of the
14 teams.

15 (6) To ensure that the regional teams' review
16 processes are standardized in order to convey data,
17 findings, and recommendations in a usable format.

18 (7) To serve as a link with child death review teams
19 throughout the country and to participate in national
20 child death review team activities.

21 (8) To develop an annual statewide symposium to update
22 the knowledge and skills of child death review team
23 members and to promote the exchange of information between
24 teams.

25 (9) To provide the child death review teams with the
26 most current information and practices concerning child

1 death review and related topics.

2 (10) To perform any other functions necessary to
3 enhance the capability of the child death review teams to
4 reduce and prevent child injuries and fatalities.

5 (c-5) The Executive Council shall prepare an annual
6 report. The report must include, but need not be limited to,
7 (i) each recommendation made by a child death review team
8 pursuant to item (5) of subsection (b) of Section 20 during the
9 period covered by the report, (ii) the Director's proposed
10 schedule for implementing each such recommendation, and (iii)
11 a description of the specific changes in the Department's
12 policies and procedures that have been made in response to the
13 recommendation. The Executive Council shall send a copy of its
14 annual report to each of the following:

15 (1) The Governor.

16 (2) Each member of the Senate or the House of
17 Representatives, county ~~coroners~~ and medical examiners,
18 and State's Attorneys, in the sole discretion of the
19 Executive Council.

20 (3) Each member of each child death review team in the
21 State.

22 (d) In any instance when a child death review team does not
23 operate in accordance with established protocol, the Director,
24 in consultation and cooperation with the Executive Council,
25 must take any necessary actions to bring the team into
26 compliance with the protocol.

1 (Source: P.A. 100-1122, eff. 11-27-18.)

2 Section 40. The Department of Human Services Act is
3 amended by changing Section 1-17 as follows:

4 (20 ILCS 1305/1-17)

5 Sec. 1-17. Inspector General.

6 (a) Nature and purpose. It is the express intent of the
7 General Assembly to ensure the health, safety, and financial
8 condition of individuals receiving services in this State due
9 to mental illness, developmental disability, or both by
10 protecting those persons from acts of abuse, neglect, or both
11 by service providers. To that end, the Office of the Inspector
12 General for the Department of Human Services is created to
13 investigate and report upon allegations of the abuse, neglect,
14 or financial exploitation of individuals receiving services
15 within mental health facilities, developmental disabilities
16 facilities, and community agencies operated, licensed, funded,
17 or certified by the Department of Human Services, but not
18 licensed or certified by any other State agency.

19 (b) Definitions. The following definitions apply to this
20 Section:

21 "Agency" or "community agency" means (i) a community
22 agency licensed, funded, or certified by the Department, but
23 not licensed or certified by any other human services agency
24 of the State, to provide mental health service or

1 developmental disabilities service, or (ii) a program
2 licensed, funded, or certified by the Department, but not
3 licensed or certified by any other human services agency of
4 the State, to provide mental health service or developmental
5 disabilities service.

6 "Aggravating circumstance" means a factor that is
7 attendant to a finding and that tends to compound or increase
8 the culpability of the accused.

9 "Allegation" means an assertion, complaint, suspicion, or
10 incident involving any of the following conduct by an
11 employee, facility, or agency against an individual or
12 individuals: mental abuse, physical abuse, sexual abuse,
13 neglect, or financial exploitation.

14 "Day" means working day, unless otherwise specified.

15 "Deflection" means a situation in which an individual is
16 presented for admission to a facility or agency, and the
17 facility staff or agency staff do not admit the individual.
18 "Deflection" includes triage, redirection, and denial of
19 admission.

20 "Department" means the Department of Human Services.

21 "Developmental disability" means "developmental
22 disability" as defined in the Mental Health and Developmental
23 Disabilities Code.

24 "Egregious neglect" means a finding of neglect as
25 determined by the Inspector General that (i) represents a
26 gross failure to adequately provide for, or a callused

1 indifference to, the health, safety, or medical needs of an
2 individual and (ii) results in an individual's death or other
3 serious deterioration of an individual's physical condition or
4 mental condition.

5 "Employee" means any person who provides services at the
6 facility or agency on-site or off-site. The service
7 relationship can be with the individual or with the facility
8 or agency. Also, "employee" includes any employee or
9 contractual agent of the Department of Human Services or the
10 community agency involved in providing or monitoring or
11 administering mental health or developmental disability
12 services. This includes but is not limited to: owners,
13 operators, payroll personnel, contractors, subcontractors, and
14 volunteers.

15 "Facility" or "State-operated facility" means a mental
16 health facility or developmental disabilities facility
17 operated by the Department.

18 "Financial exploitation" means taking unjust advantage of
19 an individual's assets, property, or financial resources
20 through deception, intimidation, or conversion for the
21 employee's, facility's, or agency's own advantage or benefit.

22 "Finding" means the Office of Inspector General's
23 determination regarding whether an allegation is
24 substantiated, unsubstantiated, or unfounded.

25 "Health Care Worker Registry" or "Registry" means the
26 Health Care Worker Registry under the Health Care Worker

1 Background Check Act.

2 "Individual" means any person receiving mental health
3 service, developmental disabilities service, or both from a
4 facility or agency, while either on-site or off-site.

5 "Mental abuse" means the use of demeaning, intimidating,
6 or threatening words, signs, gestures, or other actions by an
7 employee about an individual and in the presence of an
8 individual or individuals that results in emotional distress
9 or maladaptive behavior, or could have resulted in emotional
10 distress or maladaptive behavior, for any individual present.

11 "Mental illness" means "mental illness" as defined in the
12 Mental Health and Developmental Disabilities Code.

13 "Mentally ill" means having a mental illness.

14 "Mitigating circumstance" means a condition that (i) is
15 attendant to a finding, (ii) does not excuse or justify the
16 conduct in question, but (iii) may be considered in evaluating
17 the severity of the conduct, the culpability of the accused,
18 or both the severity of the conduct and the culpability of the
19 accused.

20 "Neglect" means an employee's, agency's, or facility's
21 failure to provide adequate medical care, personal care, or
22 maintenance and that, as a consequence, (i) causes an
23 individual pain, injury, or emotional distress, (ii) results
24 in either an individual's maladaptive behavior or the
25 deterioration of an individual's physical condition or mental
26 condition, or (iii) places the individual's health or safety

1 at substantial risk.

2 "Person with a developmental disability" means a person
3 having a developmental disability.

4 "Physical abuse" means an employee's non-accidental and
5 inappropriate contact with an individual that causes bodily
6 harm. "Physical abuse" includes actions that cause bodily harm
7 as a result of an employee directing an individual or person to
8 physically abuse another individual.

9 "Recommendation" means an admonition, separate from a
10 finding, that requires action by the facility, agency, or
11 Department to correct a systemic issue, problem, or deficiency
12 identified during an investigation.

13 "Required reporter" means any employee who suspects,
14 witnesses, or is informed of an allegation of any one or more
15 of the following: mental abuse, physical abuse, sexual abuse,
16 neglect, or financial exploitation.

17 "Secretary" means the Chief Administrative Officer of the
18 Department.

19 "Sexual abuse" means any sexual contact or intimate
20 physical contact between an employee and an individual,
21 including an employee's coercion or encouragement of an
22 individual to engage in sexual behavior that results in sexual
23 contact, intimate physical contact, sexual behavior, or
24 intimate physical behavior. Sexual abuse also includes (i) an
25 employee's actions that result in the sending or showing of
26 sexually explicit images to an individual via computer,

1 cellular phone, electronic mail, portable electronic device,
2 or other media with or without contact with the individual or
3 (ii) an employee's posting of sexually explicit images of an
4 individual online or elsewhere whether or not there is contact
5 with the individual.

6 "Sexually explicit images" includes, but is not limited
7 to, any material which depicts nudity, sexual conduct, or
8 sado-masochistic abuse, or which contains explicit and
9 detailed verbal descriptions or narrative accounts of sexual
10 excitement, sexual conduct, or sado-masochistic abuse.

11 "Substantiated" means there is a preponderance of the
12 evidence to support the allegation.

13 "Unfounded" means there is no credible evidence to support
14 the allegation.

15 "Unsubstantiated" means there is credible evidence, but
16 less than a preponderance of evidence to support the
17 allegation.

18 (c) Appointment. The Governor shall appoint, and the
19 Senate shall confirm, an Inspector General. The Inspector
20 General shall be appointed for a term of 4 years and shall
21 function within the Department of Human Services and report to
22 the Secretary and the Governor.

23 (d) Operation and appropriation. The Inspector General
24 shall function independently within the Department with
25 respect to the operations of the Office, including the
26 performance of investigations and issuance of findings and

1 recommendations. The appropriation for the Office of Inspector
2 General shall be separate from the overall appropriation for
3 the Department.

4 (e) Powers and duties. The Inspector General shall
5 investigate reports of suspected mental abuse, physical abuse,
6 sexual abuse, neglect, or financial exploitation of
7 individuals in any mental health or developmental disabilities
8 facility or agency and shall have authority to take immediate
9 action to prevent any one or more of the following from
10 happening to individuals under its jurisdiction: mental abuse,
11 physical abuse, sexual abuse, neglect, or financial
12 exploitation. Upon written request of an agency of this State,
13 the Inspector General may assist another agency of the State
14 in investigating reports of the abuse, neglect, or abuse and
15 neglect of persons with mental illness, persons with
16 developmental disabilities, or persons with both. To comply
17 with the requirements of subsection (k) of this Section, the
18 Inspector General shall also review all reportable deaths for
19 which there is no allegation of abuse or neglect. Nothing in
20 this Section shall preempt any duties of the Medical Review
21 Board set forth in the Mental Health and Developmental
22 Disabilities Code. The Inspector General shall have no
23 authority to investigate alleged violations of the State
24 Officials and Employees Ethics Act. Allegations of misconduct
25 under the State Officials and Employees Ethics Act shall be
26 referred to the Office of the Governor's Executive Inspector

1 General for investigation.

2 (f) Limitations. The Inspector General shall not conduct
3 an investigation within an agency or facility if that
4 investigation would be redundant to or interfere with an
5 investigation conducted by another State agency. The Inspector
6 General shall have no supervision over, or involvement in, the
7 routine programmatic, licensing, funding, or certification
8 operations of the Department. Nothing in this subsection
9 limits investigations by the Department that may otherwise be
10 required by law or that may be necessary in the Department's
11 capacity as central administrative authority responsible for
12 the operation of the State's mental health and developmental
13 disabilities facilities.

14 (g) Rulemaking authority. The Inspector General shall
15 promulgate rules establishing minimum requirements for
16 reporting allegations as well as for initiating, conducting,
17 and completing investigations based upon the nature of the
18 allegation or allegations. The rules shall clearly establish
19 that if 2 or more State agencies could investigate an
20 allegation, the Inspector General shall not conduct an
21 investigation that would be redundant to, or interfere with,
22 an investigation conducted by another State agency. The rules
23 shall further clarify the method and circumstances under which
24 the Office of Inspector General may interact with the
25 licensing, funding, or certification units of the Department
26 in preventing further occurrences of mental abuse, physical

1 abuse, sexual abuse, neglect, egregious neglect, and financial
2 exploitation.

3 (h) Training programs. The Inspector General shall (i)
4 establish a comprehensive program to ensure that every person
5 authorized to conduct investigations receives ongoing training
6 relative to investigation techniques, communication skills,
7 and the appropriate means of interacting with persons
8 receiving treatment for mental illness, developmental
9 disability, or both mental illness and developmental
10 disability, and (ii) establish and conduct periodic training
11 programs for facility and agency employees concerning the
12 prevention and reporting of any one or more of the following:
13 mental abuse, physical abuse, sexual abuse, neglect, egregious
14 neglect, or financial exploitation. The Inspector General
15 shall further ensure (i) every person authorized to conduct
16 investigations at community agencies receives ongoing training
17 in Title 59, Parts 115, 116, and 119 of the Illinois
18 Administrative Code, and (ii) every person authorized to
19 conduct investigations shall receive ongoing training in Title
20 59, Part 50 of the Illinois Administrative Code. Nothing in
21 this Section shall be deemed to prevent the Office of
22 Inspector General from conducting any other training as
23 determined by the Inspector General to be necessary or
24 helpful.

25 (i) Duty to cooperate.

26 (1) The Inspector General shall at all times be

1 granted access to any facility or agency for the purpose
2 of investigating any allegation, conducting unannounced
3 site visits, monitoring compliance with a written
4 response, or completing any other statutorily assigned
5 duty. The Inspector General shall conduct unannounced site
6 visits to each facility at least annually for the purpose
7 of reviewing and making recommendations on systemic issues
8 relative to preventing, reporting, investigating, and
9 responding to all of the following: mental abuse, physical
10 abuse, sexual abuse, neglect, egregious neglect, or
11 financial exploitation.

12 (2) Any employee who fails to cooperate with an Office
13 of the Inspector General investigation is in violation of
14 this Act. Failure to cooperate with an investigation
15 includes, but is not limited to, any one or more of the
16 following: (i) creating and transmitting a false report to
17 the Office of the Inspector General hotline, (ii)
18 providing false information to an Office of the Inspector
19 General Investigator during an investigation, (iii)
20 colluding with other employees to cover up evidence, (iv)
21 colluding with other employees to provide false
22 information to an Office of the Inspector General
23 investigator, (v) destroying evidence, (vi) withholding
24 evidence, or (vii) otherwise obstructing an Office of the
25 Inspector General investigation. Additionally, any
26 employee who, during an unannounced site visit or written

1 response compliance check, fails to cooperate with
2 requests from the Office of the Inspector General is in
3 violation of this Act.

4 (j) Subpoena powers. The Inspector General shall have the
5 power to subpoena witnesses and compel the production of all
6 documents and physical evidence relating to his or her
7 investigations and any hearings authorized by this Act. This
8 subpoena power shall not extend to persons or documents of a
9 labor organization or its representatives insofar as the
10 persons are acting in a representative capacity to an employee
11 whose conduct is the subject of an investigation or the
12 documents relate to that representation. Any person who
13 otherwise fails to respond to a subpoena or who knowingly
14 provides false information to the Office of the Inspector
15 General by subpoena during an investigation is guilty of a
16 Class A misdemeanor.

17 (k) Reporting allegations and deaths.

18 (1) Allegations. If an employee witnesses, is told of,
19 or has reason to believe an incident of mental abuse,
20 physical abuse, sexual abuse, neglect, or financial
21 exploitation has occurred, the employee, agency, or
22 facility shall report the allegation by phone to the
23 Office of the Inspector General hotline according to the
24 agency's or facility's procedures, but in no event later
25 than 4 hours after the initial discovery of the incident,
26 allegation, or suspicion of any one or more of the

1 following: mental abuse, physical abuse, sexual abuse,
2 neglect, or financial exploitation. A required reporter as
3 defined in subsection (b) of this Section who knowingly or
4 intentionally fails to comply with these reporting
5 requirements is guilty of a Class A misdemeanor.

6 (2) Deaths. Absent an allegation, a required reporter
7 shall, within 24 hours after initial discovery, report by
8 phone to the Office of the Inspector General hotline each
9 of the following:

10 (i) Any death of an individual occurring within 14
11 calendar days after discharge or transfer of the
12 individual from a residential program or facility.

13 (ii) Any death of an individual occurring within
14 24 hours after deflection from a residential program
15 or facility.

16 (iii) Any other death of an individual occurring
17 at an agency or facility or at any Department-funded
18 site.

19 (3) Retaliation. It is a violation of this Act for any
20 employee or administrator of an agency or facility to take
21 retaliatory action against an employee who acts in good
22 faith in conformance with his or her duties as a required
23 reporter.

24 (1) Reporting to law enforcement. Reporting criminal acts.
25 Within 24 hours after determining that there is credible
26 evidence indicating that a criminal act may have been

1 committed or that special expertise may be required in an
2 investigation, the Inspector General shall notify the Illinois
3 State Police or other appropriate law enforcement authority,
4 or ensure that such notification is made. The Illinois State
5 Police shall investigate any report from a State-operated
6 facility indicating a possible murder, sexual assault, or
7 other felony by an employee. All investigations conducted by
8 the Inspector General shall be conducted in a manner designed
9 to ensure the preservation of evidence for possible use in a
10 criminal prosecution.

11 (m) Investigative reports. Upon completion of an
12 investigation, the Office of Inspector General shall issue an
13 investigative report identifying whether the allegations are
14 substantiated, unsubstantiated, or unfounded. Within 10
15 business days after the transmittal of a completed
16 investigative report substantiating an allegation, finding an
17 allegation is unsubstantiated, or if a recommendation is made,
18 the Inspector General shall provide the investigative report
19 on the case to the Secretary and to the director of the
20 facility or agency where any one or more of the following
21 occurred: mental abuse, physical abuse, sexual abuse, neglect,
22 egregious neglect, or financial exploitation. The director of
23 the facility or agency shall be responsible for maintaining
24 the confidentiality of the investigative report consistent
25 with State and federal law. In a substantiated case, the
26 investigative report shall include any mitigating or

1 aggravating circumstances that were identified during the
2 investigation. If the case involves substantiated neglect, the
3 investigative report shall also state whether egregious
4 neglect was found. An investigative report may also set forth
5 recommendations. All investigative reports prepared by the
6 Office of the Inspector General shall be considered
7 confidential and shall not be released except as provided by
8 the law of this State or as required under applicable federal
9 law. Unsubstantiated and unfounded reports shall not be
10 disclosed except as allowed under Section 6 of the Abused and
11 Neglected Long Term Care Facility Residents Reporting Act. Raw
12 data used to compile the investigative report shall not be
13 subject to release unless required by law or a court order.
14 "Raw data used to compile the investigative report" includes,
15 but is not limited to, any one or more of the following: the
16 initial complaint, witness statements, photographs,
17 investigator's notes, police reports, or incident reports. If
18 the allegations are substantiated, the victim, the victim's
19 guardian, and the accused shall be provided with a redacted
20 copy of the investigative report. Death reports where there
21 was no allegation of abuse or neglect shall only be released
22 pursuant to applicable State or federal law or a valid court
23 order. Unredacted investigative reports, as well as raw data,
24 may be shared with a local law enforcement entity, a State's
25 Attorney's office, or a county medical examiner's ~~coroner's~~
26 office upon written request.

1 (n) Written responses, clarification requests, and
2 reconsideration requests.

3 (1) Written responses. Within 30 calendar days from
4 receipt of a substantiated investigative report or an
5 investigative report which contains recommendations,
6 absent a reconsideration request, the facility or agency
7 shall file a written response that addresses, in a concise
8 and reasoned manner, the actions taken to: (i) protect the
9 individual; (ii) prevent recurrences; and (iii) eliminate
10 the problems identified. The response shall include the
11 implementation and completion dates of such actions. If
12 the written response is not filed within the allotted 30
13 calendar day period, the Secretary shall determine the
14 appropriate corrective action to be taken.

15 (2) Requests for clarification. The facility, agency,
16 victim or guardian, or the subject employee may request
17 that the Office of Inspector General clarify the finding
18 or findings for which clarification is sought.

19 (3) Requests for reconsideration. The facility,
20 agency, victim or guardian, or the subject employee may
21 request that the Office of the Inspector General
22 reconsider the finding or findings or the recommendations.
23 A request for reconsideration shall be subject to a
24 multi-layer review and shall include at least one reviewer
25 who did not participate in the investigation or approval
26 of the original investigative report. After the

1 multi-layer review process has been completed, the
2 Inspector General shall make the final determination on
3 the reconsideration request. The investigation shall be
4 reopened if the reconsideration determination finds that
5 additional information is needed to complete the
6 investigative record.

7 (o) Disclosure of the finding by the Inspector General.
8 The Inspector General shall disclose the finding of an
9 investigation to the following persons: (i) the Governor, (ii)
10 the Secretary, (iii) the director of the facility or agency,
11 (iv) the alleged victims and their guardians, (v) the
12 complainant, and (vi) the accused. This information shall
13 include whether the allegations were deemed substantiated,
14 unsubstantiated, or unfounded.

15 (p) Secretary review. Upon review of the Inspector
16 General's investigative report and any agency's or facility's
17 written response, the Secretary shall accept or reject the
18 written response and notify the Inspector General of that
19 determination. The Secretary may further direct that other
20 administrative action be taken, including, but not limited to,
21 any one or more of the following: (i) additional site visits,
22 (ii) training, (iii) provision of technical assistance
23 relative to administrative needs, licensure, or certification,
24 or (iv) the imposition of appropriate sanctions.

25 (q) Action by facility or agency. Within 30 days of the
26 date the Secretary approves the written response or directs

1 that further administrative action be taken, the facility or
2 agency shall provide an implementation report to the Inspector
3 General that provides the status of the action taken. The
4 facility or agency shall be allowed an additional 30 days to
5 send notice of completion of the action or to send an updated
6 implementation report. If the action has not been completed
7 within the additional 30-day period, the facility or agency
8 shall send updated implementation reports every 60 days until
9 completion. The Inspector General shall conduct a review of
10 any implementation plan that takes more than 120 days after
11 approval to complete, and shall monitor compliance through a
12 random review of approved written responses, which may
13 include, but are not limited to: (i) site visits, (ii)
14 telephone contact, and (iii) requests for additional
15 documentation evidencing compliance.

16 (r) Sanctions. Sanctions, if imposed by the Secretary
17 under Subdivision (p)(iv) of this Section, shall be designed
18 to prevent further acts of mental abuse, physical abuse,
19 sexual abuse, neglect, egregious neglect, or financial
20 exploitation or some combination of one or more of those acts
21 at a facility or agency, and may include any one or more of the
22 following:

23 (1) Appointment of on-site monitors.

24 (2) Transfer or relocation of an individual or
25 individuals.

26 (3) Closure of units.

1 (4) Termination of any one or more of the following:
2 (i) Department licensing, (ii) funding, or (iii)
3 certification.

4 The Inspector General may seek the assistance of the
5 Illinois Attorney General or the office of any State's
6 Attorney in implementing sanctions.

7 (s) Health Care Worker Registry.

8 (1) Reporting to the Registry. The Inspector General
9 shall report to the Department of Public Health's Health
10 Care Worker Registry, a public registry, the identity and
11 finding of each employee of a facility or agency against
12 whom there is a final investigative report prepared by the
13 Office of the Inspector General containing a substantiated
14 allegation of physical or sexual abuse, financial
15 exploitation, or egregious neglect of an individual,
16 unless the Inspector General requests a stipulated
17 disposition of the investigative report that does not
18 include the reporting of the employee's name to the Health
19 Care Worker Registry and the Secretary of Human Services
20 agrees with the requested stipulated disposition.

21 (2) Notice to employee. Prior to reporting the name of
22 an employee, the employee shall be notified of the
23 Department's obligation to report and shall be granted an
24 opportunity to request an administrative hearing, the sole
25 purpose of which is to determine if the substantiated
26 finding warrants reporting to the Registry. Notice to the

1 employee shall contain a clear and concise statement of
2 the grounds on which the report to the Registry is based,
3 offer the employee an opportunity for a hearing, and
4 identify the process for requesting such a hearing. Notice
5 is sufficient if provided by certified mail to the
6 employee's last known address. If the employee fails to
7 request a hearing within 30 days from the date of the
8 notice, the Inspector General shall report the name of the
9 employee to the Registry. Nothing in this subdivision
10 (s)(2) shall diminish or impair the rights of a person who
11 is a member of a collective bargaining unit under the
12 Illinois Public Labor Relations Act or under any other
13 federal labor statute.

14 (3) Registry hearings. If the employee requests an
15 administrative hearing, the employee shall be granted an
16 opportunity to appear before an administrative law judge
17 to present reasons why the employee's name should not be
18 reported to the Registry. The Department shall bear the
19 burden of presenting evidence that establishes, by a
20 preponderance of the evidence, that the substantiated
21 finding warrants reporting to the Registry. After
22 considering all the evidence presented, the administrative
23 law judge shall make a recommendation to the Secretary as
24 to whether the substantiated finding warrants reporting
25 the name of the employee to the Registry. The Secretary
26 shall render the final decision. The Department and the

1 employee shall have the right to request that the
2 administrative law judge consider a stipulated disposition
3 of these proceedings.

4 (4) Testimony at Registry hearings. A person who makes
5 a report or who investigates a report under this Act shall
6 testify fully in any judicial proceeding resulting from
7 such a report, as to any evidence of abuse or neglect, or
8 the cause thereof. No evidence shall be excluded by reason
9 of any common law or statutory privilege relating to
10 communications between the alleged perpetrator of abuse or
11 neglect, or the individual alleged as the victim in the
12 report, and the person making or investigating the report.
13 Testimony at hearings is exempt from the confidentiality
14 requirements of subsection (f) of Section 10 of the Mental
15 Health and Developmental Disabilities Confidentiality Act.

16 (5) Employee's rights to collateral action. No
17 reporting to the Registry shall occur and no hearing shall
18 be set or proceed if an employee notifies the Inspector
19 General in writing, including any supporting
20 documentation, that he or she is formally contesting an
21 adverse employment action resulting from a substantiated
22 finding by complaint filed with the Illinois Civil Service
23 Commission, or which otherwise seeks to enforce the
24 employee's rights pursuant to any applicable collective
25 bargaining agreement. If an action taken by an employer
26 against an employee as a result of a finding of physical

1 abuse, sexual abuse, or egregious neglect is overturned
2 through an action filed with the Illinois Civil Service
3 Commission or under any applicable collective bargaining
4 agreement and if that employee's name has already been
5 sent to the Registry, the employee's name shall be removed
6 from the Registry.

7 (6) Removal from Registry. At any time after the
8 report to the Registry, but no more than once in any
9 12-month period, an employee may petition the Department
10 in writing to remove his or her name from the Registry.
11 Upon receiving notice of such request, the Inspector
12 General shall conduct an investigation into the petition.
13 Upon receipt of such request, an administrative hearing
14 will be set by the Department. At the hearing, the
15 employee shall bear the burden of presenting evidence that
16 establishes, by a preponderance of the evidence, that
17 removal of the name from the Registry is in the public
18 interest. The parties may jointly request that the
19 administrative law judge consider a stipulated disposition
20 of these proceedings.

21 (t) Review of Administrative Decisions. The Department
22 shall preserve a record of all proceedings at any formal
23 hearing conducted by the Department involving Health Care
24 Worker Registry hearings. Final administrative decisions of
25 the Department are subject to judicial review pursuant to
26 provisions of the Administrative Review Law.

1 (u) Quality Care Board. There is created, within the
2 Office of the Inspector General, a Quality Care Board to be
3 composed of 7 members appointed by the Governor with the
4 advice and consent of the Senate. One of the members shall be
5 designated as chairman by the Governor. Of the initial
6 appointments made by the Governor, 4 Board members shall each
7 be appointed for a term of 4 years and 3 members shall each be
8 appointed for a term of 2 years. Upon the expiration of each
9 member's term, a successor shall be appointed for a term of 4
10 years. In the case of a vacancy in the office of any member,
11 the Governor shall appoint a successor for the remainder of
12 the unexpired term.

13 Members appointed by the Governor shall be qualified by
14 professional knowledge or experience in the area of law,
15 investigatory techniques, or in the area of care of the
16 mentally ill or care of persons with developmental
17 disabilities. Two members appointed by the Governor shall be
18 persons with a disability or parents of persons with a
19 disability. Members shall serve without compensation, but
20 shall be reimbursed for expenses incurred in connection with
21 the performance of their duties as members.

22 The Board shall meet quarterly, and may hold other
23 meetings on the call of the chairman. Four members shall
24 constitute a quorum allowing the Board to conduct its
25 business. The Board may adopt rules and regulations it deems
26 necessary to govern its own procedures.

1 The Board shall monitor and oversee the operations,
2 policies, and procedures of the Inspector General to ensure
3 the prompt and thorough investigation of allegations of
4 neglect and abuse. In fulfilling these responsibilities, the
5 Board may do the following:

6 (1) Provide independent, expert consultation to the
7 Inspector General on policies and protocols for
8 investigations of alleged abuse, neglect, or both abuse
9 and neglect.

10 (2) Review existing regulations relating to the
11 operation of facilities.

12 (3) Advise the Inspector General as to the content of
13 training activities authorized under this Section.

14 (4) Recommend policies concerning methods for
15 improving the intergovernmental relationships between the
16 Office of the Inspector General and other State or federal
17 offices.

18 (v) Annual report. The Inspector General shall provide to
19 the General Assembly and the Governor, no later than January 1
20 of each year, a summary of reports and investigations made
21 under this Act for the prior fiscal year with respect to
22 individuals receiving mental health or developmental
23 disabilities services. The report shall detail the imposition
24 of sanctions, if any, and the final disposition of any
25 corrective or administrative action directed by the Secretary.
26 The summaries shall not contain any confidential or

1 identifying information of any individual, but shall include
2 objective data identifying any trends in the number of
3 reported allegations, the timeliness of the Office of the
4 Inspector General's investigations, and their disposition, for
5 each facility and Department-wide, for the most recent 3-year
6 time period. The report shall also identify, by facility, the
7 staff-to-patient ratios taking account of direct care staff
8 only. The report shall also include detailed recommended
9 administrative actions and matters for consideration by the
10 General Assembly.

11 (w) Program audit. The Auditor General shall conduct a
12 program audit of the Office of the Inspector General on an
13 as-needed basis, as determined by the Auditor General. The
14 audit shall specifically include the Inspector General's
15 compliance with the Act and effectiveness in investigating
16 reports of allegations occurring in any facility or agency.
17 The Auditor General shall conduct the program audit according
18 to the provisions of the Illinois State Auditing Act and shall
19 report its findings to the General Assembly no later than
20 January 1 following the audit period.

21 (x) Nothing in this Section shall be construed to mean
22 that an individual is a victim of abuse or neglect because of
23 health care services appropriately provided or not provided by
24 health care professionals.

25 (y) Nothing in this Section shall require a facility,
26 including its employees, agents, medical staff members, and

1 health care professionals, to provide a service to an
2 individual in contravention of that individual's stated or
3 implied objection to the provision of that service on the
4 ground that that service conflicts with the individual's
5 religious beliefs or practices, nor shall the failure to
6 provide a service to an individual be considered abuse under
7 this Section if the individual has objected to the provision
8 of that service based on his or her religious beliefs or
9 practices.

10 (Source: P.A. 101-81, eff. 7-12-19; 102-538, eff. 8-20-21;
11 102-883, eff. 5-13-22; 102-1071, eff. 6-10-22; revised
12 7-26-22.)

13 Section 45. The Department of Public Health Powers and
14 Duties Law of the Civil Administrative Code of Illinois is
15 amended by changing Sections 2310-236 and 2310-335 as follows:

16 (20 ILCS 2310/2310-236)

17 Sec. 2310-236. Form of medical examiner's ~~coroner's~~
18 report; sudden unexpected infant death and sudden infant death
19 syndrome.

20 (a) The Department shall develop and require the use of a
21 form by medical examiners ~~coroners~~ in the case of a death of an
22 infant in which the cause of death is sudden unexpected infant
23 death or sudden infant death syndrome. The form shall contain,
24 at minimum, the following information to be recorded after a

1 preliminary investigation:

2 (1) The date and time of death.

3 (2) The county of occurrence and the county of the
4 infant's residence.

5 (3) Relevant demographic details regarding the infant,
6 such as date of birth and gender.

7 (4) Relevant demographic details regarding the parents
8 or caretaker of the infant.

9 (5) Relevant details regarding the circumstances of
10 the death, including, but not limited to, who found the
11 infant, where, and what they did.

12 (6) Relevant details concerning where the infant was
13 placed, by whom, and in what position.

14 (7) Any additional relevant details concerning the
15 sleep environment that the infant was placed in and what
16 environmental factors were present, to the extent that
17 those factors are ascertainable.

18 (8) Relevant details concerning health hazards present
19 in the sleep environment, to the extent that those health
20 hazards are ascertainable.

21 (9) Relevant details concerning the infant's medical
22 history and previous medical issues.

23 (10) Other information the Department may determine to
24 be relevant and conducive to understanding and recording
25 the circumstances of the infant's death.

26 (b) The Department shall publish current information

1 concerning sudden unexpected infant death and sudden infant
2 death syndrome.

3 (c) At least once every 5 years, the Department shall
4 review the form and determine whether updates need to be made
5 for effectiveness and relevancy.

6 (Source: P.A. 101-338, eff. 1-1-20.)

7 (20 ILCS 2310/2310-335) (was 20 ILCS 2310/55.43)

8 Sec. 2310-335. Alzheimer's disease; exchange of
9 information; autopsies.

10 (a) The Department shall establish policies, procedures,
11 standards, and criteria for the collection, maintenance, and
12 exchange of confidential personal and medical information
13 necessary for the identification and evaluation of victims of
14 Alzheimer's disease and related disorders and for the conduct
15 of consultation, referral, and treatment through personal
16 physicians, primary Alzheimer's centers, and regional
17 Alzheimer's assistance centers provided for in the Alzheimer's
18 Disease Assistance Act. These requirements shall include
19 procedures for obtaining the necessary consent of a patient or
20 guardian to the disclosure and exchange of that information
21 among providers of services within an Alzheimer's disease
22 assistance network and for the maintenance of the information
23 in a centralized medical information system administered by a
24 regional Alzheimer's center. Nothing in this Section requires
25 disclosure or exchange of information pertaining to

1 confidential communications between patients and therapists or
2 disclosure or exchange of information contained within a
3 therapist's personal notes.

4 (b) Any person identified as a victim of Alzheimer's
5 disease or a related disorder under the Alzheimer's Disease
6 Assistance Act shall be provided information regarding the
7 critical role that autopsies play in the diagnosis and in the
8 conduct of research into the cause and cure of Alzheimer's
9 disease and related disorders. The person, or the spouse or
10 guardian of the person, shall be encouraged to consent to an
11 autopsy upon the person's death.

12 The Department shall provide information to medical
13 examiners ~~and coroners~~ in this State regarding the importance
14 of autopsies in the diagnosis and in the conduct of research
15 into the causes and cure of Alzheimer's disease and related
16 disorders. The Department shall also arrange for education and
17 training programs that will enable medical examiners ~~and~~
18 ~~coroners~~ to conduct autopsies necessary for a proper diagnosis
19 of Alzheimer's disease or related disorders as the cause or a
20 contributing factor to a death.

21 (Source: P.A. 91-239, eff. 1-1-00.)

22 Section 50. The Department of State Police Law of the
23 Civil Administrative Code of Illinois is amended by changing
24 Sections 2605-40 and 2605-380 as follows:

1 (20 ILCS 2605/2605-40) (was 20 ILCS 2605/55a-4)

2 Sec. 2605-40. Division of Forensic Services. The Division
3 of Forensic Services shall exercise the following functions:

4 (1) Provide crime scene services and traffic crash
5 reconstruction.

6 (2) Exercise the rights, powers, and duties vested by
7 law in the Illinois State Police by Section 2605-300 of
8 this Law.

9 (3) Provide assistance to local law enforcement
10 agencies through training, management, and consultant
11 services.

12 (4) (Blank).

13 (5) Exercise other duties that may be assigned by the
14 Director in order to fulfill the responsibilities and
15 achieve the purposes of the Illinois State Police.

16 (6) Establish and operate a forensic science
17 laboratory system, including a forensic toxicological
18 laboratory service, for the purpose of testing specimens
19 submitted by medical examiners ~~coroners~~ and other law
20 enforcement officers in their efforts to determine whether
21 alcohol, drugs, or poisonous or other toxic substances
22 have been involved in deaths, accidents, or illness.
23 Forensic toxicological laboratories shall be established
24 in Springfield, Chicago, and elsewhere in the State as
25 needed.

26 (6.5) Establish administrative rules in order to set

1 forth standardized requirements for the disclosure of
2 toxicology results and other relevant documents related to
3 a toxicological analysis. These administrative rules are
4 to be adopted to produce uniform and sufficient
5 information to allow a proper, well-informed determination
6 of the admissibility of toxicology evidence and to ensure
7 that this evidence is presented competently. These
8 administrative rules are designed to provide a minimum
9 standard for compliance of toxicology evidence and are not
10 intended to limit the production and discovery of material
11 information.

12 (7) Subject to specific appropriations made for these
13 purposes, establish and coordinate a system for providing
14 accurate and expedited forensic science and other
15 investigative and laboratory services to local law
16 enforcement agencies and local State's Attorneys in aid of
17 the investigation and trial of capital cases.

18 (Source: P.A. 101-378, eff. 1-1-20; 102-538, eff. 8-20-21;
19 102-813, eff. 5-13-22.)

20 (20 ILCS 2605/2605-380) (was 20 ILCS 2605/55a-8)

21 Sec. 2605-380. Dental records. The Illinois State Police
22 shall do the following:

23 (1) Coordinate State participation in a national
24 central repository for dental records of missing persons
25 and unidentified dead bodies.

1 (2) Receive and file dental records submitted by
2 county medical examiners ~~and coroners~~ from unidentified
3 dead bodies and submitted by law enforcement agencies from
4 persons reported missing for more than 30 days.

5 (3) Provide information from the file on possible
6 identifications resulting from the comparison of dental
7 records submitted with those records on file, to county
8 medical examiners, ~~coroners,~~ and law enforcement agencies.

9 (4) Expunge the dental records of those missing
10 persons who are found, and expunge from the file the
11 dental records of missing persons who are positively
12 identified as a result of comparisons made with this file
13 or the files maintained by other states, territories,
14 insular possessions of the United States, or the United
15 States.

16 (Source: P.A. 102-538, eff. 8-20-21.)

17 Section 55. The Criminal Identification Act is amended by
18 changing Sections 9 and 9.5 as follows:

19 (20 ILCS 2630/9) (from Ch. 38, par. 206-9)

20 Sec. 9. (a) Every county medical examiner ~~and coroner~~
21 shall, in every death investigation where the identity of a
22 dead body cannot be determined by visual means, fingerprints,
23 or other identifying data, have a qualified dentist, as
24 determined by the county medical examiner ~~or coroner,~~ conduct

1 a dental examination of the dead body. If the county medical
2 examiner ~~or coroner~~, with the aid of the dental examination
3 and other identifiers, is still unable to establish the
4 identity of the dead body, the medical examiner ~~or coroner~~
5 shall forthwith submit the dental records to the Illinois
6 State Police.

7 (b) If a person reported missing has not been found within
8 30 days, the law enforcement agency to whom the person was
9 reported missing shall, within the next 5 days, make all
10 necessary efforts to locate and request from the family or
11 next of kin of the missing person written consent to contact
12 and receive from the dentist of the missing person that
13 person's dental records and shall forthwith make every
14 reasonable effort to acquire such records. Within 5 days of
15 the receipt of the missing person's dental records, the law
16 enforcement agency shall submit such records to the Illinois
17 State Police.

18 (c) The Illinois State Police shall be the State central
19 repository for all dental records submitted pursuant to this
20 Section. The Illinois State Police may promulgate rules for
21 the form and manner of submission of dental records, reporting
22 of the location or identification of persons for whom dental
23 records have been submitted and other procedures for program
24 operations.

25 (d) When a person who has been reported missing is located
26 and that person's dental records have been submitted to the

1 Illinois State Police, the law enforcement agency which
2 submitted that person's dental records to the Illinois State
3 Police shall report that fact to the Illinois State Police and
4 the Illinois State Police shall expunge the dental records of
5 that person from the Illinois State Police's file. The
6 Illinois State Police shall also expunge from its files the
7 dental records of those dead and missing persons who are
8 positively identified as a result of comparisons made with its
9 files, the files maintained by other states, territories,
10 insular possessions of the United States, or the United
11 States.

12 (Source: P.A. 102-538, eff. 8-20-21.)

13 (20 ILCS 2630/9.5)

14 Sec. 9.5. Material for DNA fingerprint analysis. Every
15 county medical examiner ~~and coroner~~ shall provide to the
16 Illinois State Police a sample of dried blood and buccal
17 specimens (tissue may be submitted if no uncontaminated blood
18 or buccal specimens can be obtained) from a dead body for DNA
19 fingerprint analysis if the Illinois State Police notifies the
20 medical examiner ~~or coroner~~ that the Illinois State Police has
21 determined that providing that sample may be useful for law
22 enforcement purposes in a criminal investigation. In addition,
23 if a local law enforcement agency notifies a county medical
24 examiner ~~or coroner~~ that such a sample would be useful in a
25 criminal examination, the county medical examiner ~~or coroner~~

1 shall provide a sample to the local law enforcement agency for
2 submission to the Illinois State Police.

3 (Source: P.A. 102-538, eff. 8-20-21.)

4 Section 60. The Human Skeletal Remains Protection Act is
5 amended by changing Section 3 as follows:

6 (20 ILCS 3440/3) (from Ch. 127, par. 2663)

7 Sec. 3. Any person who discovers human skeletal remains
8 subject to this Act shall promptly notify the medical examiner
9 ~~coroner~~. Any person who knowingly fails to report such a
10 discovery within 48 hours is guilty of a Class C misdemeanor,
11 unless such person has reasonable cause to believe that the
12 medical examiner ~~coroner~~ had already been so notified. If the
13 human skeletal remains appear to be from an unregistered
14 grave, the medical examiner ~~coroner~~ shall promptly notify the
15 Department of Natural Resources prior to their removal.
16 Nothing in this Act shall be construed to apply to human
17 skeletal remains subject to Division 3-3 of the Counties Code
18 ~~"An Act to revise the law in relation to coroners"~~.

19 (Source: P.A. 100-695, eff. 8-3-18.)

20 Section 65. The Task Force on Missing and Murdered Chicago
21 Women Act is amended by changing Section 10 as follows:

22 (20 ILCS 4119/10)

1 Sec. 10. Task Force on Missing and Murdered Chicago Women.

2 (a) The Executive Director of the Illinois Criminal
3 Justice Information Authority or the Executive Director's
4 designee, in consultation with the Director of the Illinois
5 State Police and the Chicago Police Superintendent, shall
6 appoint the non-legislative members to the Task Force on
7 Missing and Murdered Chicago Women to advise the Director and
8 the Chicago Police Superintendent and to report to the General
9 Assembly on recommendations to reduce and end violence against
10 Chicago women and girls. The Task Force may also serve as a
11 liaison between the Director, the Chicago Police
12 Superintendent, and agencies and nongovernmental organizations
13 that provide services to victims, victims' families, and
14 victims' communities. Task Force members shall serve without
15 compensation but may, subject to appropriation, receive
16 reimbursement for their expenses as members of the Task Force.

17 (b) There is created the Task Force on Missing and
18 Murdered Chicago Women, which shall consist of the following
19 individuals, or their designees, who are knowledgeable in
20 crime victims' rights or violence protection and, unless
21 otherwise specified, members shall be appointed for 2-year
22 terms as follows:

23 (1) Two members of the Senate, one appointed by the
24 President of the Senate and one appointed by the Minority
25 Leader of the Senate;~~;~~

26 (2) Two members of the House of Representatives, one

1 appointed by the Speaker of the House of Representatives
2 and one appointed by the Minority Leader of the House of
3 Representatives;:-

4 (3) Two members from among the following appointed by
5 the Executive Director of the Illinois Criminal Justice
6 Information Authority or the Executive Director's
7 designee:

8 (A) an association representing Illinois chiefs of
9 police;

10 (B) an association representing Illinois sheriffs;

11 (C) an officer who is employed by the Illinois
12 State Police; or

13 (D) an Illinois peace officer's association;:-

14 (4) One or more representatives from among the
15 following:

16 (A) an association representing State's Attorneys;

17 (B) an attorney representing the United States
18 Attorney's Office in Chicago; or

19 (C) a circuit judge, associate judge, or attorney
20 working in juvenile court;

21 (D) the Cook County Medical Examiner, or his or
22 her designee, or a representative from a statewide
23 ~~coroner's~~ or medical examiner's association or a
24 representative of the Department of Public Health;

25 (5) Two representatives for victims, with a focus on
26 individuals who work with victims of violence or their

1 families appointed by the Executive Director of the
2 Illinois Criminal Justice Information Authority or the
3 Executive Director's designee; and

4 (6) Four or more members from among the following
5 appointed by the Executive Director of the Illinois
6 Criminal Justice Information Authority or the Executive
7 Director's designee:

8 (A) a statewide or local organization that
9 provides legal services to Chicago women and girls;

10 (B) a statewide or local organization that
11 provides advocacy or counseling for Chicago women and
12 girls who have been victims of violence;

13 (C) a statewide or local organization that
14 provides healthcare services to Chicago women and
15 girls;

16 (D) a statewide organization that represents women
17 and girls who have been sexually assaulted;

18 (E) a women's health organization or agency; or

19 (F) a Chicago woman who is a survivor of
20 gender-related violence.

21 (c) Vacancies in positions appointed by the Executive
22 Director of the Illinois Criminal Justice Information
23 Authority or the Executive Director's designee shall be filled
24 by the Executive Director of the Illinois Criminal Justice
25 Information Authority or the Executive Director's designee
26 consistent with the qualifications of the vacating member

1 required by this Section.

2 (d) Task Force members shall annually elect a chair and
3 vice-chair from among the Task Force's members, and may elect
4 other officers as necessary. The Task Force shall meet at
5 least quarterly, or upon the call of its chair, and may hold
6 meetings throughout the City of Chicago. The Task Force shall
7 meet frequently enough to accomplish the tasks identified in
8 this Section. Meetings of the Task Force are subject to the
9 Open Meetings Act. The Task Force shall seek out and enlist the
10 cooperation and assistance of nongovernmental organizations,
11 community, and advocacy organizations working with the Chicago
12 community, and academic researchers and experts, specifically
13 those specializing in violence against Chicago women and
14 girls, representing diverse communities disproportionately
15 affected by violence against women and girls, or focusing on
16 issues related to gender-related violence and violence against
17 Chicago women and girls.

18 (e) The Executive Director of the Illinois Criminal
19 Justice Information Authority or the Executive Director's
20 designee shall convene the first meeting of the Task Force no
21 later than 30 days after the appointment of a majority of the
22 members of the Task Force. The Illinois Criminal Justice
23 Information Authority shall provide meeting space and
24 administrative assistance as necessary for the Task Force to
25 conduct its work. The chair of the Task Force may call
26 electronic meetings of the Task Force. A member of the Task

1 Force participating electronically shall be deemed present for
2 purposes of establishing a quorum and voting.

3 (f) The Task Force must examine and report on the
4 following:

5 (1) the systemic causes behind violence that Chicago
6 women and girls experience, including patterns and
7 underlying factors that explain why disproportionately
8 high levels of violence occur against Chicago women and
9 girls, including underlying historical, social, economic,
10 institutional, and cultural factors that may contribute to
11 the violence;

12 (2) appropriate methods for tracking and collecting
13 data on violence against Chicago women and girls,
14 including data on missing and murdered Chicago women and
15 girls;

16 (3) policies and institutions such as policing, child
17 welfare, medical examiner practices, and other
18 governmental practices that impact violence against
19 Chicago women and girls and the investigation and
20 prosecution of crimes of gender-related violence against
21 Chicago residents;

22 (4) measures necessary to address and reduce violence
23 against Chicago women and girls; and

24 (5) measures to help victims, victims' families, and
25 victims' communities prevent and heal from violence that
26 occurs against Chicago women and girls.

1 (g) The Task Force shall report on or before December 31 of
2 2024, and on or before December 31 of each year thereafter, to
3 the General Assembly and the Governor on the work of the Task
4 Force, including, but not limited to, the issues to be
5 examined in subsection (g), and shall include in the annual
6 report recommendations regarding institutional policies and
7 practices or proposed institutional policies and practices
8 that are effective in reducing gender-related violence and
9 increasing the safety of Chicago women and girls. The report
10 shall include recommendations to reduce and end violence
11 against Chicago women and girls and help victims and
12 communities heal from gender-related violence and violence
13 against Chicago women and girls.

14 (Source: P.A. 102-1057, eff. 1-1-23; revised 12-16-22.)

15 Section 70. The Retailers' Occupation Tax Act is amended
16 by changing Section 5d as follows:

17 (35 ILCS 120/5d) (from Ch. 120, par. 444d)

18 Sec. 5d. The Department is not required to furnish any
19 bond nor to make a deposit for or pay any costs or fees of any
20 court or officer thereof in any judicial proceedings under
21 this Act. Whenever a certified copy of a judgment or order for
22 attachment, issued from any court for the enforcement or
23 collection of any liability created by this Act, is levied by
24 any sheriff or medical examiner ~~coroner~~ upon any personal

1 property, and such property is claimed by any person other
2 than the judgment debtor or the defendant in the attachment,
3 or is claimed by the judgment debtor or defendant in the
4 attachment as exempt from enforcement of a judgment thereon by
5 virtue of the exemption laws of this State, then the person
6 making such claim shall give notice in writing of his or her
7 claim and of his or her intention to prosecute the claim, to
8 the sheriff or medical examiner ~~coroner~~ within 10 days after
9 the making of the levy. On receiving such notice, the sheriff
10 or medical examiner ~~coroner~~ shall proceed in accordance with
11 Part 2 of Article XII of the Code of Civil Procedure, as
12 amended. The giving of such notice within the 10 day period is
13 a condition precedent to any judicial action against the
14 sheriff or medical examiner ~~coroner~~ for wrongfully levying,
15 seizing or selling the property and any such person who fails
16 to give such notice within that time is barred from bringing
17 any judicial action against such sheriff or medical examiner
18 ~~coroner~~ for injury or damages to or conversion of the
19 property.

20 (Source: P.A. 83-1362.)

21 Section 75. The Property Tax Code is amended by changing
22 Sections 19-55, 21-355, 21-385, 22-15, and 22-20 as follows:

23 (35 ILCS 200/19-55)

24 Sec. 19-55. Sureties on collector's bonds. No chairman of

1 the county board, clerk of the circuit court, county clerk,
2 sheriff, deputy sheriff or medical examiner ~~coroner~~ shall be
3 permitted to be a surety on the bond of a county, township or
4 deputy collector or county treasurer.

5 (Source: Laws 1965, p. 631; P.A. 88-455.)

6 (35 ILCS 200/21-355)

7 Sec. 21-355. Amount of redemption. Any person desiring to
8 redeem shall deposit an amount specified in this Section with
9 the county clerk of the county in which the property is
10 situated, in legal money of the United States, or by cashier's
11 check, certified check, post office money order or money order
12 issued by a financial institution insured by an agency or
13 instrumentality of the United States, payable to the county
14 clerk of the proper county. The deposit shall be deemed timely
15 only if actually received in person at the county clerk's
16 office prior to the close of business as defined in Section
17 3-2007 of the Counties Code on or before the expiration of the
18 period of redemption or by United States mail with a post
19 office cancellation mark dated not less than one day prior to
20 the expiration of the period of redemption. The deposit shall
21 be in an amount equal to the total of the following:

22 (a) the certificate amount, which shall include all
23 tax principal, special assessments, interest and penalties
24 paid by the tax purchaser together with costs and fees of
25 sale and fees paid under Sections 21-295 and 21-315

1 through 21-335, except for the nonrefundable \$80 fee paid,
2 pursuant to Section 21-295, for each item purchased at the
3 tax sale;

4 (b) the accrued penalty, computed through the date of
5 redemption as a percentage of the certificate amount, as
6 follows:

7 (1) if the redemption occurs on or before the
8 expiration of 6 months from the date of sale, the
9 certificate amount times the penalty bid at sale;

10 (2) if the redemption occurs after 6 months from
11 the date of sale, and on or before the expiration of 12
12 months from the date of sale, the certificate amount
13 times 2 times the penalty bid at sale;

14 (3) if the redemption occurs after 12 months from
15 the date of sale and on or before the expiration of 18
16 months from the date of sale, the certificate amount
17 times 3 times the penalty bid at sale;

18 (4) if the redemption occurs after 18 months from
19 the date of sale and on or before the expiration of 24
20 months from the date of sale, the certificate amount
21 times 4 times the penalty bid at sale;

22 (5) if the redemption occurs after 24 months from
23 the date of sale and on or before the expiration of 30
24 months from the date of sale, the certificate amount
25 times 5 times the penalty bid at sale;

26 (6) if the redemption occurs after 30 months from

1 the date of sale and on or before the expiration of 36
2 months from the date of sale, the certificate amount
3 times 6 times the penalty bid at sale.

4 In the event that the property to be redeemed has
5 been purchased under Section 21-405, the penalty bid
6 shall be 12% per penalty period as set forth in
7 subparagraphs (1) through (6) of this subsection (b).
8 The changes to this subdivision (b)(6) made by this
9 amendatory Act of the 91st General Assembly are not a
10 new enactment, but declaratory of existing law.

11 (c) The total of all taxes, special assessments,
12 accrued interest on those taxes and special assessments
13 and costs charged in connection with the payment of those
14 taxes or special assessments, except for the nonrefundable
15 \$80 fee paid, pursuant to Section 21-295, for each item
16 purchased at the tax sale, which have been paid by the tax
17 certificate holder on or after the date those taxes or
18 special assessments became delinquent together with 12%
19 penalty on each amount so paid for each year or portion
20 thereof intervening between the date of that payment and
21 the date of redemption. In counties with less than
22 3,000,000 inhabitants, however, a tax certificate holder
23 may not pay all or part of an installment of a subsequent
24 tax or special assessment for any year, nor shall any
25 tender of such a payment be accepted, until after the
26 second or final installment of the subsequent tax or

1 special assessment has become delinquent or until after
2 the holder of the certificate of purchase has filed a
3 petition for a tax deed under Section 22.30. The person
4 redeeming shall also pay the amount of interest charged on
5 the subsequent tax or special assessment and paid as a
6 penalty by the tax certificate holder. This amendatory Act
7 of 1995 applies to tax years beginning with the 1995
8 taxes, payable in 1996, and thereafter.

9 (d) Any amount paid to redeem a forfeiture occurring
10 subsequent to the tax sale together with 12% penalty
11 thereon for each year or portion thereof intervening
12 between the date of the forfeiture redemption and the date
13 of redemption from the sale.

14 (e) Any amount paid by the certificate holder for
15 redemption of a subsequently occurring tax sale.

16 (f) All fees paid to the county clerk under Section
17 22-5.

18 (g) All fees paid to the registrar of titles incident
19 to registering the tax certificate in compliance with the
20 Registered Titles (Torrens) Act.

21 (h) All fees paid to the circuit clerk and the
22 sheriff, a licensed or registered private detective, or
23 the medical examiner ~~coroner~~ in connection with the filing
24 of the petition for tax deed and service of notices under
25 Sections 22-15 through 22-30 and 22-40 in addition to (1)
26 a fee of \$35 if a petition for tax deed has been filed,

1 which fee shall be posted to the tax judgement, sale,
2 redemption, and forfeiture record, to be paid to the
3 purchaser or his or her assignee; (2) a fee of \$4 if a
4 notice under Section 22-5 has been filed, which fee shall
5 be posted to the tax judgment, sale, redemption, and
6 forfeiture record, to be paid to the purchaser or his or
7 her assignee; (3) all costs paid to record a lis pendens
8 notice in connection with filing a petition under this
9 Code; and (4) if a petition for tax deed has been filed,
10 all fees up to \$150 per redemption paid to a registered or
11 licensed title insurance company or title insurance agent
12 for a title search to identify all owners, parties
13 interested, and occupants of the property, to be paid to
14 the purchaser or his or her assignee. The fees in (1) and
15 (2) of this paragraph (h) shall be exempt from the posting
16 requirements of Section 21-360. The costs incurred in
17 causing notices to be served by a licensed or registered
18 private detective under Section 22-15, may not exceed the
19 amount that the sheriff would be authorized by law to
20 charge if those notices had been served by the sheriff.

21 (i) All fees paid for publication of notice of the tax
22 sale in accordance with Section 22-20.

23 (j) All sums paid to any county, city, village or
24 incorporated town for reimbursement under Section 22-35.

25 (k) All costs and expenses of receivership under
26 Section 21-410, to the extent that these costs and

1 expenses exceed any income from the property in question,
2 if the costs and expenditures have been approved by the
3 court appointing the receiver and a certified copy of the
4 order or approval is filed and posted by the certificate
5 holder with the county clerk. Only actual costs expended
6 may be posted on the tax judgment, sale, redemption and
7 forfeiture record.

8 (Source: P.A. 101-659, eff. 3-23-21.)

9 (35 ILCS 200/21-385)

10 Sec. 21-385. Extension of period of redemption. The
11 purchaser or his or her assignee of property sold for
12 nonpayment of general taxes or special assessments may extend
13 the period of redemption at any time before the expiration of
14 the original period of redemption, or thereafter prior to the
15 expiration of any extended period of redemption, for a period
16 which will expire not later than 3 years from the date of sale,
17 by filing with the county clerk of the county in which the
18 property is located a written notice to that effect describing
19 the property, stating the date of the sale and specifying the
20 extended period of redemption. Upon receiving the notice, the
21 county clerk shall stamp the date of receipt upon the notice.
22 If the notice is submitted as an electronic record, the county
23 clerk shall acknowledge receipt of the record and shall
24 provide confirmation in the same manner to the certificate
25 holder. The confirmation from the county clerk shall include

1 the date of receipt and shall serve as proof that the notice
2 was filed with the county clerk. The county clerk shall not be
3 required to extend the period of redemption unless the
4 purchaser or his or her assignee obtains this acknowledgement
5 of delivery. If prior to the expiration of the period of
6 redemption or extended period of redemption a petition for tax
7 deed has been filed under Section 22-30, upon application of
8 the petitioner, the court shall allow the purchaser or his or
9 her assignee to extend the period of redemption after
10 expiration of the original period or any extended period of
11 redemption, provided that any extension allowed will expire
12 not later than 3 years from the date of sale, unless the
13 certificate has been assigned to the county collector by order
14 of the court which ordered the property sold, in which case the
15 period of redemption shall be extended for such period as may
16 be designated by the holder of the certificate, such period
17 not to exceed 36 months from the date of the assignment to the
18 collector. If the period of redemption is extended, the
19 purchaser or his or her assignee must give the notices
20 provided for in Section 22-10 at the specified times prior to
21 the expiration of the extended period of redemption by causing
22 a sheriff (or if he or she is disqualified, a medical examiner
23 ~~coroner~~) of the county in which the property, or any part
24 thereof, is located to serve the notices as provided in
25 Sections 22-15 and 22-20. The notices may also be served as
26 provided in Sections 22-15 and 22-20 by a special process

1 server appointed by the court under Section 22-15.

2 (Source: P.A. 100-890, eff. 1-1-19; 100-975, eff. 8-19-18;
3 101-81, eff. 7-12-19.)

4 (35 ILCS 200/22-15)

5 Sec. 22-15. Service of notice. The purchaser or his or her
6 assignee shall give the notice required by Section 22-10 by
7 causing it to be published in a newspaper as set forth in
8 Section 22-20. In addition, the notice shall be served by a
9 sheriff (or if he or she is disqualified, by a medical examiner
10 ~~coroner~~) of the county in which the property, or any part
11 thereof, is located or, except in Cook County, by a person who
12 is licensed or registered as a private detective under the
13 Private Detective, Private Alarm, Private Security,
14 Fingerprint Vendor, and Locksmith Act of 2004 upon owners who
15 reside on any part of the property sold by leaving a copy of
16 the notice with those owners personally.

17 In counties of 3,000,000 or more inhabitants where a
18 taxing district is a petitioner for tax deed pursuant to
19 Section 21-90, in lieu of service by the sheriff or medical
20 examiner ~~coroner~~ the notice may be served by a special process
21 server appointed by the circuit court as provided in this
22 Section. The taxing district may move prior to filing one or
23 more petitions for tax deed for appointment of such a special
24 process server. The court, upon being satisfied that the
25 person named in the motion is at least 18 years of age and is

1 capable of serving notice as required under this Code, shall
2 enter an order appointing such person as a special process
3 server for a period of one year. The appointment may be renewed
4 for successive periods of one year each by motion and order,
5 and a copy of the original and any subsequent order shall be
6 filed in each tax deed case in which a notice is served by the
7 appointed person. Delivery of the notice to and service of the
8 notice by the special process server shall have the same force
9 and effect as its delivery to and service by the sheriff or
10 medical examiner ~~coroner~~.

11 The same form of notice shall also be served, in the manner
12 set forth under Sections 2-203, 2-204, 2-205, 2-205.1, and
13 2-211 of the Code of Civil Procedure, upon all other owners and
14 parties interested in the property, if upon diligent inquiry
15 they can be found in the county, and upon the occupants of the
16 property.

17 If the property sold has more than 4 dwellings or other
18 rental units, and has a managing agent or party who collects
19 rents, that person shall be deemed the occupant and shall be
20 served with notice instead of the occupants of the individual
21 units. If the property has no dwellings or rental units, but
22 economic or recreational activities are carried on therein,
23 the person directing such activities shall be deemed the
24 occupant. Holders of rights of entry and possibilities of
25 reverter shall not be deemed parties interested in the
26 property.

1 When a party interested in the property is a trustee,
2 notice served upon the trustee shall be deemed to have been
3 served upon any beneficiary or note holder thereunder unless
4 the holder of the note is disclosed of record.

5 When a judgment is a lien upon the property sold, the
6 holder of the lien shall be served with notice if the name of
7 the judgment debtor as shown in the transcript, certified copy
8 or memorandum of judgment filed of record is identical, as to
9 given name and surname, with the name of the party interested
10 as it appears of record.

11 If any owner or party interested, upon diligent inquiry
12 and effort, cannot be found or served with notice in the county
13 as provided in this Section, and the person in actual
14 occupancy and possession is tenant to, or in possession under
15 the owners or the parties interested in the property, then
16 service of notice upon the tenant, occupant or person in
17 possession shall be deemed service upon the owners or parties
18 interested.

19 If any owner or party interested, upon diligent inquiry
20 and effort cannot be found or served with notice in the county,
21 then the person making the service shall cause a copy of the
22 notice to be sent by registered or certified mail, return
23 receipt requested, to that party at his or her residence, if
24 ascertainable.

25 The changes to this Section made by Public Act 95-477
26 apply only to matters in which a petition for tax deed is filed

1 on or after June 1, 2008 (the effective date of Public Act
2 95-477).

3 (Source: P.A. 95-195, eff. 1-1-08; 95-477, eff. 6-1-08;
4 95-876, eff. 8-21-08.)

5 (35 ILCS 200/22-20)

6 Sec. 22-20. Proof of service of notice; publication of
7 notice. The sheriff or medical examiner ~~coroner~~ serving notice
8 under Section 22-15 shall endorse his or her return thereon
9 and file it with the Clerk of the Circuit Court and it shall be
10 a part of the court record. A private detective or a special
11 process server appointed under Section 22-15 shall make his or
12 her return by affidavit and shall file it with the Clerk of the
13 Circuit Court, where it shall be a part of the court record. If
14 a sheriff, private detective, special process server, or
15 medical examiner ~~coroner~~ to whom any notice is delivered for
16 service, neglects or refuses to make the return, the purchaser
17 or his or her assignee may petition the court to enter a rule
18 requiring the sheriff, private detective, special process
19 server, or medical examiner ~~coroner~~ to make return of the
20 notice on a day to be fixed by the court, or to show cause on
21 that day why he or she should not be attached for contempt of
22 the court. The purchaser or assignee shall cause a written
23 notice of the rule to be served upon the sheriff, private
24 detective, special process server, or medical examiner
25 ~~coroner~~. If good and sufficient cause to excuse the sheriff,

1 private detective, special process server, or medical examiner
2 ~~coroner~~ is not shown, the court shall adjudge him or her guilty
3 of a contempt, and shall proceed to punish him as in other
4 cases of contempt.

5 If the property is located in a municipality in a county
6 with less than 3,000,000 inhabitants, the purchaser or his or
7 her assignee shall also publish a notice as to the owner or
8 party interested, in some newspaper published in the
9 municipality. If the property is not in a municipality in a
10 county with less than 3,000,000 inhabitants, or if no
11 newspaper is published therein, or if the property is in a
12 county with 3,000,000 or more inhabitants, the notice shall be
13 published in some newspaper in the county. If no newspaper is
14 published in the county, then the notice shall be published in
15 the newspaper that is published nearest the county seat of the
16 county in which the property is located. If the owners and
17 parties interested in the property upon diligent inquiry are
18 unknown to the purchaser or his or her assignee, the
19 publication as to such owner or party interested, may be made
20 to unknown owners or parties interested. Any notice by
21 publication given under this Section shall be given 3 times at
22 any time after filing a petition for tax deed, but not less
23 than 3 months nor more than 6 months prior to the expiration of
24 the period of redemption. The publication shall contain (a)
25 notice of the filing of the petition for tax deed, (b) the date
26 on which the petitioner intends to make application for an

1 order on the petition that a tax deed issue, (c) a description
2 of the property, (d) the date upon which the property was sold,
3 (e) the taxes or special assessments for which it was sold and
4 (f) the date on which the period of redemption will expire. The
5 publication shall not include more than one property listed
6 and sold in one description, except as provided in Section
7 21-90, and except that when more than one property is owned by
8 one person, all of the parcels owned by that person may be
9 included in one notice.

10 The changes to this Section made by Public Act 95-477
11 apply only to matters in which a petition for tax deed is filed
12 on or after June 1, 2008 (the effective date of Public Act
13 95-477).

14 (Source: P.A. 95-195, eff. 1-1-08; 95-477, eff. 6-1-08;
15 95-876, eff. 8-21-08.)

16 Section 80. The Mobile Home Local Services Tax Enforcement
17 Act is amended by changing Sections 300, 330, 375, and 380 as
18 follows:

19 (35 ILCS 516/300)

20 Sec. 300. Amount of redemption. Any person desiring to
21 redeem shall deposit an amount specified in this Section with
22 the county clerk of the county in which the mobile home is
23 situated, in legal money of the United States, or by cashier's
24 check, certified check, post office money order or money

1 order, issued by a financial institution insured by an agency
2 or instrumentality of the United States, payable to the county
3 clerk of the proper county. The deposit shall be deemed timely
4 only if actually received in person at the county clerk's
5 office prior to the close of business as defined in Section
6 3-2007 of the Counties Code on or before the expiration of the
7 period of redemption or by United States mail with a post
8 office cancellation mark dated not less than one day prior to
9 the expiration of the period of redemption. The deposit shall
10 be in an amount equal to the total of the following:

11 (a) the certificate amount, which shall include all
12 tax principal, interest, and penalties paid by the tax
13 purchaser together with costs and fees of sale and fees
14 paid under Sections 235 and 260 through 280;

15 (b) the accrued penalty, computed through the date of
16 redemption as a percentage of the certificate amount, as
17 follows:

18 (1) if the redemption occurs on or before the
19 expiration of 6 months from the date of sale, the
20 certificate amount times the penalty bid at sale;

21 (2) if the redemption occurs after 6 months from
22 the date of sale, and on or before the expiration of 12
23 months from the date of sale, the certificate amount
24 times 2 times the penalty bid at sale;

25 (3) if the redemption occurs after 12 months from
26 the date of sale and on or before the expiration of 18

1 months from the date of sale, the certificate amount
2 times 3 times the penalty bid at sale;

3 (4) if the redemption occurs after 18 months from
4 the date of sale and on or before the expiration of 24
5 months from the date of sale, the certificate amount
6 times 4 times the penalty bid at sale;

7 (5) if the redemption occurs after 24 months from
8 the date of sale and on or before the expiration of 30
9 months from the date of sale, the certificate amount
10 times 5 times the penalty bid at sale;

11 (6) if the redemption occurs after 30 months from
12 the date of sale and on or before the expiration of 36
13 months from the date of sale, the certificate amount
14 times 6 times the penalty bid at sale.

15 (c) The total of all taxes, accrued interest on those
16 taxes, and costs charged in connection with the payment of
17 those taxes, which have been paid by the tax certificate
18 holder on or after the date those taxes became delinquent
19 together with 12% penalty on each amount so paid for each
20 year or portion thereof intervening between the date of
21 that payment and the date of redemption. In counties with
22 less than 3,000,000 inhabitants, however, a tax
23 certificate holder may not pay the subsequent tax for any
24 year, nor shall any tender of such a payment be accepted,
25 until the subsequent tax has become delinquent or until
26 after the holder of the certificate of purchase has filed

1 a petition for a tax certificate of title under Section
2 390. The person redeeming shall also pay the amount of
3 interest charged on the subsequent tax and paid as a
4 penalty by the tax certificate holder.

5 (d) Any amount paid to redeem a forfeiture occurring
6 subsequent to the tax sale together with 12% penalty
7 thereon for each year or portion thereof intervening
8 between the date of the forfeiture redemption and the date
9 of redemption from the sale.

10 (e) Any amount paid by the certificate holder for
11 redemption of a subsequently occurring tax sale.

12 (f) All fees paid to the county clerk under Section
13 22-5.

14 (g) All fees paid to the circuit clerk and the sheriff
15 or medical examiner ~~coroner~~ in connection with the filing
16 of the petition for tax certificate of title and service
17 of notices under Sections 375 through 390 and 400 in
18 addition to (1) a fee of \$35 if a petition for tax
19 certificate of title has been filed, which fee shall be
20 posted to the tax judgement, sale, redemption, and
21 forfeiture record, to be paid to the purchaser or his or
22 her assignee; (2) a fee of \$4 if a notice under Section 365
23 has been filed, which fee shall be posted to the tax
24 judgment, sale, redemption, and forfeiture record, to be
25 paid to the purchaser or his or her assignee; and (3) all
26 costs paid to record a lis pendens notice in connection

1 with filing a petition under this Act. The fees in (1) and
2 (2) of this paragraph (g) shall be exempt from the posting
3 requirements of Section 305.

4 (h) All fees paid for publication of notice of the tax
5 sale in accordance with Section 380.

6 (i) All sums paid to any city, village or incorporated
7 town for reimbursement under Section 395.

8 (j) All costs and expenses of receivership under
9 Section 350, to the extent that these costs and expenses
10 exceed any income from the mobile home in question, if the
11 costs and expenditures have been approved by the court
12 appointing the receiver and a certified copy of the order
13 or approval is filed and posted by the certificate holder
14 with the county clerk. Only actual costs expended may be
15 posted on the tax judgment, sale, redemption and
16 forfeiture record.

17 (Source: P.A. 92-807, eff. 1-1-03.)

18 (35 ILCS 516/330)

19 Sec. 330. Extension of period of redemption. The purchaser
20 or his or her assignee of a mobile home sold for nonpayment of
21 taxes may extend the period of redemption at any time before
22 the expiration of the original period of redemption, or
23 thereafter prior to the expiration of any extended period of
24 redemption, for a period which will expire not later than 3
25 years from the date of sale, by filing with the county clerk of

1 the county in which the mobile home is located a written notice
2 to that effect describing the mobile home, stating the date of
3 the sale and specifying the extended period of redemption. If
4 prior to the expiration of the period of redemption or
5 extended period of redemption a petition for tax certificate
6 of title has been filed under Section 390, upon application of
7 the petitioner, the court shall allow the purchaser or his or
8 her assignee to extend the period of redemption after
9 expiration of the original period or any extended period of
10 redemption, provided that any extension allowed will expire
11 not later than 3 years from the date of sale. If the period of
12 redemption is extended, the purchaser or his or her assignee
13 must give the notices provided for in Section 370 at the
14 specified times prior to the expiration of the extended period
15 of redemption by causing a sheriff (or if he or she is
16 disqualified, a medical examiner ~~coroner~~) of the county in
17 which the mobile home, or any part thereof, is located to serve
18 the notices as provided in Sections 375 and 380. The notices
19 may also be served as provided in Sections 375 and 380 by a
20 special process server.

21 (Source: P.A. 92-807, eff. 1-1-03.)

22 (35 ILCS 516/375)

23 Sec. 375. Service of notice. The purchaser or his or her
24 assignee shall give the notice required by Section 370 by
25 causing it to be published in a newspaper as set forth in

1 Section 380. In addition, the notice shall be served by a
2 process server or sheriff (or if he or she is disqualified, by
3 a medical examiner ~~coroner~~) of the county in which the mobile
4 home is located upon owners who reside in the mobile home sold
5 by leaving a copy of the notice with those owners personally.

6 The same form of notice shall also be served upon all other
7 owners and parties interested in the mobile home, if upon
8 diligent inquiry they can be found in the county, and upon the
9 occupants of the mobile home in the following manner:

10 (a) as to individuals, by (1) leaving a copy of the
11 notice with the person personally or (2) by leaving a copy
12 at his or her usual place of residence with a person of the
13 family, of the age of 13 years or more, and informing that
14 person of its contents. The person making the service
15 shall cause a copy of the notice to be sent by registered
16 or certified mail, return receipt requested, to that party
17 at his or her usual place of residence;

18 (b) as to public and private corporations, municipal,
19 governmental and quasi-municipal corporations,
20 partnerships, receivers and trustees of corporations, by
21 leaving a copy of the notice with the person designated by
22 the Civil Practice Law.

23 When a party interested in the mobile home is a trustee,
24 notice served upon the trustee shall be deemed to have been
25 served upon any beneficiary or note holder thereunder unless
26 the holder of the note is disclosed of record.

1 When a judgment is a lien upon the mobile home sold, the
2 holder of the lien shall be served with notice if the name of
3 the judgment debtor as shown in the transcript, certified copy
4 or memorandum of judgment filed of record is identical, as to
5 given name and surname, with the name of the party interested
6 as it appears of record.

7 If any owner or party interested, upon diligent inquiry
8 and effort, cannot be found or served with notice in the county
9 as provided in this Section, and the person in actual
10 occupancy and possession is tenant to, or in possession under
11 the owners or the parties interested in the mobile home, then
12 service of notice upon the tenant, occupant or person in
13 possession shall be deemed service upon the owners or parties
14 interested.

15 If any owner or party interested, upon diligent inquiry
16 and effort cannot be found or served with notice in the county,
17 then the person making the service shall cause a copy of the
18 notice to be sent by registered or certified mail, return
19 receipt requested, to that party at his or her residence, if
20 ascertainable.

21 (Source: P.A. 92-807, eff. 1-1-03.)

22 (35 ILCS 516/380)

23 Sec. 380. Proof of service of notice; publication of
24 notice. The sheriff or medical examiner ~~coroner~~ serving notice
25 under Section 375 shall endorse his or her return thereon and

1 file it with the clerk of the circuit court and it shall be a
2 part of the court record. A special process server appointed
3 under Section 375 shall make his or her return by affidavit and
4 shall file it with the clerk of the circuit court, where it
5 shall be a part of the court record. If a sheriff, special
6 process server, or medical examiner ~~coroner~~ to whom any notice
7 is delivered for service, neglects or refuses to make the
8 return, the purchaser or his or her assignee may petition the
9 court to enter a rule requiring the sheriff, special process
10 server, or medical examiner ~~coroner~~ to make return of the
11 notice on a day to be fixed by the court, or to show cause on
12 that day why he or she should not be attached for contempt of
13 the court. The purchaser or assignee shall cause a written
14 notice of the rule to be served upon the sheriff, special
15 process server, or medical examiner ~~coroner~~. If good and
16 sufficient cause to excuse the sheriff, special process
17 server, or medical examiner ~~coroner~~ is not shown, the court
18 shall adjudge him or her guilty of contempt, and shall proceed
19 to punish him as in other cases of contempt.

20 If the mobile home is located in a municipality in a county
21 with less than 3,000,000 inhabitants, the purchaser or his or
22 her assignee shall also publish a notice as to the owner or
23 party interested, in some newspaper published in the
24 municipality. If the mobile home is not in a municipality in a
25 county with less than 3,000,000 inhabitants, or if no
26 newspaper is published therein, the notice shall be published

1 in some newspaper in the county. If no newspaper is published
2 in the county, then the notice shall be published in the
3 newspaper that is published nearest the county seat of the
4 county in which the mobile home is located. If the owners and
5 parties interested in the mobile home upon diligent inquiry
6 are unknown to the purchaser or his or her assignee, the
7 publication as to such owner or party interested, may be made
8 to unknown owners or parties interested. Any notice by
9 publication given under this Section shall be given 3 times at
10 any time after filing a petition for tax certificate of title,
11 but not less than 3 months nor more than 5 months prior to the
12 expiration of the period of redemption. The publication shall
13 contain (a) notice of the filing of the petition for tax
14 certificate of title, (b) the date on which the petitioner
15 intends to make application for an order on the petition that a
16 tax certificate of title issue, (c) a description of the
17 mobile home, (d) the date upon which the mobile home was sold,
18 (e) the taxes for which it was sold and (f) the date on which
19 the period of redemption will expire. The publication shall
20 not include more than one mobile home listed and sold in one
21 description, except as provided in Section 35, and except that
22 when more than one mobile home is owned by one person, all of
23 the mobile homes owned by that person may be included in one
24 notice.

25 (Source: P.A. 92-807, eff. 1-1-03.)

1 Section 85. The Illinois Pension Code is amended by
2 changing Section 7-145.1 as follows:

3 (40 ILCS 5/7-145.1)

4 Sec. 7-145.1. Alternative annuity for county officers.

5 (a) The benefits provided in this Section and Section
6 7-145.2 are available only if, prior to the effective date of
7 this amendatory Act of the 97th General Assembly, the county
8 board has filed with the Board of the Fund a resolution or
9 ordinance expressly consenting to the availability of these
10 benefits for its elected county officers. The county board's
11 consent is irrevocable with respect to persons participating
12 in the program, but may be revoked at any time with respect to
13 persons who have not paid an additional optional contribution
14 under this Section before the date of revocation.

15 An elected county officer may elect to establish
16 alternative credits for an alternative annuity by electing in
17 writing before the effective date of this amendatory Act of
18 the 97th General Assembly to make additional optional
19 contributions in accordance with this Section and procedures
20 established by the board. These alternative credits are
21 available only for periods of service as an elected county
22 officer. The elected county officer may discontinue making the
23 additional optional contributions by notifying the Fund in
24 writing in accordance with this Section and procedures
25 established by the board.

1 Additional optional contributions for the alternative
2 annuity shall be as follows:

3 (1) For service as an elected county officer after the
4 option is elected, an additional contribution of 3% of
5 salary shall be contributed to the Fund on the same basis
6 and under the same conditions as contributions required
7 under Section 7-173.

8 (2) For service as an elected county officer before
9 the option is elected, an additional contribution of 3% of
10 the salary for the applicable period of service, plus
11 interest at the effective rate from the date of service to
12 the date of payment, plus any additional amount required
13 by the county board under paragraph (3). All payments for
14 past service must be paid in full before credit is given.
15 Payment must be received by the Board while the member is
16 an active participant, except that one payment will be
17 permitted after termination of participation.

18 (3) With respect to service as an elected county
19 officer before the option is elected, if payment is made
20 after the county board has filed with the Board of the Fund
21 a resolution or ordinance requiring an additional
22 contribution under this paragraph, then the contribution
23 required under paragraph (2) shall include an amount to be
24 determined by the Fund, equal to the actuarial present
25 value of the additional employer cost that would otherwise
26 result from the alternative credits being established for

1 that service. A county board's resolution or ordinance
2 requiring additional contributions under this paragraph
3 (3) is irrevocable. Payment must be received by the Board
4 while the member is an active participant, except that one
5 payment will be permitted after termination of
6 participation.

7 No additional optional contributions may be made for any
8 period of service for which credit has been previously
9 forfeited by acceptance of a refund, unless the refund is
10 repaid in full with interest at the effective rate from the
11 date of refund to the date of repayment.

12 (b) In lieu of the retirement annuity otherwise payable
13 under this Article, an elected county officer who (1) has
14 elected to participate in the Fund and make additional
15 optional contributions in accordance with this Section, (2)
16 has held and made additional optional contributions with
17 respect to the same elected county office for at least 8 years,
18 and (3) has attained age 55 with at least 8 years of service
19 credit (or has attained age 50 with at least 20 years of
20 service as a sheriff's law enforcement employee) may elect to
21 have his retirement annuity computed as follows: 3% of the
22 participant's salary for each of the first 8 years of service
23 credit, plus 4% of that salary for each of the next 4 years of
24 service credit, plus 5% of that salary for each year of service
25 credit in excess of 12 years, subject to a maximum of 80% of
26 that salary.

1 This formula applies only to service in an elected county
2 office that the officer held for at least 8 years, and only to
3 service for which additional optional contributions have been
4 paid under this Section. If an elected county officer
5 qualifies to have this formula applied to service in more than
6 one elected county office, the qualifying service shall be
7 accumulated for purposes of determining the applicable accrual
8 percentages, but the salary used for each office shall be the
9 separate salary calculated for that office, as defined in
10 subsection (g).

11 To the extent that the elected county officer has service
12 credit that does not qualify for this formula, his retirement
13 annuity will first be determined in accordance with this
14 formula with respect to the service to which this formula
15 applies, and then in accordance with the remaining Sections of
16 this Article with respect to the service to which this formula
17 does not apply.

18 (c) In lieu of the disability benefits otherwise payable
19 under this Article, an elected county officer who (1) has
20 elected to participate in the Fund, and (2) has become
21 permanently disabled and as a consequence is unable to perform
22 the duties of his office, and (3) was making optional
23 contributions in accordance with this Section at the time the
24 disability was incurred, may elect to receive a disability
25 annuity calculated in accordance with the formula in
26 subsection (b). For the purposes of this subsection, an

1 elected county officer shall be considered permanently
2 disabled only if: (i) disability occurs while in service as an
3 elected county officer and is of such a nature as to prevent
4 him from reasonably performing the duties of his office at the
5 time; and (ii) the board has received a written certification
6 by at least 2 licensed physicians appointed by it stating that
7 the officer is disabled and that the disability is likely to be
8 permanent.

9 (d) Refunds of additional optional contributions shall be
10 made on the same basis and under the same conditions as
11 provided under Section 7-166, 7-167 and 7-168. Interest shall
12 be credited at the effective rate on the same basis and under
13 the same conditions as for other contributions.

14 If an elected county officer fails to hold that same
15 elected county office for at least 8 years, he or she shall be
16 entitled after leaving office to receive a refund of the
17 additional optional contributions made with respect to that
18 office, plus interest at the effective rate.

19 (e) The plan of optional alternative benefits and
20 contributions shall be available to persons who are elected
21 county officers and active contributors to the Fund on or
22 after November 15, 1994 and elected to establish alternative
23 credit before the effective date of this amendatory Act of the
24 97th General Assembly. A person who was an elected county
25 officer and an active contributor to the Fund on November 15,
26 1994 but is no longer an active contributor may apply to make

1 additional optional contributions under this Section at any
2 time within 90 days after the effective date of this
3 amendatory Act of 1997; if the person is an annuitant, the
4 resulting increase in annuity shall begin to accrue on the
5 first day of the month following the month in which the
6 required payment is received by the Fund.

7 (f) For the purposes of this Section and Section 7-145.2,
8 the terms "elected county officer" and "elected county office"
9 include, but are not limited to: (1) the county clerk,
10 recorder, treasurer, ~~coroner~~, assessor (if elected), auditor,
11 sheriff, and State's Attorney; members of the county board;
12 and the clerk of the circuit court; and (2) a person who has
13 been appointed to fill a vacancy in an office that is normally
14 filled by election on a countywide basis, for the duration of
15 his or her service in that office. The terms "elected county
16 officer" and "elected county office" do not include any
17 officer or office of a county that has not consented to the
18 availability of benefits under this Section and Section
19 7-145.2.

20 (g) For the purposes of this Section and Section 7-145.2,
21 the term "salary" means the final rate of earnings for the
22 elected county office held, calculated in a manner consistent
23 with Section 7-116, but for that office only. If an elected
24 county officer qualifies to have the formula in subsection (b)
25 applied to service in more than one elected county office, a
26 separate salary shall be calculated and applied with respect

1 to each such office.

2 (h) The changes to this Section made by this amendatory
3 Act of the 91st General Assembly apply to persons who first
4 make an additional optional contribution under this Section on
5 or after the effective date of this amendatory Act.

6 (i) Any elected county officer who was entitled to receive
7 a stipend from the State on or after July 1, 2009 and on or
8 before June 30, 2010 may establish earnings credit for the
9 amount of stipend not received, if the elected county official
10 applies in writing to the fund within 6 months after the
11 effective date of this amendatory Act of the 96th General
12 Assembly and pays to the fund an amount equal to (i) employee
13 contributions on the amount of stipend not received, (ii)
14 employer contributions determined by the Board equal to the
15 employer's normal cost of the benefit on the amount of stipend
16 not received, plus (iii) interest on items (i) and (ii) at the
17 actuarially assumed rate.

18 (Source: P.A. 100-148, eff. 8-18-17.)

19 Section 90. The Illinois Police Training Act is amended by
20 changing Section 10.11 as follows:

21 (50 ILCS 705/10.11)

22 Sec. 10.11. Training; death and homicide investigation.
23 The Illinois Law Enforcement Training Standards Board shall
24 conduct or approve a training program in death and homicide

1 investigation for the training of law enforcement officers of
2 local law enforcement agencies. Only law enforcement officers
3 who successfully complete the training program may be assigned
4 as lead investigators in death and homicide investigations.
5 Satisfactory completion of the training program shall be
6 evidenced by a certificate issued to the law enforcement
7 officer by the Illinois Law Enforcement Training Standards
8 Board.

9 The Illinois Law Enforcement Training Standards Board
10 shall develop a process for waiver applications sent by a
11 local governmental agency administrator for those officers
12 whose prior training and experience as homicide investigators
13 may qualify them for a waiver. The Board may issue a waiver at
14 its discretion, based solely on the prior training and
15 experience of an officer as a homicide investigator. This
16 Section does not affect or impede the powers of the office of
17 the medical examiner ~~coroner~~ to investigate all deaths as
18 provided in Division 3-3 of the Counties Code and the Medical
19 Examiner ~~Coroner~~ Training Board Act.

20 (Source: P.A. 101-652, eff. 1-1-22; 102-558, eff. 8-20-21;
21 102-694, eff. 1-7-22.)

22 Section 95. The Law Enforcement Camera Grant Act is
23 amended by changing Section 15 as follows:

24 (50 ILCS 707/15)

1 Sec. 15. Rules; in-car video camera grants.

2 (a) The Board shall develop model rules for the use of
3 in-car video cameras to be adopted by law enforcement agencies
4 that receive grants under Section 10 of this Act. The rules
5 shall include all of the following requirements:

6 (1) Cameras must be installed in the law enforcement
7 agency vehicles.

8 (2) Video recording must provide audio of the officer
9 when the officer is outside of the vehicle.

10 (3) Camera access must be restricted to the
11 supervisors of the officer in the vehicle.

12 (4) Cameras must be turned on continuously throughout
13 the officer's shift.

14 (5) A copy of the video record must be made available
15 upon request to personnel of the law enforcement agency,
16 the local State's Attorney, and any persons depicted in
17 the video. Procedures for distribution of the video record
18 must include safeguards to protect the identities of
19 individuals who are not a party to the requested stop.

20 (6) Law enforcement agencies that receive moneys under
21 this grant shall provide for storage of the video records
22 for a period of not less than 2 years.

23 (b) Each law enforcement agency receiving a grant for
24 in-car video cameras under Section 10 of this Act must provide
25 an annual report to the Board, the Governor, and the General
26 Assembly on or before May 1 of the year following the receipt

1 of the grant and by each May 1 thereafter during the period of
2 the grant. The report shall include the following:

3 (1) the number of cameras received by the law
4 enforcement agency;

5 (2) the number of cameras actually installed in law
6 enforcement agency vehicles;

7 (3) a brief description of the review process used by
8 supervisors within the law enforcement agency;

9 (4) a list of any criminal, traffic, ordinance, and
10 civil cases in which in-car video recordings were used,
11 including party names, case numbers, offenses charged, and
12 disposition of the matter. Proceedings to which this
13 paragraph (4) applies include, but are not limited to,
14 court proceedings, medical examiner's ~~coroner's~~ inquests,
15 grand jury proceedings, and plea bargains; and

16 (5) any other information relevant to the
17 administration of the program.

18 (Source: P.A. 99-352, eff. 1-1-16.)

19 Section 100. The Missing Persons Identification Act is
20 amended by changing Sections 15, 20, and 25 as follows:

21 (50 ILCS 722/15)

22 Sec. 15. Reporting of unidentified persons and human
23 remains.

24 (a) Handling of death scene investigations.

1 (1) The Illinois State Police shall provide
2 information to local law enforcement agencies about best
3 practices for handling death scene investigations.

4 (2) The Illinois State Police shall identify any
5 publications or training opportunities that may be
6 available to local law enforcement agencies or law
7 enforcement officers ~~and coroners~~ and medical examiners
8 concerning the handling of death scene investigations.

9 (b) Law enforcement reports.

10 (1) Before performing any death scene investigation
11 deemed appropriate under the circumstances, the official
12 with custody of the human remains shall ensure that the
13 ~~coroner or~~ medical examiner of the county in which the
14 deceased was found has been notified.

15 (2) Any ~~coroner or~~ medical examiner with custody of
16 human remains that are not identified within 24 hours of
17 discovery shall promptly notify the Illinois State Police
18 of the location of those remains. A ~~coroner or~~ medical
19 examiner with custody of human remains that are not
20 identified within 72 hours of discovery shall promptly
21 notify the Federal Bureau of Investigation of the location
22 of those remains and the failure to identify the remains.

23 (3) If the ~~coroner or~~ medical examiner with custody of
24 remains cannot determine whether or not the remains found
25 are human, the ~~coroner or~~ medical examiner shall notify
26 the Illinois State Police of the existence of possible

1 human remains.

2 (Source: P.A. 102-538, eff. 8-20-21; 102-869, eff. 1-1-23.)

3 (50 ILCS 722/20)

4 Sec. 20. Unidentified persons or human remains
5 identification responsibilities.

6 (a) In this Section, "assisting law enforcement agency"
7 means a law enforcement agency with jurisdiction acting under
8 the request and direction of the medical examiner ~~or coroner~~
9 to assist with human remains identification.

10 (a-5) If the official with custody of the human remains is
11 not a ~~coroner or~~ medical examiner, the official shall
12 immediately notify the ~~coroner or~~ medical examiner of the
13 county in which the remains were found. The ~~coroner or~~ medical
14 examiner shall go to the scene and take charge of the remains.

15 (b) Notwithstanding any other action deemed appropriate
16 for the handling of the human remains, the assisting law
17 enforcement agency or, medical examiner, ~~or coroner~~ shall make
18 reasonable attempts to promptly identify human remains. This
19 does not include historic or prehistoric skeletal remains.
20 These actions shall include, but are not limited to, obtaining
21 the following when possible:

22 (1) photographs of the human remains (prior to an
23 autopsy);

24 (2) dental and skeletal X-rays;

25 (3) photographs of items found on or with the human

1 remains;

2 (4) fingerprints from the remains;

3 (5) tissue samples suitable for DNA analysis;

4 (6) (blank); and

5 (7) any other information that may support
6 identification efforts.

7 (c) No medical examiner ~~or coroner~~ or any other person
8 shall dispose of, or engage in actions that will materially
9 affect the unidentified human remains before the assisting law
10 enforcement agency or, medical examiner, ~~or coroner~~ obtains
11 items essential for human identification efforts listed in
12 subsection (b) of this Section.

13 (d) Cremation of unidentified human remains is prohibited.

14 (e) (Blank).

15 (f) The assisting law enforcement agency or, medical
16 examiner, ~~or coroner~~ shall seek support from appropriate State
17 and federal agencies, including National Missing and
18 Unidentified Persons System resources to facilitate prompt
19 identification of human remains. This support may include, but
20 is not limited to, fingerprint comparison; forensic
21 odontology; nuclear or mitochondrial DNA analysis, or both;
22 and forensic anthropology.

23 (f-5) Fingerprints from the unidentified remains,
24 including partial prints, shall be submitted to the Illinois
25 State Police or other resource for the purpose of attempting
26 to identify the deceased. The ~~coroner or~~ medical examiner

1 shall cause a dental examination to be performed by a forensic
2 odontologist for the purpose of dental charting, comparison to
3 missing person records, or both. Tissue samples collected for
4 DNA analysis shall be submitted within 30 days of the recovery
5 of the remains to a National Missing and Unidentified Persons
6 System partner laboratory or other resource where DNA profiles
7 are entered into the National DNA Index System upon completion
8 of testing. Forensic anthropological analysis of the remains
9 shall also be considered.

10 (g) (Blank).

11 (g-2) The medical examiner ~~or coroner~~ shall report the
12 unidentified human remains and the location where the remains
13 were found to the Illinois State Police within 24 hours of
14 discovery and then to the Federal Bureau of Investigation
15 within 72 hours of discovery if the remains are not identified
16 as mandated by Section 15 of this Act. The assisting law
17 enforcement agency or medical examiner, ~~or coroner~~ shall
18 contact the Illinois State Police to request the creation of a
19 National Crime Information Center Unidentified Person record
20 within 5 days of the discovery of the remains. The assisting
21 law enforcement agency or medical examiner, ~~or coroner~~ shall
22 provide the Illinois State Police all information required for
23 National Crime Information Center entry. Upon notification,
24 the Illinois State Police shall create the Unidentified Person
25 record without unnecessary delay.

26 (g-5) The assisting law enforcement agency or medical

1 examiner,~~or coroner~~ shall obtain a National Crime Information
2 Center number from the Illinois State Police to verify entry
3 and maintain this number within the unidentified human remains
4 case file. A National Crime Information Center Unidentified
5 Person record shall remain on file indefinitely or until
6 action is taken by the originating agency to clear or cancel
7 the record. The assisting law enforcement agency or, medical
8 examiner,~~or coroner~~ shall notify the Illinois State Police of
9 necessary record modifications or cancellation if
10 identification is made.

11 (h) (Blank).

12 (h-5) The assisting law enforcement agency or, medical
13 examiner,~~or coroner~~ shall create an unidentified person
14 record in the National Missing and Unidentified Persons System
15 prior to the submission of samples or within 30 days of the
16 discovery of the remains, if no identification has been made.
17 The entry shall include all available case information
18 including fingerprint data and dental charts. Samples shall be
19 submitted to a National Missing and Unidentified Persons
20 System partner laboratory for DNA analysis within 30 Days. A
21 notation of DNA submission shall be made within the National
22 Missing and Unidentified Persons System Unidentified Person
23 record.

24 (i) Nothing in this Act shall be interpreted to preclude
25 any assisting law enforcement agency, medical examiner,
26 ~~coroner~~, or the Illinois State Police from pursuing other

1 efforts to identify human remains including efforts to
2 publicize information, descriptions, or photographs related to
3 the investigation.

4 (j) For historic or prehistoric human skeletal remains
5 determined by an anthropologist to be older than 100 years,
6 jurisdiction shall be transferred to the Department of Natural
7 Resources for further investigation under the Archaeological
8 and Paleontological Resources Protection Act.

9 (Source: P.A. 101-81, eff. 7-12-19; 102-538, eff. 8-20-21;
10 102-869, eff. 1-1-23.)

11 (50 ILCS 722/25)

12 Sec. 25. Unidentified persons. The ~~coroner~~ or medical
13 examiner shall obtain a DNA sample from any individual whose
14 remains are not identifiable. The DNA sample shall be
15 forwarded to a National Missing and Unidentified Persons
16 System partner laboratory or other resource for analysis and
17 inclusion in the National DNA Index System.

18 Prior to the burial or interment of any unknown
19 individual's remains or any unknown individual's body part,
20 the medical examiner ~~or coroner~~ in possession of the remains
21 or body part must assign a DNA log number to the unknown
22 individual or body part. The medical examiner ~~or coroner~~ shall
23 place a tag that is stamped or inscribed with the DNA log
24 number on the individual or body part. The DNA log number shall
25 be stamped on the unidentified individual's toe tag, if

1 possible.

2 (Source: P.A. 100-901, eff. 1-1-19.)

3 Section 105. The Counties Code is amended by changing
4 Sections 1-4009, 3-3001, 3-3003, 3-3004, 3-3007, 3-3008,
5 3-3009, 3-3010, 3-3012, 3-3013, 3-3014, 3-3015, 3-3016.5,
6 3-3017, 3-3018, 3-3019, 3-3020, 3-3021, 3-3022, 3-3024,
7 3-3025, 3-3026, 3-3027, 3-3028, 3-3029, 3-3031, 3-3032,
8 3-3033, 3-3034, 3-3035, 3-3036, 3-3037, 3-3038, 3-3040,
9 3-3041, 3-3042, 3-3043, 3-3045, 3-14002, 4-6001, 4-6002,
10 4-7001, 4-11002, 5-1085.5, and 5-1106, by changing the
11 headings of Division 3-3 of Article 3 and Division 4-7 of
12 Article 4, and by adding Sections 3-3000, 3-3002.5, 3-3013.3,
13 3-3013.5, and 3-3046 as follows:

14 (55 ILCS 5/1-4009) (from Ch. 34, par. 1-4009)

15 Sec. 1-4009. Medical examiner ~~Coroner~~. The medical
16 examiner ~~coroner~~ of the petitioning county shall perform all
17 the duties required of him by law within the territory that had
18 constituted the petitioning county before the proclamation
19 aforesaid, until his term of office shall expire, and shall
20 receive the compensation to which he may be entitled by law,
21 and whatever fees or compensation may be payable by law out of
22 the county treasury, shall be certified and paid by the county
23 board of the adjoining county to such medical examiner
24 ~~coroner~~, out of taxes collected from property in the territory

1 that had constituted the petitioning county.

2 (Source: P.A. 86-962.)

3 (55 ILCS 5/Div. 3-3 heading)

4 Division 3-3. Medical Examiner ~~Coroner~~

5 (55 ILCS 5/3-3000 new)

6 Sec. 3-3000. Appointment of medical examiners; medical
7 examiner qualifications; discontinuance of the office of
8 coroner; references to coroner.

9 (a) On or before September 1, 2024, each county board and
10 board of county commissioners shall appoint a medical examiner
11 for a term of 4 years beginning December 1, 2024. Except as
12 provided in Section 3-3009, a medical examiner may not
13 simultaneously hold either an elected State or local office or
14 a law enforcement position.

15 (b) Medical examiners shall be physicians licensed to
16 practice within this State for all counties, and, for counties
17 with populations of 250,000 or more, medical examiners shall
18 also be board certified in forensic pathology or possess 20 or
19 more years of death investigation experience.

20 (c) On December 1, 2024:

21 (1) except as provided in paragraph (5), in each
22 county that has an office of the coroner, the office of the
23 coroner is discontinued, the term of office of the person
24 elected or appointed coroner is terminated, and the office

1 of the medical examiner is created and the powers and
2 duties of the coroner are transferred to the medical
3 examiner;

4 (2) in counties in which another county officer is
5 performing the duties of the coroner, the powers and
6 duties of the coroner (as being performed by the county
7 officer) are transferred to the medical examiner;

8 (3) the personnel of the office of the coroner (if
9 any) shall be transferred to the office of the medical
10 examiner; the status and rights of such employees and the
11 county under any applicable collective bargaining
12 agreements or contracts, or under any pension, retirement,
13 or annuity plan, shall not be affected by this amendatory
14 Act of the 103rd General Assembly;

15 (4) all books, records, papers, documents, property
16 (real and personal), contracts, causes of action, and
17 pending business pertaining to the powers, duties, rights,
18 and responsibilities shall be transferred from the coroner
19 to the medical examiner, including material in electronic
20 or magnetic format and necessary computer hardware and
21 software;

22 (5) all unexpended appropriations and balances and
23 other funds available for use by the office of the coroner
24 shall be transferred for use by the office of the medical
25 examiner, and unexpended balances so transferred shall be
26 expended only for the purpose for which the appropriations

1 were originally made;

2 (6) this amendatory Act of the 103rd General Assembly
3 does not affect any act done, ratified, or canceled or any
4 right occurring or established or any action or proceeding
5 had or commenced in an administrative, civil, or criminal
6 cause by the coroner before the effective date of this
7 amendatory Act of the 103rd General Assembly, and such
8 actions or proceedings may be continued by the medical
9 examiner; and

10 (7) if the county's elected or appointed coroner or
11 medical examiner, whose term is in effect on November 30,
12 2024 is appointed the medical examiner under subsection
13 (a), then the person serving as coroner or medical
14 examiner on November 30, 2024 shall continue to serve as
15 the medical examiner in the term beginning December 1,
16 2024.

17 (d) After appointment of a medical examiner under
18 subsection (a), the county board or board of county
19 commissioners shall reappoint a medical examiner or appoint a
20 new medical examiner in each year in which a medical
21 examiner's term expires and the reappointed or appointed
22 medical examiner shall enter upon the duties of the office on
23 the December 1 next following the medical examiner's
24 appointment. Vacancies in an office of medical examiner shall
25 be filled as provided in Section 3-3043.

26 (e) Two or more counties, by resolution of the respective

1 county board or board of county commissioners, may enter into
2 an agreement to appoint: (1) the same person to act as medical
3 examiner for those counties; and (2) the same persons to act as
4 deputy medical examiners and investigators for those counties.
5 A person appointed to act as medical examiner for more than one
6 county must meet the requirements of subsection (b) for all
7 counties.

8 (f) On and after December 1, 2024, references to "coroner"
9 in this Division or in any other provision of law shall mean
10 "medical examiner" except where the context requires
11 otherwise.

12 (55 ILCS 5/3-3001) (from Ch. 34, par. 3-3001)

13 Sec. 3-3001. Commission; ~~training; duties performed by~~
14 ~~other county officer.~~

15 (a) Every medical examiner ~~coroner~~ shall be commissioned
16 by the Governor, but no commission shall issue except upon the
17 certificate of the county clerk of the proper county of the due
18 ~~election or~~ appointment of the medical examiner ~~coroner~~ and
19 that the medical examiner ~~coroner~~ has filed his or her bond and
20 taken the oath of office as provided in this Division.

21 (b) (1) Within 30 days of assuming office, a medical
22 examiner appointed ~~coroner elected~~ to that office for the
23 first time shall apply for admission to the Medical Examiner
24 ~~Coroner~~ Training Board medical examiner ~~coroners~~ training
25 program. Completion of the training program shall be within 6

1 months of application. Any medical examiner ~~coroner~~ may direct
2 the chief deputy medical examiner ~~coroner~~ or a deputy medical
3 examiner ~~coroner~~, or both, to attend the training program,
4 provided the medical examiner ~~coroner~~ has completed the
5 training program. Satisfactory completion of the program shall
6 be evidenced by a certificate issued to the medical examiner
7 ~~coroner~~ by the Medical Examiner ~~Coroner~~ Training Board. All
8 medical examiners ~~coroners~~ shall complete the training program
9 at least once while serving as medical examiner ~~coroner~~.

10 (2) In developing the medical examiner ~~coroner~~ training
11 program, the Medical Examiner ~~Coroner~~ Training Board shall
12 consult with the Illinois Coroners and Medical Examiners
13 Association or other organization as approved by the Medical
14 Examiner ~~Coroner~~ Training Board.

15 (3) The Medical Examiner ~~Coroner~~ Training Board shall
16 notify the proper county board of the failure by a medical
17 examiner ~~coroner~~ to successfully complete this training
18 program.

19 (c) Every medical examiner ~~coroner~~ shall attend at least
20 24 hours of accredited continuing education for medical
21 examiners ~~coroners~~ in each calendar year.

22 (d) (Blank). ~~In all counties that provide by resolution~~
23 ~~for the elimination of the office of coroner pursuant to a~~
24 ~~referendum, the resolution may also provide, as part of the~~
25 ~~same proposition, that the duties of the coroner be taken over~~
26 ~~by another county officer specified by the resolution and~~

1 ~~proposition.~~

2 (Source: P.A. 99-408, eff. 1-1-16.)

3 (55 ILCS 5/3-3002.5 new)

4 Sec. 3-3002.5. Investigators.

5 (a) The medical examiner may appoint investigators,
6 subject to county board or board of county commissioners
7 appropriation, to assist the medical examiner in carrying out
8 the duties required by this Division. The medical examiner
9 shall determine the qualifications of an investigator, taking
10 into consideration a person's education, training, and
11 experience, and shall be solely responsible for determining
12 the duties assigned to the investigator.

13 (b) The medical examiner may designate an investigator
14 appointed under subsection (a) to take charge of the body,
15 make pertinent investigation, note the circumstances
16 surrounding the death, and, if considered necessary, cause the
17 body to be transported for examination by the medical
18 examiner.

19 (c) The medical examiner shall maintain a list of
20 investigators appointed under this Section and their
21 qualifications and shall file the list with all law
22 enforcement agencies in the county.

23 (d) An investigator appointed under subsection (a) shall
24 not:

25 (1) be an agent or employee of a funeral director or

1 funeral establishment;

2 (2) receive, directly or indirectly, remuneration in
3 connection with the disposition of the body; or

4 (3) make funeral or burial arrangements without
5 approval of the next of kin or the individual responsible
6 for the funeral expenses.

7 (55 ILCS 5/3-3003) (from Ch. 34, par. 3-3003)

8 Sec. 3-3003. Office of medical examiner; compensation;
9 elderly and vulnerable adult death review team; removal of
10 medical examiner or deputy medical examiner ~~Duties of coroner.~~

11 (a) The medical examiner is in charge of the office of the
12 medical examiner and may adopt rules relative to the conduct
13 of the office. The medical examiner may delegate any functions
14 of the office to a duly appointed deputy medical examiner.

15 (b) The compensation of a medical examiner shall be fixed
16 by the county board or board of county commissioners.

17 (c) ~~The county coroner shall control the internal~~
18 ~~operations of his office.~~ Subject to the applicable county
19 appropriation ordinance, the medical examiner ~~coroner~~ shall
20 procure necessary equipment, materials, supplies and services
21 to perform the duties of the office. Compensation of deputies
22 and employees shall be fixed by the medical examiner ~~coroner~~,
23 subject to budgetary limitations established by the county
24 board or board of county commissioners. Purchases of equipment
25 shall be made in accordance with any ordinance requirements

1 for centralized purchasing through another county office or
2 through the State which are applicable to all county offices.

3 (d) The medical examiner may establish an elderly and
4 vulnerable adult death review team, including developing
5 protocols to be used by the elderly and vulnerable adult death
6 review team in conducting a review of an elderly or vulnerable
7 adult death. If established, one member, except as otherwise
8 noted, of each of the following shall be allowed to
9 participate on the elderly and vulnerable adult death review
10 team: the medical examiner or deputy medical examiner; a
11 physician or other health care professional specializing in
12 geriatric medicine; a physician or other health care
13 professionals employed by long term care facilities; 2 to 3
14 members of relevant State and local law enforcement agencies;
15 a member from the State's Attorney's office; and 3 members
16 from State departments who are involved with issues regarding
17 adult protective services, adult foster care homes, and homes
18 for the aged. The elderly and vulnerable adult death review
19 team may allow participation by others as designated by the
20 team, such as members representing the long term care
21 ombudsman program, community mental health, and the Department
22 of Healthcare and Family Services who are involved with the
23 licensing and regulation of long-term care facilities.

24 (e) The county board or board of county commissioners
25 shall remove from office, after hearing, a medical examiner
26 or, upon request of the medical examiner, a deputy medical

1 examiner who fails to discharge properly the duties of the
2 medical examiner or deputy medical examiner.

3 (Source: P.A. 86-962.)

4 (55 ILCS 5/3-3004) (from Ch. 34, par. 3-3004)

5 Sec. 3-3004. Bond. Before entering upon the duties of his
6 or her office, he or she shall give bond, with 2 or more
7 sufficient sureties (or, if the county is self-insured, the
8 county through its self-insurance program may provide
9 bonding), to be approved by the circuit court for each ~~his or~~
10 ~~her~~ county in which the person will serve as medical examiner,
11 in the penal sum of \$5,000, which shall cover both the medical
12 examiner ~~coroner~~ and any deputy medical examiners or
13 investigators ~~deputies~~, payable to the People of the State of
14 Illinois, conditioned that each will faithfully discharge all
15 the duties required or to be required of him by law as such
16 medical examiner ~~coroner~~, deputy medical examiner,
17 investigator, ~~coroner~~ or as sheriff of the county, in case he
18 or she shall act as such. The bond shall be entered of record
19 in the court and filed in the office of the county clerk of his
20 or her county. The costs of the bond shall be paid by the
21 county.

22 (Source: P.A. 88-387.)

23 (55 ILCS 5/3-3007) (from Ch. 34, par. 3-3007)

24 Sec. 3-3007. Conservator of the peace. Each medical

1 examiner ~~coroner~~ shall be conservator of the peace in his
2 county, and, in the performance of his duties as such, shall
3 have the same powers as the sheriff.

4 (Source: P.A. 86-962.)

5 (55 ILCS 5/3-3008) (from Ch. 34, par. 3-3008)

6 Sec. 3-3008. Medical examiner ~~Coroner~~ to act when sheriff
7 prejudiced. When it appears from the papers in a case that the
8 sheriff or his deputy is a party thereto, or from affidavit
9 filed that he is interested therein, or is of kin, or partial
10 to or prejudiced against either party, the summons, execution
11 or other process may be directed to the medical examiner
12 ~~coroner~~, who shall perform all the duties in relation thereto,
13 and attend to the suit in like manner as if he were sheriff;
14 and the interests, consanguinity, partiality or prejudice of
15 the sheriff shall not be cause for a change of venue.

16 (Source: P.A. 86-962.)

17 (55 ILCS 5/3-3009) (from Ch. 34, par. 3-3009)

18 Sec. 3-3009. Deputy medical examiner's ~~coroner's~~,
19 sheriff's or police officer's performance of medical
20 examiner's ~~coroner's~~ duties. If there is no medical examiner
21 ~~coroner~~, or it shall appear in like manner that he or she is
22 also a party to or interested in the suit, or of kin, or
23 partial to or prejudiced against either party, or the medical
24 examiner ~~coroner~~ has an economic or personal interest that

1 conflicts with his or her official duties as medical examiner
2 ~~coroner~~, the medical examiner ~~coroner~~ shall disqualify himself
3 or herself from acting at an investigation or inquest and
4 process shall in like manner issue to the deputy medical
5 examiner ~~coroner~~ if designated by the medical examiner ~~coroner~~
6 to fill the vacancy, or, if no designation is made, to any
7 sheriff, sheriff's deputy or police officer, in the county,
8 who shall perform like duties as required of the medical
9 examiner ~~coroner~~. The designation shall be in writing and
10 filed with the county clerk.

11 (Source: P.A. 98-812, eff. 8-1-14.)

12 (55 ILCS 5/3-3010) (from Ch. 34, par. 3-3010)

13 Sec. 3-3010. Deputy sheriff, undersheriff, or medical
14 examiner ~~coroner~~ to act when sheriff's office vacant. Where
15 the office of the sheriff is vacant, the chief deputy sheriff
16 or undersheriff if designated by the sheriff to fill the
17 vacancy, or, if no designation is made, the medical examiner
18 ~~coroner~~ of the county shall perform all the duties required by
19 law to be performed by the sheriff, and have the same powers,
20 and be liable to the same penalties and proceedings as if he
21 were sheriff, until another sheriff is ~~elected or~~ appointed
22 and qualified. The designation shall be in writing and filed
23 with the county clerk.

24 (Source: P.A. 91-633, eff. 12-1-99.)

1 (55 ILCS 5/3-3012) (from Ch. 34, par. 3-3012)

2 Sec. 3-3012. In-service training expenses. The medical
3 examiner ~~county coroner~~ may maintain a special fund, from
4 which the county board shall authorize payments by voucher
5 between board meetings, to pay necessary travel dues and other
6 expenses incurred in attending workshops, educational seminars
7 and organizational meetings for the purpose of providing
8 in-service training.

9 (Source: P.A. 86-962.)

10 (55 ILCS 5/3-3013) (from Ch. 34, par. 3-3013)

11 (Text of Section before amendment by P.A. 102-982)

12 Sec. 3-3013. Preliminary investigations; blood and urine
13 analysis; summoning jury; reports. Every coroner, whenever,
14 as soon as he knows or is informed that the dead body of any
15 person is found, or lying within his county, whose death is
16 suspected of being:

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

24 (b) A death due to a sex crime;

25 (c) A death where the circumstances are suspicious,

1 obscure, mysterious, or otherwise unexplained or where, in
2 the written opinion of the attending physician, the cause
3 of death is not determined;

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

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

8 shall go to the place where the dead body is, and take charge
9 of the same and shall make a preliminary investigation into
10 the circumstances of the death. In the case of death without
11 attendance by a licensed physician, the body may be moved with
12 the coroner's consent from the place of death to a mortuary in
13 the same county. Coroners in their discretion shall notify
14 such physician as is designated in accordance with Section
15 3-3014 to attempt to ascertain the cause of death, either by
16 autopsy or otherwise.

17 In cases of accidental death involving a motor vehicle in
18 which the decedent was (1) the operator or a suspected
19 operator of a motor vehicle, or (2) a pedestrian 16 years of
20 age or older, the coroner shall require that a blood specimen
21 of at least 30 cc., and if medically possible a urine specimen
22 of at least 30 cc. or as much as possible up to 30 cc., be
23 withdrawn from the body of the decedent in a timely fashion
24 after the accident causing his death, by such physician as has
25 been designated in accordance with Section 3-3014, or by the
26 coroner or deputy coroner or a qualified person designated by

1 such physician, coroner, or deputy coroner. If the county does
2 not maintain laboratory facilities for making such analysis,
3 the blood and urine so drawn shall be sent to the Illinois
4 State Police or any other accredited or State-certified
5 laboratory for analysis of the alcohol, carbon monoxide, and
6 dangerous or narcotic drug content of such blood and urine
7 specimens. Each specimen submitted shall be accompanied by
8 pertinent information concerning the decedent upon a form
9 prescribed by such laboratory. Any person drawing blood and
10 urine and any person making any examination of the blood and
11 urine under the terms of this Division shall be immune from all
12 liability, civil or criminal, that might otherwise be incurred
13 or imposed.

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

1 medications used by, and the manner of death of the decedent.

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

1 information that the coroner or medical examiner is required
2 to provide during the conduct of a criminal investigation.

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

1 the sum provided for his services.

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

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

25 In every case in which a drug overdose is determined to be
26 the cause or a contributing factor in the death, the coroner or

1 medical examiner shall report the death to the Department of
2 Public Health. The Department of Public Health shall adopt
3 rules regarding specific information that must be reported in
4 the event of such a death. If possible, the coroner shall
5 report the cause of the overdose. As used in this Section,
6 "overdose" has the same meaning as it does in Section 414 of
7 the Illinois Controlled Substances Act. The Department of
8 Public Health shall issue a semiannual report to the General
9 Assembly summarizing the reports received. The Department
10 shall also provide on its website a monthly report of overdose
11 death figures organized by location, age, and any other
12 factors, the Department deems appropriate.

13 In addition, in every case in which domestic violence is
14 determined to be a contributing factor in a death, the coroner
15 shall report the death to the Illinois State Police.

16 All deaths in State institutions and all deaths of wards
17 of the State or youth in care as defined in Section 4d of the
18 Children and Family Services Act in private care facilities or
19 in programs funded by the Department of Human Services under
20 its powers relating to mental health and developmental
21 disabilities or alcoholism and substance abuse or funded by
22 the Department of Children and Family Services shall be
23 reported to the coroner of the county in which the facility is
24 located. If the coroner has reason to believe that an
25 investigation is needed to determine whether the death was
26 caused by maltreatment or negligent care of the ward of the

1 State or youth in care as defined in Section 4d of the Children
2 and Family Services Act, the coroner may conduct a preliminary
3 investigation of the circumstances of such death as in cases
4 of death under circumstances set forth in subparagraphs
5 ~~paragraphs~~ (a) through (e) of this Section.

6 (Source: P.A. 101-13, eff. 6-12-19; 102-538, eff. 8-20-21;
7 revised 8-23-22.)

8 (Text of Section after amendment by P.A. 102-982)

9 Sec. 3-3013. Preliminary investigations; blood and urine
10 analysis; summoning jury; reports. Every medical examiner or
11 deputy medical examiner, ~~coroner, whenever,~~ as soon as the
12 medical examiner or deputy medical examiner ~~he~~ knows or is
13 informed that the dead body of any person is found, or lying
14 within his county, whose death is suspected of being:

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

22 (b) A death due to a sex crime;

23 (c) A death where the circumstances are suspicious,
24 obscure, mysterious, or otherwise unexplained or where, in
25 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; or

6 (f) A death of a prisoner in a county or municipal
7 jail;

8 shall go to the place where the dead body is, and take charge
9 of the same and shall make a preliminary investigation into
10 the circumstances of the death. In the case of death without
11 attendance by a licensed physician, the body may be moved with
12 the medical examiner's ~~coroner's~~ consent from the place of
13 death to a mortuary in the same county. Medical examiners
14 ~~Coroners~~ in their discretion shall notify such physician as is
15 designated in accordance with Section 3-3014 to attempt to
16 ascertain the cause of death, either by autopsy or otherwise.
17 If the body of a deceased person has been removed to a private
18 mortuary for examination upon the order of the medical
19 examiner, the owner of the mortuary shall be allowed
20 compensation, on the order of the medical examiner, for the
21 owner's services as the medical examiner deems reasonable out
22 of the general fund of the county where the body is found.

23 Any expense incurred under the provisions of this Division
24 shall be within the appropriations made for the medical
25 examiner by the county board or board of county commissioners.

26 A medical examiner or deputy medical examiner may secure

1 records or documents as the medical examiner or deputy medical
2 examiner deems necessary to complete an investigation under
3 this Section in the same manner as provided in Section 3-3026.

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

1 criminal, that might otherwise be incurred or imposed.

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

18 When the ~~coroner or~~ medical examiner finds that the cause
19 of death is due to homicidal means, ~~the coroner~~ or medical
20 examiner shall cause blood and buccal specimens (tissue may be
21 submitted if no uncontaminated blood or buccal specimen can be
22 obtained), whenever possible, to be withdrawn from the body of
23 the decedent in a timely fashion. For proper preservation of
24 the specimens, collected blood and buccal specimens shall be
25 dried and tissue specimens shall be frozen if available
26 equipment exists. As soon as possible, but no later than 30

1 days after the collection of the specimens, the ~~coroner or~~
2 medical examiner shall release those specimens to the police
3 agency responsible for investigating the death. As soon as
4 possible, but no later than 30 days after the receipt from the
5 ~~coroner or~~ medical examiner, the police agency shall submit
6 the specimens using the agency case number to a National DNA
7 Index System (NDIS) participating laboratory within this
8 State, such as the Illinois State Police, Division of Forensic
9 Services, for analysis and categorizing into genetic marker
10 groupings. The results of the analysis and categorizing into
11 genetic marker groupings shall be provided to the Illinois
12 State Police and shall be maintained by the Illinois State
13 Police in the State central repository in the same manner, and
14 subject to the same conditions, as provided in Section 5-4-3
15 of the Unified Code of Corrections. The requirements of this
16 paragraph are in addition to any other findings, specimens, or
17 information that the ~~coroner or~~ medical examiner is required
18 to provide during the conduct of a criminal investigation.

19 In all counties, in cases of apparent suicide, homicide,
20 or accidental death or in other cases, within the discretion
21 of the medical examiner ~~coroner~~, the medical examiner ~~coroner~~
22 may summon 8 persons of lawful age from those persons drawn for
23 petit jurors in the county. The summons shall command these
24 persons to present themselves personally at such a place and
25 time as the medical examiner ~~coroner~~ shall determine, and may
26 be in any form which the medical examiner ~~coroner~~ shall

1 determine and may incorporate any reasonable form of request
2 for acknowledgment which the medical examiner ~~coroner~~ deems
3 practical and provides a reliable proof of service. The
4 summons may be served by first class mail. From the 8 persons
5 so summoned, the medical examiner ~~coroner~~ shall select 6 to
6 serve as the jury for the inquest. Inquests may be continued
7 from time to time, as the medical examiner ~~coroner~~ may deem
8 necessary. The 6 jurors selected in a given case may view the
9 body of the deceased. If at any continuation of an inquest one
10 or more of the original jurors shall be unable to continue to
11 serve, the medical examiner ~~coroner~~ shall fill the vacancy or
12 vacancies. A juror serving pursuant to this paragraph shall
13 receive compensation from the county at the same rate as the
14 rate of compensation that is paid to petit or grand jurors in
15 the county. The medical examiner ~~coroner~~ shall furnish to each
16 juror without fee at the time of his discharge a certificate of
17 the number of days in attendance at an inquest, and, upon being
18 presented with such certificate, the county treasurer shall
19 pay to the juror the sum provided for his services.

20 In counties which have a jury commission, in cases of
21 apparent suicide or homicide or of accidental death, the
22 medical examiner ~~coroner~~ may conduct an inquest. The jury
23 commission shall provide at least 8 jurors to the medical
24 examiner ~~coroner~~, from whom the medical examiner ~~coroner~~ shall
25 select any 6 to serve as the jury for the inquest. Inquests may
26 be continued from time to time as the medical examiner ~~coroner~~

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

12 In every case in which a fire is determined to be a
13 contributing factor in a death, the medical examiner ~~coroner~~
14 shall report the death to the Office of the State Fire Marshal.
15 The medical examiner ~~coroner~~ shall provide a copy of the death
16 certificate (i) within 30 days after filing the permanent
17 death certificate and (ii) in a manner that is agreed upon by
18 the medical examiner ~~coroner~~ and the State Fire Marshal.

19 In every case in which a drug overdose is determined to be
20 the cause or a contributing factor in the death, the ~~coroner or~~
21 medical examiner shall report the death to the Department of
22 Public Health. The Department of Public Health shall adopt
23 rules regarding specific information that must be reported in
24 the event of such a death. If possible, the medical examiner
25 ~~coroner~~ shall report the cause of the overdose. As used in this
26 Section, "overdose" has the same meaning as it does in Section

1 414 of the Illinois Controlled Substances Act. The Department
2 of Public Health shall issue a semiannual report to the
3 General Assembly summarizing the reports received. The
4 Department shall also provide on its website a monthly report
5 of overdose death figures organized by location, age, and any
6 other factors, ~~7~~ the Department deems appropriate.

7 In addition, in every case in which domestic violence is
8 determined to be a contributing factor in a death, the medical
9 examiner ~~coroner~~ shall report the death to the Illinois State
10 Police.

11 All deaths in State institutions and all deaths of wards
12 of the State or youth in care as defined in Section 4d of the
13 Children and Family Services Act in private care facilities or
14 in programs funded by the Department of Human Services under
15 its powers relating to mental health and developmental
16 disabilities or alcoholism and substance abuse or funded by
17 the Department of Children and Family Services shall be
18 reported to the medical examiner ~~coroner~~ of the county in
19 which the facility is located. If the medical examiner ~~coroner~~
20 has reason to believe that an investigation is needed to
21 determine whether the death was caused by maltreatment or
22 negligent care of the ward of the State or youth in care as
23 defined in Section 4d of the Children and Family Services Act,
24 the medical examiner ~~coroner~~ may conduct a preliminary
25 investigation of the circumstances of such death as in cases
26 of death under circumstances set forth in subparagraphs

1 ~~paragraphs~~ (a) through (f) ~~(e)~~ of this Section.

2 The Department of Public Health may adopt rules for record
3 keeping for medical examiner offices where necessary to
4 uniformly report on a public health issue, including those
5 issues mentioned in this Section.

6 Medical examiners shall keep a record of all persons who
7 have viewed a body that is subject to investigation under this
8 Division while the investigation is ongoing.

9 As used in this Section:

10 "Hospice care" has the meaning given to that term in
11 Section 3 of the Hospice Program Licensing Act.

12 "Licensed physician" means a person licensed under the
13 Medical Practice Act of 1987.

14 "Registered nurse" has the meaning given to that term in
15 Section 50-10 of the Nurse Practice Act.

16 (Source: P.A. 101-13, eff. 6-12-19; 102-538, eff. 8-20-21;
17 102-982, eff. 7-1-23; revised 8-23-22.)

18 (55 ILCS 5/3-3013.3 new)

19 Sec. 3-3013.3. Identification of the body.

20 (a) The medical examiner shall ascertain the identity of
21 the decedent and immediately and as compassionately as
22 possible notify the next of kin of the decedent's death,
23 including the current location of the body. The notification
24 described in this subsection is not required if a law
25 enforcement agency informs the medical examiner that the

1 notification has already occurred.

2 (b) If visual identification of a decedent is impossible
3 as a result of burns, decomposition, or other disfiguring
4 injuries or if the medical examiner is aware that the death is
5 the result of an accident that involved 2 or more individuals
6 who were approximately the same age, sex, height, weight, hair
7 color, eye color, and race, then the medical examiner shall
8 verify the identity of the decedent through fingerprints,
9 dental records, DNA, or other definitive identification
10 procedures and, if the accident resulted in the survival of
11 any individuals with the same attributes, shall notify the
12 respective hospital or institution of the medical examiner's
13 findings. The medical examiner may conduct an autopsy under
14 Section 3-3014 if the medical examiner determines that an
15 autopsy reasonably appears to be required pursuant to law.
16 After the medical examiner, a deputy medical examiner, or a
17 person from law enforcement has made a diligent effort to
18 locate and notify the next of kin and was unsuccessful in
19 notifying the next of kin, the medical examiner may order or
20 conduct the autopsy under Section 3-3014 with or without the
21 consent of the next of kin of the decedent.

22 (c) The medical examiner or a deputy medical examiner
23 shall keep a written record of the efforts to locate and notify
24 the next of kin for a period of one year from the date of the
25 autopsy.

1 (55 ILCS 5/3-3013.5 new)

2 Sec. 3-3013.5. Organ donation. If an investigation of the
3 cause and manner of death is required under this Division,
4 regardless of whether the death occurred in a hospital or not,
5 and the medical examiner or the medical examiner's designee
6 has notice that the body is of an individual that was a donor
7 or that a gift of all or a part of the body has been designated
8 to be made under the Illinois Anatomical Gift Act or any other
9 law, the medical examiner or the medical examiner's designee
10 shall conduct the examination of the dead body within a time
11 period that permits organs, tissues, and eyes to remain viable
12 for transplant. If the medical examiner or the medical
13 examiner's designee is unable to conduct the investigation
14 within that period of time, a health professional or
15 technician who is authorized to remove an anatomical gift from
16 a donor may remove the donated organs, tissues, or eyes in
17 order to preserve the viability of the donated tissues or
18 organs for transplant upon notifying the medical examiner or
19 the medical examiner's designee. If the medical examiner or
20 the medical examiner's designee determines that an organ may
21 be related to the cause of death, the medical examiner or the
22 medical examiner's designee may do one or more of the
23 following:

24 (1) request to be present during the removal of the
25 donated organs; or

26 (2) request a biopsy of the donated organs.

1 (55 ILCS 5/3-3014) (from Ch. 34, par. 3-3014)

2 Sec. 3-3014. Autopsy ~~to be performed by licensed~~
3 ~~physician~~; costs; reports. Any medical examination or autopsy
4 conducted pursuant to this Division shall be performed by the
5 medical examiner or deputy medical examiner or, as directed by
6 the medical examiner, a physician duly licensed to practice
7 medicine in all of its branches, and wherever possible by one
8 having special training in pathology. ~~In Class I counties,~~
9 ~~medical examinations or autopsies (including those performed~~
10 ~~on exhumed bodies) shall be performed by physicians appointed~~
11 ~~or designated by the coroner, and in Class II counties by~~
12 ~~physicians appointed or designated by the Director of Public~~
13 ~~Health upon the recommendation of the advisory board on~~
14 ~~necropsy service to coroners after the board has consulted~~
15 ~~with the elected coroner.~~ Any autopsy performed by the medical
16 examiner, deputy medical examiner, or a physician so appointed
17 or designated shall be deemed lawful. The cost of all
18 autopsies, medical examinations, laboratory fees, if any, and
19 travel expenses of the examining physician and the costs of
20 exhuming a body under the authority of subsection (c) of
21 Section 3-3015 shall be payable from the general fund of the
22 county where the body is found. The examining physician shall
23 file copies of the reports or results of his or her autopsies
24 and medical examinations with the medical examiner ~~coroner~~ and
25 also with the Department of Public Health.

1 The medical examiner shall promptly deliver or return the
2 body or any portion of the body to relatives or
3 representatives of the decedent after an examination or
4 autopsy is performed under this Section. If there are no
5 relatives or representatives of the decedent that could be
6 located and notified by the medical examiner, the medical
7 examiner may have the body cremated as provided in Section
8 3-3017. A medical examiner may retain any portion of the body
9 that the medical examiner considers necessary to establish the
10 cause of death, the conditions contributing to death, or the
11 manner of death, or as evidence of any crime. If a portion of
12 the body retained is an entire organ or limb of the decedent,
13 the medical examiner shall attempt to verbally or in writing
14 notify the relatives or representatives of the decedent of
15 that retention and offer an opportunity for the relative or
16 representative to request the return of that organ or limb. If
17 notification is verbally made under this Section, the medical
18 examiner shall follow up with written notification. The
19 medical examiner or a deputy medical examiner shall keep a
20 written record of the efforts to notify the relatives or
21 representatives of the decedent under this paragraph for a
22 period of one year from the date of the notification or attempt
23 to notify. Upon determination that retention of the portions
24 of the body is no longer necessary under this paragraph, the
25 medical examiner shall do all of the following, as applicable:

26 (1) If requested in writing under this paragraph,

1 promptly deliver or return the retained organ or limb to
2 the relatives or representatives of the decedent.

3 (2) Dispose of any remaining retained body portions in
4 the manner prescribed for medical waste.

5 A medical examiner or any person acting under the
6 authority of the medical examiner who performs the medical
7 examiner's duties for the retention of body parts shall not be
8 liable in a civil action as a result of an act or omission by
9 the person arising out of the person's good faith performance
10 of those duties unless that person's act or omission was the
11 result of that person's negligence.

12 ~~No coroner may perform any autopsy required or authorized~~
13 ~~by law unless the coroner is a pathologist whose services are~~
14 ~~requested by the coroner of another county.~~

15 (Source: P.A. 86-962; 87-317.)

16 (55 ILCS 5/3-3015) (from Ch. 34, par. 3-3015)

17 Sec. 3-3015. Circumstances under which autopsy to be
18 performed.

19 (a) Where a death has occurred and the circumstances
20 concerning the death are suspicious, obscure, mysterious, or
21 otherwise unexplained and in the opinion of the examining
22 physician or the medical examiner ~~coroner~~ the cause of death
23 cannot be established definitely except by autopsy, and where
24 a death has occurred while being pursued, apprehended, or
25 taken into custody by or while in the custody of any law

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

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

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

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

24 (55 ILCS 5/3-3016.5)

25 Sec. 3-3016.5. Sudden, unexpected death in epilepsy

1 (SUDEP).

2 (a) All autopsies conducted in this State shall include an
3 inquiry to determine whether the death was a direct result of a
4 seizure or epilepsy. If the findings in an autopsy of a medical
5 examiner or examining physician, ~~or coroner~~ are consistent
6 with known or suspected sudden, unexpected death in epilepsy
7 (SUDEP), then the medical examiner or examining physician, ~~or~~
8 ~~coroner~~ shall:

9 (1) cause to be indicated on the death certificate
10 that SUDEP is the cause or suspected cause of death; and

11 (2) forward a copy of the death certificate to the
12 North American SUDEP Registry at the Langone Medical
13 Center at New York University within 30 days.

14 (b) For the purposes of this Section, "sudden, unexpected
15 death in epilepsy" refers to a death in a patient previously
16 diagnosed with epilepsy that is not due to trauma, drowning,
17 status epilepticus, or other known causes, but for which there
18 is often evidence of an associated seizure. A finding of
19 sudden, unexpected death in epilepsy is definite when clinical
20 criteria are met and autopsy reveals no alternative cause of
21 death, such as stroke, myocardial infarction, or drug
22 intoxication, although there may be evidence of a seizure.

23 (Source: P.A. 98-340, eff. 1-1-14; 98-756, eff. 7-16-14.)

24 (55 ILCS 5/3-3017) (from Ch. 34, par. 3-3017)

25 Sec. 3-3017. Cremation. In any death where the remains are

1 to be cremated, it shall be the duty of the funeral director or
2 person having custody of the dead body to obtain from the
3 medical examiner ~~coroner~~ a permit to cremate the body. The
4 medical examiner's ~~coroner's~~ permit to cremate shall be
5 presented to the local registrar in applying for the Permit
6 for Disposition of Dead Human Body provided for in Section 21
7 of the Vital Records Act, and the local registrar shall attach
8 the medical examiner's ~~coroner's~~ permit to cremate to the
9 Permit for Disposition of Dead Human Body which is issued. No
10 crematory shall cremate a dead human body unless a Permit for
11 Disposition of Dead Human Body with an attached medical
12 examiner's ~~coroner's~~ permit to cremate has been furnished to
13 authorize the cremation. Any person knowingly violating the
14 provisions of this Section is guilty of a Class A misdemeanor.

15 (Source: P.A. 86-962; 86-1028; 87-895.)

16 (55 ILCS 5/3-3018) (from Ch. 34, par. 3-3018)

17 Sec. 3-3018. Death certificates. Every medical examiner
18 ~~coroner~~, as soon as he shall have completed his investigation
19 of the cause and circumstances of any death coming within his
20 jurisdiction hereunder, shall issue a death certificate on the
21 form prescribed by law.

22 (Source: P.A. 86-962.)

23 (55 ILCS 5/3-3019) (from Ch. 34, par. 3-3019)

24 Sec. 3-3019. Removal of bodies and property; violation.

1 (a) No dead body which may be subject to the terms of this
2 Division, or the personal property of such a deceased person,
3 shall be handled, moved, disturbed, embalmed or removed from
4 the place of death by any person, except with the permission of
5 the medical examiner ~~coroner~~, unless the same shall be
6 necessary to protect such body or property from damage or
7 destruction, or unless necessary to protect life, safety, or
8 health. Any person knowingly violating the provisions of this
9 subsection ~~Section~~ is guilty of a Class A misdemeanor.

10 (b) In all cases arising under the provisions of this
11 Division, in the absence of next of kin of the deceased person,
12 the most senior law enforcement officer involved with the
13 matter, and in the absence of law enforcement, the medical
14 examiner or the medical examiner's deputy medical examiner,
15 shall take possession of all property of value found upon the
16 person of the deceased, make an exact inventory report of the
17 property and shall deliver the property, unless required as
18 evidence, to the person entitled to the custody or possession
19 of the body. If the personal property of value is not claimed
20 by the person entitled to the custody or possession of the body
21 of the decedent within 60 days, the property shall be disposed
22 of under Section 3-3033; or, if required as evidence, the
23 property, within 60 days after the termination of any
24 proceeding or appeal period of the proceeding, shall be turned
25 over to the person entitled to the custody or possession of the
26 body or disposed of under Section 3-3033. Nothing in this

1 subsection affects the powers and duties of a public
2 administrator.

3 (Source: P.A. 86-962.)

4 (55 ILCS 5/3-3020) (from Ch. 34, par. 3-3020)

5 Sec. 3-3020. Medical examiner ~~Coroner~~ to be notified;
6 violation; elderly and vulnerable adult death review team
7 notification.

8 (a) Every law enforcement official, funeral director,
9 ambulance attendant, hospital director or administrator or
10 person having custody of the body of a deceased person, where
11 the death is one subject to investigation under Section
12 3-3013, and any physician in attendance upon such a decedent
13 at the time of his death, shall notify the medical examiner
14 ~~coroner~~ promptly. Any such person failing to so notify the
15 medical examiner ~~coroner~~ promptly shall be guilty of a Class A
16 misdemeanor, unless such person has reasonable cause to
17 believe that the medical examiner ~~coroner~~ had already been so
18 notified.

19 (b) If a person required to notify the medical examiner
20 under subsection (a) has knowledge that there were 2 or more
21 individuals involved in the same incident who were
22 approximately the same age, sex, height, weight, hair color,
23 eye color, and race, then that person shall make the medical
24 examiner or deputy medical examiner aware of that fact and
25 whether or not any of those individuals survived that incident

1 when notifying the medical examiner or deputy medical examiner
2 of the death as required under subsection (a). If any of those
3 individuals survived, the medical examiner or deputy medical
4 examiner shall also be informed which hospital or institution
5 those individuals were taken to and the hospital or
6 institution shall also be made aware that the incident
7 involved 2 or more individuals with similar attributes.

8 (c) If an elderly and vulnerable adult death review team
9 is established under Section 3-3003, a medical examiner or
10 deputy medical examiner who receives notice of a death of an
11 elderly or vulnerable adult who died unexpectedly or under
12 suspicious circumstances may refer the case to the elderly and
13 vulnerable adult death review team. Upon receipt of a referral
14 under this subsection, the elderly and vulnerable adult death
15 review team shall conduct a review of this matter. Information
16 obtained under this subsection by an elderly and vulnerable
17 adult death review team is confidential and may be disclosed
18 by the elderly and vulnerable adult death review team only to
19 the medical examiner, the State's Attorney's office, local law
20 enforcement, or another elderly and vulnerable adult death
21 review team, as appropriate. The information obtained under
22 this subsection by an elderly and vulnerable adult death
23 review team is exempt from disclosure under the Freedom of
24 Information Act.

25 (Source: P.A. 86-962.)

1 (55 ILCS 5/3-3021) (from Ch. 34, par. 3-3021)

2 Sec. 3-3021. Public policy; release of body to next of
3 kin. As a guide to the interpretation and application of this
4 Division it is declared that the public policy of the State is
5 as follows:

6 That as soon as may be consistent with the performance of
7 his duties under this Division the medical examiner ~~coroner~~
8 shall release the body of the decedent to the decedent's next
9 of kin, personal representative, friends, or to the person
10 designated in writing by the decedent or to the funeral
11 director selected by such persons, as the case may be, for
12 burial, and none of the duties or powers of medical examiners
13 ~~coroners~~ enumerated in this Division shall be construed to
14 interfere with or control the right of such persons to the
15 custody and burial of the decedent upon completion of the
16 medical examiner's ~~coroner's~~ investigation.

17 Nothing herein shall be construed to preclude the medical
18 examiner ~~coroner~~ from consulting with the decedent's next of
19 kin, personal representative, friends or the person designated
20 in writing by the decedent where the decedent was under
21 treatment by prayer or spiritual means alone in accordance
22 with the tenets and practice of a well recognized church or
23 religious denomination in making his preliminary investigation
24 under subsection (E) of Section 3-3013, nor shall anything
25 herein contained be construed to require an autopsy by reason
26 of the sole fact that the decedent was under treatment by

1 prayer or spiritual means alone.

2 (Source: P.A. 86-962.)

3 (55 ILCS 5/3-3022) (from Ch. 34, par. 3-3022)

4 Sec. 3-3022. Bystanders. If a sufficient number of jurors
5 so summoned do not attend, the medical examiner ~~coroner~~ may
6 summon others from among the bystanders to make up the jury.

7 (Source: P.A. 86-962.)

8 (55 ILCS 5/3-3024) (from Ch. 34, par. 3-3024)

9 Sec. 3-3024. Oath of jurors. When the jury are assembled,
10 the medical examiner ~~coroner~~ shall appoint one of the number
11 as foreman, and administer to him an oath or affirmation, in
12 the following form, to-wit:

13 You, as foreman to this inquest, do solemnly swear (or
14 affirm, as the case may require), that you will diligently
15 inquire, and true presentment make, how, and in what manner,
16 and by whom or what, the body which lies dead, came to its
17 death; and that you will deliver to me, the medical examiner
18 ~~coroner~~ of this county, a true inquest thereof, according to
19 such evidence as shall be given you, and according to the best
20 of your knowledge and belief; so help you God.

21 And to the other jurors, one as follows, to-wit:

22 The same oath which A B, your foreman has just now taken on
23 his part, you and each of you do solemnly swear (or affirm, as
24 the case may require), to keep on your respective parts; so

1 help you God.

2 (Source: P.A. 86-962.)

3 (55 ILCS 5/3-3025) (from Ch. 34, par. 3-3025)

4 Sec. 3-3025. Verdict of jury. It shall be the duty of the
5 jurors, as sworn aforesaid, to inquire how, in what manner,
6 and by whom or what, the said dead body came to its death, and
7 of all other facts of and concerning the same, together with
8 all material circumstances in anywise related to or connected
9 with the said death, and make up and sign a verdict, and
10 deliver the same to the medical examiner ~~coroner~~. As part of
11 its verdict, the jury may make recommendations other than for
12 criminal prosecutions.

13 (Source: P.A. 86-962.)

14 (55 ILCS 5/3-3026) (from Ch. 34, par. 3-3026)

15 Sec. 3-3026. Summoning witnesses; subpoenas. The medical
16 examiner ~~coroner~~ shall have power to summon, or cause to be
17 summoned, and compel the attendance of all such witnesses
18 whose testimony may probably be requisite to the proving of
19 any fact or circumstance relating to the object of such his
20 inquest, and to administer to such witnesses the proper oath.

21 If the medical examiner ~~coroner~~ is unable to secure
22 records or documents he deems necessary to complete the
23 investigation required by Section 3-3013, or for the
24 establishing or proving of any fact or circumstance relating

1 to the object of his inquest, he shall appear before the
2 circuit judge of the county for which he is medical examiner
3 ~~coroner~~ and, upon good cause shown, said judge shall issue a
4 subpoena for the delivery to the medical examiner ~~coroner~~ of
5 the documents or records requested.

6 (Source: P.A. 86-962.)

7 (55 ILCS 5/3-3027) (from Ch. 34, par. 3-3027)

8 Sec. 3-3027. Notice of inquest. The medical examiner
9 ~~coroner~~ shall make a reasonable attempt to notify the family
10 of the deceased, and all known eyewitnesses to the death, of
11 the date an inquest is to be held. Such notice shall be given
12 at least 7 days before the date of the inquest. Such family
13 members or eyewitnesses shall, if they request it, be given an
14 opportunity to testify at the inquest. For purposes of this
15 Section, "family" includes the parents, children, brothers and
16 sisters of the deceased.

17 (Source: P.A. 86-962.)

18 (55 ILCS 5/3-3028) (from Ch. 34, par. 3-3028)

19 Sec. 3-3028. Recognizance of witness. If the evidence of
20 any witness implicates any person as the unlawful slayer of
21 the person over whom the inquest is held, the medical examiner
22 ~~coroner~~ shall recognize such witness in such sum as he may
23 think proper, to be and appear at the Circuit Court for the
24 county on a designated day, within 30 days from the date of the

1 recognizance, or as soon after such designated day as the
2 court is in session, there to give evidence of the matter in
3 question, and not depart without leave.

4 (Source: P.A. 86-962.)

5 (55 ILCS 5/3-3029) (from Ch. 34, par. 3-3029)

6 Sec. 3-3029. Commitment of witness; returns. If any
7 witness shall refuse to enter into such recognizance, it shall
8 be the duty of the medical examiner ~~coroner~~ to commit the
9 witness so refusing to the common jail of the county, there to
10 remain until discharged according to law; and the medical
11 examiner ~~coroner~~ shall carefully seal up and return to the
12 clerk of the court the verdict of the jury, and the
13 recognizances, and it shall be the duty of the clerk to
14 carefully file and preserve the same.

15 (Source: P.A. 86-962.)

16 (55 ILCS 5/3-3031) (from Ch. 34, par. 3-3031)

17 Sec. 3-3031. Testimony reduced to writing; medical
18 examiner's ~~coroner's~~ verdict not admissible in civil suit. The
19 medical examiner ~~coroner~~ shall cause the testimony of each
20 witness who may be sworn and examined at any inquest to be
21 written out and signed by said witness, together with his
22 occupation and place of residence, which testimony shall be
23 filed with said medical examiner ~~coroner~~ in his office and
24 carefully preserved: Provided, the medical examiner ~~coroner~~

1 may cause the testimony of such witnesses to be recorded or
2 taken in shorthand minutes and transcribed by a competent
3 person, who shall certify that the transcript of the evidence
4 so taken and transcribed by him from notes or a recording is a
5 true and correct copy of the original minutes taken at said
6 inquest and is a true and correct statement of the testimony of
7 each of the several witnesses who have testified at said
8 inquest. Which said transcript shall be filed and carefully
9 preserved in the office of the medical examiner ~~coroner~~: And,
10 provided, further, that whenever the testimony of the several
11 witnesses at such inquest shall have been recorded or taken in
12 shorthand minutes and transcribed as above provided for, the
13 several witnesses shall not be required to sign such
14 transcript or other statement of his testimony. Provided,
15 further, that in any suit or proceeding hereafter commenced
16 for the recovery of damages arising from or growing out of
17 injuries caused by the negligence of any person, firm or
18 corporation resulting in the death of any person or for the
19 collection of a policy of insurance, neither the medical
20 examiner's ~~coroner's~~ verdict returned upon the inquisition as
21 provided herein, nor a copy thereof, shall be admissible as
22 evidence to prove or establish any of the facts in controversy
23 in said civil suit or proceeding.

24 (Source: P.A. 86-962.)

1 Sec. 3-3032. Inquest record. Every medical examiner
2 ~~coroner~~ shall, at the expense of the county, be supplied with
3 proper record books wherein he shall enter the name, if known,
4 of each person upon whose body an inquest shall be held,
5 together with the names of the jurors comprising the jury, the
6 names, residences and occupations of the witnesses who are
7 sworn and examined, and the verdict of the jury; in case the
8 name of the person deceased is not known, the medical examiner
9 ~~coroner~~ shall make out a description of said person, and enter
10 the same upon the record book to be so kept by him, together
11 with all such facts and circumstances attending the death
12 which may be known, and which may lead to the identification of
13 the person; and shall carefully take an inventory of said
14 person's personal effects and property of every kind and
15 nature whatever, and state on his records what has been done
16 with the same, and where the proceeds of any such property and
17 the money and papers, if any, are deposited.

18 (Source: P.A. 86-962.)

19 (55 ILCS 5/3-3033) (from Ch. 34, par. 3-3033)

20 Sec. 3-3033. Disposition of property. When any valuable
21 personal property, money or papers, are found upon or near the
22 body which is the subject of a medical examiner's ~~coroner's~~
23 investigation, inquiry or inquest is, ~~the coroner shall take~~
24 ~~charge of the same and deliver the same to those entitled to~~
25 ~~its care or possession; but if not claimed~~ as provided in

1 ~~Section 3-3019, or if the same shall be necessary to defray the~~
2 ~~expenses of the burial,~~ the medical examiner ~~coroner~~ shall,
3 after giving 10 days' notice of the time and place of sale,
4 sell such property, and after deducting medical examiner's
5 ~~coroner's~~ fees and funeral expenses, deposit the proceeds
6 thereof, and the money and papers so found, with the county
7 treasurer, taking his receipt therefor, there to remain
8 subject to the order of the legal representatives of the
9 deceased, if claimed within 5 years thereafter, or if not
10 claimed within that time, to vest in the county.

11 (Source: P.A. 86-962.)

12 (55 ILCS 5/3-3034) (from Ch. 34, par. 3-3034)

13 Sec. 3-3034. Disposition of body. After the inquest the
14 medical examiner ~~coroner~~ may deliver the body or human remains
15 of the deceased to the family of the deceased or, if there are
16 no family members to accept the body or the remains, then to
17 friends of the deceased, if there be any, but if not, the
18 medical examiner ~~coroner~~ shall cause the body or the remains
19 to be decently buried, cremated, or donated for medical
20 science purposes, the expenses to be paid from the property of
21 the deceased, if there is sufficient, if not, by the county.
22 The medical examiner ~~coroner~~ may not approve the cremation or
23 donation of the body if it is necessary to preserve the body
24 for law enforcement purposes. If the State Treasurer, pursuant
25 to the Revised Uniform Unclaimed Property Act, delivers human

1 remains to the medical examiner ~~coroner~~, the medical examiner
2 ~~coroner~~ shall cause the human remains to be disposed of as
3 provided in this Section. If the police department of any
4 municipality or county investigates abandoned cremated
5 remains, determines that they are human remains, and cannot
6 locate the owner of the remains, then the police shall deliver
7 the remains to the medical examiner ~~coroner~~, and the medical
8 examiner ~~coroner~~ shall cause the remains to be disposed of as
9 provided in this Section.

10 (Source: P.A. 100-22, eff. 1-1-18.)

11 (55 ILCS 5/3-3035) (from Ch. 34, par. 3-3035)

12 Sec. 3-3035. Liability of common carrier for burial
13 expenses. When any railroad, common carrier, airline or any
14 steamboat, barge, propeller or other vessel engaged in whole
15 or in part in carrying passengers for hire, brings the dead
16 body of any person into this State; or, wherever any person
17 dies upon any railroad car, airplane or any such steamboat,
18 barge, propeller or other vessel in this State, or any person
19 is killed by cars or machinery of any railroad company, or by
20 accident thereto, or by accident to or upon any such airplane,
21 steamboat, barge, propeller or other vessel, or by accident
22 thereto, or when the death occurs in or about any mine, mill or
23 manufactory, and such death shall have been caused by the
24 wrongful act, neglect or default of any such railroad company,
25 common carrier, airline, steamboat, barge, propeller or other

1 vessel owner, or of the owner of any mine, mill or manufactory,
2 the company or person owning or operating such railroad cars,
3 common carrier, airline, machinery, barge, steamboat,
4 propeller or other vessel, mine, mill or manufactory, shall be
5 liable to pay the expenses of the medical examiner's ~~coroner's~~
6 inquest upon and for the burial of the deceased, and the same
7 may be recovered in the name of the county, in any circuit
8 court.

9 (Source: P.A. 86-962.)

10 (55 ILCS 5/3-3036) (from Ch. 34, par. 3-3036)

11 Sec. 3-3036. Arrest of slayer based on verdict. If a
12 person implicated by the inquest as the unlawful slayer of the
13 deceased or an accessory thereto is not in custody therefor,
14 the medical examiner ~~coroner~~ acting upon the signed verdict of
15 his jury shall, in his capacity as conservator of the peace,
16 apprehend such person and immediately bring him before a judge
17 of the circuit court of his county to be dealt with according
18 to law on a criminal charge preferred on the basis of such
19 verdict.

20 (Source: P.A. 86-962.)

21 (55 ILCS 5/3-3037) (from Ch. 34, par. 3-3037)

22 Sec. 3-3037. Embalming dead body. No licensed embalmer or
23 person shall embalm the dead body of any person with, or inject
24 therein, or place thereon any fluid or preparation of any kind

1 before obtaining permission from the medical examiner ~~coroner~~
2 where such body is the subject of a medical examiner's
3 ~~coroner's~~ inquest. Any person who shall violate the provision
4 of this Section commits a business offense and shall be fined
5 not exceeding \$5,000.

6 (Source: P.A. 86-962.)

7 (55 ILCS 5/3-3038) (from Ch. 34, par. 3-3038)

8 Sec. 3-3038. Medical examiner ~~Coroner~~ in military service.
9 In case any medical examiner ~~coroner~~ is called into the active
10 military service of the United States, the office of medical
11 examiner ~~coroner~~ shall not be deemed to be vacant during the
12 time such medical examiner ~~coroner~~ is in the active military
13 service of the United States, but the presiding officer of the
14 county board of the county, with the advice and consent of the
15 county board, shall appoint some competent and qualified
16 person to perform and discharge the duties of medical examiner
17 ~~coroner~~ in such county during the time such medical examiner
18 ~~coroner~~ is in the active military service of the United
19 States, and such person shall receive the same compensation as
20 provided by law for the medical examiner ~~coroner~~, apportioned
21 as to the time of service, and such appointment and all
22 authority thereunder shall cease upon the discharge of such
23 medical examiner ~~coroner~~ from the active military service of
24 the United States. Such appointee shall give a bond as
25 required of regularly appointed medical examiners ~~elected~~

1 ~~coroners.~~

2 (Source: P.A. 86-962.)

3 (55 ILCS 5/3-3040) (from Ch. 34, par. 3-3040)

4 Sec. 3-3040. Appointment of deputies. Each medical
5 examiner ~~coroner~~ may appoint one or more persons licensed to
6 practice medicine in this State as deputy medical examiners
7 ~~deputies~~ as the medical examiner ~~coroner~~, in his or her sole
8 discretion, determines necessary and appropriate, subject to
9 county board appropriations. The appointment shall be in
10 writing and signed by the medical examiner ~~coroner~~. A deputy
11 medical examiner's ~~deputy's~~ compensation shall be determined
12 by the county board or board of county commissioners.

13 (Source: P.A. 88-281.)

14 (55 ILCS 5/3-3041) (from Ch. 34, par. 3-3041)

15 Sec. 3-3041. Oath of deputies. Each deputy shall, before
16 entering upon the duties of his office take and subscribe an
17 oath or affirmation, in like form as required of medical
18 examiners ~~coroners~~, which shall be filed in the office of the
19 county clerk.

20 (Source: P.A. 86-962.)

21 (55 ILCS 5/3-3042) (from Ch. 34, par. 3-3042)

22 Sec. 3-3042. Duties of deputies. Deputy medical examiners
23 ~~coroners~~, duly appointed and qualified, may perform any and

1 all of the duties of the medical examiner ~~coroner~~ in the name
2 of the medical examiner ~~coroner~~, and the acts of such deputies
3 shall be held to be acts of the medical examiner ~~coroner~~.

4 (Source: P.A. 91-357, eff. 7-29-99.)

5 (55 ILCS 5/3-3043) (from Ch. 34, par. 3-3043)

6 Sec. 3-3043. Vacancy, ~~appointed coroner~~. When a permanent
7 vacancy in the office of medical examiner ~~coroner~~ occurs ~~and~~
8 ~~the position is an appointed one~~, the county board or board of
9 county commissioners shall fill the vacancy within 60 days
10 from the time the vacancy occurs. ~~If the sheriff of the county~~
11 ~~is selected to perform the duties of the coroner and the~~
12 ~~sheriff agrees to serve in that capacity, the sheriff may be~~
13 ~~compensated for those duties. This compensation shall be in~~
14 ~~addition to all other compensation received as sheriff. Any~~
15 ~~sheriff who is serving as coroner before the effective date of~~
16 ~~this amendatory Act of 1991 must be reappointed in order to~~
17 ~~continue to serve as coroner and to receive additional~~
18 ~~compensation under this Section.~~

19 (Source: P.A. 87-738.)

20 (55 ILCS 5/3-3045)

21 Sec. 3-3045. Disposal of medications. A ~~coroner or~~ medical
22 examiner may dispose of any unused medications found at the
23 scene of a death the ~~coroner or~~ medical examiner is
24 investigating under Section 18 of the Safe Pharmaceutical

1 Disposal Act.

2 (Source: P.A. 99-648, eff. 1-1-17.)

3 (55 ILCS 5/3-3046 new)

4 Sec. 3-3046. Home rule. A home rule county may not
5 regulate medical examiners in a manner inconsistent with this
6 Division. This Division is a limitation under subsection (i)
7 of Section 6 of Article VII of the Illinois Constitution on the
8 concurrent exercise by home rule units of powers and functions
9 exercised by the State.

10 (55 ILCS 5/3-14002) (from Ch. 34, par. 3-14002)

11 Sec. 3-14002. Position-classification agency. The Board of
12 Commissioners shall have the authority to create a
13 position-classification agency and to delegate to such agency
14 the power to establish and maintain a position-classification
15 and compensation plan for all county employees except those
16 whose election or appointment is otherwise provided for by law
17 and except those enumerated in Section 3-14022. Without
18 limitation as to the generality hereof the authority of such
19 agency shall also extend to the offices of the Clerk of the
20 Circuit Court, Sheriff, County Treasurer, Recorder, Medical
21 Examiner ~~Coroner~~, Jury Commissioners, Public Defender, County
22 Clerk, State's Attorney, County Assessor, Board of Appeals and
23 Superintendent of Schools.

24 (Source: P.A. 86-962.)

1 (55 ILCS 5/4-6001) (from Ch. 34, par. 4-6001)

2 Sec. 4-6001. Officers in counties of less than 2,000,000.

3 (a) In all counties of less than 2,000,000 inhabitants,
4 the compensation of Medical Examiners ~~Coroners~~, County
5 Treasurers, County Clerks, Recorders and Auditors shall be
6 determined under this Section. The County Board in those
7 counties shall fix the amount of the necessary clerk hire,
8 stationery, fuel and other expenses of those officers. The
9 compensation of those officers shall be separate from the
10 necessary clerk hire, stationery, fuel and other expenses, and
11 such compensation (except for medical examiners ~~coroners~~ in
12 those counties with less than 2,000,000 population in which
13 the medical examiner's ~~coroner's~~ compensation is set in
14 accordance with Section 4-6002) shall be fixed within the
15 following limits:

16 To each such officer in counties containing less than
17 14,000 inhabitants, not less than \$13,500 per annum.

18 To each such officer in counties containing 14,000 or more
19 inhabitants, but less than 30,000 inhabitants, not less than
20 \$14,500 per annum.

21 To each such officer in counties containing 30,000 or more
22 inhabitants but less than 60,000 inhabitants, not less than
23 \$15,000 per annum.

24 To each such officer in counties containing 60,000 or more
25 inhabitants but less than 100,000 inhabitants, not less than

1 \$15,000 per annum.

2 To each such officer in counties containing 100,000 or
3 more inhabitants but less than 200,000 inhabitants, not less
4 than \$16,500 per annum.

5 To each such officer in counties containing 200,000 or
6 more inhabitants but less than 300,000 inhabitants, not less
7 than \$18,000 per annum.

8 To each such officer in counties containing 300,000 or
9 more inhabitants but less than 2,000,000 inhabitants, not less
10 than \$20,000 per annum.

11 (b) Those officers beginning a term of office before
12 December 1, 1990 shall be compensated at the rate of their base
13 salary. "Base salary" is the compensation paid for each of
14 those offices, respectively, before July 1, 1989.

15 (c) Those officers beginning a term of office on or after
16 December 1, 1990 shall be compensated as follows:

17 (1) Beginning December 1, 1990, base salary plus at
18 least 3% of base salary.

19 (2) Beginning December 1, 1991, base salary plus at
20 least 6% of base salary.

21 (3) Beginning December 1, 1992, base salary plus at
22 least 9% of base salary.

23 (4) Beginning December 1, 1993, base salary plus at
24 least 12% of base salary.

25 (d) In addition to but separate and apart from the
26 compensation provided in this Section, the county clerk of

1 each county, the recorder of each county, and the chief clerk
2 of each county board of election commissioners shall receive
3 an award as follows:

4 (1) \$4,500 per year after January 1, 1998;

5 (2) \$5,500 per year after January 1, 1999; and

6 (3) \$6,500 per year after January 1, 2000.

7 The total amount required for such awards each year shall be
8 appropriated by the General Assembly to the State Board of
9 Elections which shall distribute the awards in annual lump sum
10 payments to the several county clerks, recorders, and chief
11 election clerks. Beginning December 1, 1990, this annual
12 award, and any other award or stipend paid out of State funds
13 to county officers, shall not affect any other compensation
14 provided by law to be paid to county officers.

15 (e) Beginning December 1, 1990, no county board may reduce
16 or otherwise impair the compensation payable from county funds
17 to a county officer if the reduction or impairment is the
18 result of the county officer receiving an award or stipend
19 payable from State funds.

20 (f) The compensation, necessary clerk hire, stationery,
21 fuel and other expenses of the county auditor, as fixed by the
22 county board, shall be paid by the county.

23 (g) The population of all counties for the purpose of
24 fixing compensation, as herein provided, shall be based upon
25 the last Federal census immediately previous to the election
26 of the officer in question in each county.

1 (h) With respect to an auditor who takes office on or after
2 the effective date of this amendatory Act of the 95th General
3 Assembly, the auditor shall receive an annual stipend of
4 \$6,500 per year. The General Assembly shall appropriate the
5 total amount required for the stipend each year from the
6 Personal Property Tax Replacement Fund to the Department of
7 Revenue, and the Department of Revenue shall distribute the
8 awards in an annual lump sum payment to each county auditor.
9 The stipend shall be in addition to, but separate and apart
10 from, the compensation provided in this Section. No county
11 board may reduce or otherwise impair the compensation payable
12 from county funds to the auditor if the reduction or
13 impairment is the result of the auditor receiving an award or
14 stipend pursuant to this subsection.

15 (Source: P.A. 97-72, eff. 7-1-11.)

16 (55 ILCS 5/4-6002) (from Ch. 34, par. 4-6002)

17 Sec. 4-6002. Medical examiners ~~Coroners~~ in counties of
18 less than 2,000,000.

19 (a) The County Board, in all counties of less than
20 2,000,000 inhabitants, shall fix the compensation of medical
21 examiners ~~Coroners~~ within the limitations fixed by this
22 Division, and shall appropriate for their necessary clerk
23 hire, stationery, fuel, supplies, and other expenses. The
24 compensation of the medical examiners ~~Coroner~~ shall be fixed
25 separately from his necessary clerk hire, stationery, fuel and

1 other expenses, and such compensation shall be fixed within
2 the following limits:

3 To each medical examiner ~~Coroner~~ in counties containing
4 less than 5,000 inhabitants, not less than \$4,500 per annum.

5 To each medical examiner ~~Coroner~~ in counties containing
6 5,000 or more inhabitants but less than 14,000 inhabitants,
7 not less than \$6,000 per annum.

8 To each medical examiner ~~Coroner~~ in counties containing
9 14,000 or more inhabitants, but less than 30,000 inhabitants,
10 not less than \$9,000 per annum.

11 To each medical examiner ~~Coroner~~ in counties containing
12 30,000 or more inhabitants, but less than 60,000 inhabitants,
13 not less than \$14,000 per annum.

14 To each medical examiner ~~Coroner~~ in counties containing
15 60,000 or more inhabitants, but less than 100,000 inhabitants,
16 not less than \$15,000 per annum.

17 To each medical examiner ~~Coroner~~ in counties containing
18 100,000 or more inhabitants, but less than 200,000
19 inhabitants, not less than \$16,500 per annum.

20 To each medical examiner ~~Coroner~~ in counties containing
21 200,000 or more inhabitants, but less than 300,000
22 inhabitants, not less than \$18,000 per annum.

23 To each medical examiner ~~Coroner~~ in counties containing
24 300,000 or more inhabitants, but less than 2,000,000
25 inhabitants, not less than \$20,000 per annum.

26 The population of all counties for the purpose of fixing

1 compensation, as herein provided, shall be based upon the last
2 Federal census immediately previous to the election of the
3 medical examiner ~~Coroner~~ in question in each county. This
4 Section does not apply to a county which has abolished the
5 elective office of medical examiner ~~coroner~~.

6 (b) Those medical examiners ~~coroners~~ beginning a term of
7 office on or after December 1, 1990 shall be compensated as
8 follows:

9 (1) Beginning December 1, 1990, base salary plus at
10 least 3% of base salary.

11 (2) Beginning December 1, 1991, base salary plus at
12 least 6% of base salary.

13 (3) Beginning December 1, 1992, base salary plus at
14 least 9% of base salary.

15 (4) Beginning December 1, 1993, base salary plus at
16 least 12% of base salary.

17 "Base salary", as used in this subsection (b), means the
18 salary in effect before July 1, 1989.

19 (c) In addition to, but separate and apart from, the
20 compensation provided in this Section, subject to
21 appropriation, the medical examiner ~~coroner~~ of each county
22 shall receive an annual stipend of \$6,500 to be paid by the
23 Illinois Department of Revenue out of the Personal Property
24 Tax Replacement Fund if his or her term begins on or after
25 December 1, 2000.

26 (Source: P.A. 97-72, eff. 7-1-11.)

1 (55 ILCS 5/Div. 4-7 heading)

2 Division 4-7. Medical Examiner's ~~Coroner's~~ Fees

3 (55 ILCS 5/4-7001) (from Ch. 34, par. 4-7001)

4 Sec. 4-7001. Medical examiner's ~~Coroner's~~ fees. The fees
5 of the medical examiner's ~~coroner's~~ office shall be as
6 follows:

7 1. For a copy of a transcript of sworn testimony:
8 \$5.00 per page.

9 2. For a copy of an autopsy report (if not included in
10 transcript): \$50.00.

11 3. For a copy of the verdict of a medical examiner's
12 ~~coroner's~~ jury: \$5.00.

13 4. For a copy of a toxicology report: \$25.00.

14 5. For a print of or an electronic file containing a
15 picture obtained by the medical examiner ~~coroner~~: actual
16 cost or \$3.00, whichever is greater.

17 6. For each copy of miscellaneous reports, including
18 artist's drawings but not including police reports: actual
19 cost or \$25.00, whichever is greater.

20 7. For a ~~coroner's~~ ~~or~~ medical examiner's permit to
21 cremate a dead human body: \$50.00. The medical examiner
22 ~~coroner~~ may waive, at his or her discretion, the permit
23 fee if the medical examiner ~~coroner~~ determines that the
24 person is indigent and unable to pay the permit fee or

1 under other special circumstances.

2 All of which fees shall be certified by the court; in the
3 case of inmates of any State charitable or penal institution,
4 the fees shall be paid by the operating department or
5 commission, out of the State Treasury. The medical examiner
6 ~~coroner~~ shall file his or her claim in probate for his or her
7 fees and he or she shall render assistance to the State's
8 attorney in the collection of such fees out of the estate of
9 the deceased. In counties of less than 1,000,000 population,
10 the State's attorney shall collect such fees out of the estate
11 of the deceased.

12 Except as otherwise provided in this Section, whenever the
13 medical examiner ~~coroner~~ is required by law to perform any of
14 the duties of the office of the sheriff, the medical examiner
15 ~~coroner~~ is entitled to the like fees and compensation as are
16 allowed by law to the sheriff for the performance of similar
17 services.

18 Except as otherwise provided in this Section, whenever the
19 medical examiner ~~coroner~~ of any county is required to travel
20 in the performance of his or her duties, he or she shall
21 receive the same mileage fees as are authorized for the
22 sheriff of such county.

23 All fees under this Section collected by or on behalf of
24 the medical examiner's ~~coroner's~~ office shall be paid over to
25 the county treasurer and deposited into a special account in
26 the county treasury. Moneys in the special account shall be

1 used solely for the purchase of electronic and forensic
2 identification equipment or other related supplies and the
3 operating expenses of the medical examiner's ~~coroner's~~ office.
4 (Source: P.A. 96-1161, eff. 7-21-10.)

5 (55 ILCS 5/4-11002) (from Ch. 34, par. 4-11002)

6 Sec. 4-11002. Juror's fees on inquest. The fees of each
7 juror attending an inquest shall be fixed by the county board
8 at a sum not to exceed \$10 per inquest and not to exceed \$40
9 per day, payable out of the county treasury, upon the
10 certificate of the medical examiner or acting medical examiner
11 ~~coroner or acting coroner~~ of the county wherein the inquest
12 was held. Any juror may elect to waive the fees paid for
13 attending an inquest.

14 (Source: P.A. 97-840, eff. 1-1-13.)

15 (55 ILCS 5/5-1085.5)

16 Sec. 5-1085.5. Homicide and questionable death protocol.
17 Each county, except home rule counties, must establish a
18 written protocol to deal with homicides and questionable
19 deaths. The protocol must be promulgated by the Medical
20 Examiner ~~Coroner~~, Sheriff, State's Attorney, all fire
21 departments and fire protection districts located in the
22 county, and all police departments located in the county. The
23 protocol must include at least the following:

24 (a) the types of deaths that fall under the scope of

1 the protocol;

2 (b) the agencies concerned with the death;

3 (c) the area of responsibility for each agency
4 regarding the death; and

5 (d) uniform procedures concerning homicides and
6 questionable deaths.

7 If, prior to the effective date of this amendatory Act of
8 the 92nd General Assembly, a county has established a written
9 protocol that was agreed to by the agencies specified in this
10 Section to deal with homicides and questionable deaths, then
11 that protocol is deemed to satisfy the requirements of this
12 Section.

13 The protocol shall not interfere with reasonable attempts
14 to preserve life, attempt resuscitation, or provide necessary
15 medical services.

16 (Source: P.A. 92-802, eff. 1-1-03.)

17 (55 ILCS 5/5-1106) (from Ch. 34, par. 5-1106)

18 Sec. 5-1106. County offices, equipment and expenditures.

19 It shall be the duty of the county board of each county:

20 First--To erect or otherwise provide when necessary, and
21 the finances of the county will justify it, and keep in repair,
22 a suitable court house, jail and other necessary county
23 buildings, and to provide proper rooms and offices for the
24 accommodation of the county board, State's attorney, county
25 clerk, county treasurer, recorder and sheriff, and to provide

1 suitable furniture therefor. But in counties not under
2 township organization, no appropriations shall be made for the
3 erection of public buildings, without first submitting the
4 proposition to a vote of the people of the county, and the vote
5 shall be submitted in the same manner and under the same
6 restrictions as provided for in like cases in Section 5-2001;
7 and the votes therefor shall be "For taxation," specifying the
8 object, and those against shall be "Against taxation,"
9 specifying the object.

10 Second--To provide and keep in repair, when the finances
11 of the county permit, suitable fireproof safes or offices for
12 the county clerk, State's attorney, county treasurer, recorder
13 and sheriff.

14 Third--To provide reasonable and necessary expenses for
15 the use of the county board, county clerk, county treasurer,
16 recorder, sheriff, medical examiner ~~coroner~~, State's attorney,
17 superintendent of schools, judges and clerks of courts, and
18 supervisor of assessment.

19 Fourth--To cause to be published at the close of each
20 annual, regular or special meeting of the board, a brief
21 statement of the proceedings thereof in one or more newspapers
22 published in the county, in which shall be set forth the name
23 of every individual who shall have had any account audited and
24 allowed by the board and the amount of such claim as allowed,
25 and the amount claimed, and also their proceedings upon the
26 equalization of the assessment roll: Provided, that no

1 publication in a newspaper shall be required unless the same
2 can be done without unreasonable expense.

3 Fifth--To make out at its meeting in September, annually,
4 a full and accurate statement of the receipts and expenditures
5 of the preceding year, which statement shall contain a full
6 and correct description of each item, from whom and on what
7 account received, to whom paid, and on what account expended,
8 together with an accurate statement of the finances of the
9 county at the end of the fiscal year, including all debts and
10 liabilities of every description, and the assets and other
11 means to discharge the same; and within 30 days thereafter to
12 cause the same to be posted up at the court house door, and at
13 2 other places in the county, and published for one week in
14 some newspaper therein, if there is one, and the same can be
15 done without unreasonable expense.

16 Sixth--To provide proper rooms and offices, and for the
17 repair thereof, for the accommodation of the circuit court of
18 the county and for the clerks for such court, and to provide
19 suitable furnishings for such rooms and offices, and to
20 furnish fire proof safes, and the repair thereof, for the
21 offices of the clerks of the circuit court of the county. On or
22 before June 1, 2019, every facility that houses a circuit
23 court room shall include at least one lactation room or area
24 for members of the public to express breast milk in private
25 that is located outside the confines of a restroom and
26 includes, at minimum, a chair, a table, and an electrical

1 outlet, as well as a sink with running water where possible.
2 The court rooms and furnishings thereof shall meet with
3 reasonable minimum standards prescribed by the Supreme Court
4 of Illinois. Such standards shall be substantially the same as
5 those generally accepted in court rooms as to general
6 furnishings, arrangement of bench, tables and chairs,
7 cleanliness, convenience to litigants, decorations, lighting
8 and other such matters relating to the physical appearance of
9 the court room. The lactation rooms and areas shall also meet
10 with reasonable minimum standards prescribed by the Supreme
11 Court, which the Supreme Court is respectfully requested to
12 create, including requirements for posting of notice to the
13 public regarding location and access to lactation rooms and
14 areas, as well as requirements for the addition of a sink with
15 running water in the event of renovation to such facilities.
16 The Supreme Court is also respectfully requested to create
17 minimum standards for training of courthouse staff and
18 personnel regarding location and access to lactation rooms and
19 areas for all people present in the courthouse who need to use
20 lactation rooms and areas.

21 (Source: P.A. 100-947, eff. 1-1-19.)

22 (55 ILCS 5/3-3002 rep.)

23 (55 ILCS 5/3-3011 rep.)

24 (55 ILCS 5/3-3039 rep.)

25 (55 ILCS 5/3-3044 rep.)

1 Section 110. The Counties Code is amended by repealing
2 Sections 3-3002, 3-3011, 3-3039, and 3-3044.

3 Section 115. The Coroner Training Board Act is amended by
4 changing Sections 1, 5, 10, 20, 25, 30, and 35 and adding
5 Section 37 as follows:

6 (55 ILCS 135/1)

7 Sec. 1. Short title. This Act may be cited as the Medical
8 Examiner ~~Coroner~~ Training Board Act.

9 (Source: P.A. 99-408, eff. 1-1-16.)

10 (55 ILCS 135/5)

11 Sec. 5. Definitions. As used in this Act:

12 "Board" means the Medical Examiner ~~Coroner~~ Training Board.

13 ~~"Coroner" means coroners and deputy coroners.~~

14 ~~"Coroner training school" means any school located within~~
15 ~~or outside the State of Illinois whether privately or publicly~~
16 ~~owned which offers a course in coroner training and has been~~
17 ~~approved by the Board.~~

18 "Forensic pathologist" means a board certified pathologist
19 by the American Board of Pathology.

20 "Local governmental agency" means any local governmental
21 unit or municipal corporation in this State. It does not
22 include the State of Illinois or any office, officer,
23 department, division, bureau, board, commission, or agency of

1 the State.

2 "Medical examiner" means medical examiners and deputy
3 medical examiners.

4 "Medical examiner training school" means any school
5 located within or outside the State of Illinois, whether
6 privately or publicly owned, which offers a course in medical
7 examiner training and has been approved by the Board.

8 (Source: P.A. 99-408, eff. 1-1-16.)

9 (55 ILCS 135/10)

10 Sec. 10. Board; composition; appointments; tenure;
11 vacancies. The Board shall be composed of 5 members who shall
12 be appointed by the Governor as follows: 2 medical examiners
13 ~~coroners~~, one forensic pathologist from the Cook County
14 Medical Examiner's Office, one forensic pathologist from a
15 county other than Cook County, and one citizen of Illinois who
16 is not currently or was a medical examiner ~~coroner~~ or forensic
17 pathologist. ~~The initial appointments by the Governor shall be~~
18 ~~made on the first Monday of August in 2016 and the initial~~
19 ~~appointments' terms shall be as follows: one coroner and one~~
20 ~~forensic pathologist shall be for a period of one year, the~~
21 ~~second coroner and the second forensic pathologist for 3~~
22 ~~years, and the citizen for a period of 3 years. Their~~
23 ~~successors, including those appointed under subsection (c) of~~
24 Section 37, shall be appointed in like manner for terms to
25 expire the first Monday of August each 3 years thereafter. All

1 members shall serve until their respective successors are
2 appointed and qualify. Vacancies shall be filled by the
3 Governor for the unexpired terms.

4 (Source: P.A. 99-408, eff. 1-1-16.)

5 (55 ILCS 135/20)

6 Sec. 20. Powers of the Board. The Board has the following
7 powers and duties:

8 (a) To require units of local government to furnish such
9 reports and information as the Board deems necessary to fully
10 implement this Act.

11 (b) To establish by rule appropriate mandatory minimum
12 standards relating to the training of medical examiners
13 ~~coroners~~, including, but not limited to, Part 1760 of Chapter
14 V of Title 20 of the Illinois Administrative Code. The Board
15 shall consult with the Illinois Coroners and Medical Examiners
16 Association when adopting mandatory minimum standards.

17 (c) To provide appropriate certification to those medical
18 examiners ~~coroners~~ who successfully complete the prescribed
19 minimum standard basic training course.

20 (d) To review and approve annual training curriculum for
21 medical examiners ~~coroners~~.

22 (e) To review and approve applicants to ensure no
23 applicant is admitted to a medical examiner ~~coroner~~ training
24 school unless the applicant is a person of good character and
25 has not been convicted of a felony offense, any of the

1 misdemeanors in Sections 11-1.50, 11-6, 11-9.1, 11-14, 11-17,
2 11-19, 12-2, 12-15, 16-1, 17-1, 17-2, 28-3, 29-1, 31-1, 31-6,
3 31-7, 32-4a, or 32-7 of the Criminal Code of 1961 or the
4 Criminal Code of 2012, subdivision (a)(1) or (a)(2)(C) of
5 Section 11-14.3 of the Criminal Code of 1961 or the Criminal
6 Code of 2012, or subsection (a) of Section 17-32 of the
7 Criminal Code of 1961 or the Criminal Code of 2012, or Section
8 5 or 5.2 of the Cannabis Control Act, or a crime involving
9 moral turpitude under the laws of this State or any other state
10 which if committed in this State would be punishable as a
11 felony or a crime of moral turpitude. The Board may appoint
12 investigators who shall enforce the duties conferred upon the
13 Board by this Act.

14 (Source: P.A. 99-408, eff. 1-1-16.)

15 (55 ILCS 135/25)

16 Sec. 25. Selection and certification of schools. The Board
17 shall select and certify medical examiner ~~coroner~~ training
18 schools within or outside the State of Illinois for the
19 purpose of providing basic training for medical examiners
20 ~~coroners~~ and of providing advanced or in-service training for
21 medical examiners ~~coroners~~, which schools may be either
22 publicly or privately owned and operated.

23 (Source: P.A. 99-408, eff. 1-1-16.)

24 (55 ILCS 135/30)

1 Sec. 30. Death investigation training; waiver for
2 experience.

3 (a) The Board shall conduct or approve a training program
4 in death investigation for the training of medical examiners
5 ~~coroners~~. Only medical examiners ~~coroners~~ who successfully
6 complete the training program may be assigned as lead
7 investigators in a medical examiner's ~~coroner's~~
8 investigations. Satisfactory completion of the training
9 program shall be evidenced by a certificate issued to the
10 medical examiner ~~coroner~~ by the Board.

11 (b) The Board shall develop a process for waiver
12 applications sent from a medical examiner's ~~coroner's~~ office
13 for those medical examiners ~~coroners~~ whose prior training and
14 experience as a death or homicide investigator may qualify
15 them for a waiver. The Board may issue a waiver at its
16 discretion, based solely on the prior training and experience
17 of a medical examiner ~~coroner~~ as a death or homicide
18 investigator.

19 (Source: P.A. 99-408, eff. 1-1-16.)

20 (55 ILCS 135/35)

21 Sec. 35. Acceptance of contributions and gifts. The Board
22 may accept contributions, capital grants, gifts, donations,
23 services or other financial assistance from any individual,
24 association, corporation, the United States of America and any
25 of its agencies or instrumentalities, or any other

1 organization having a legitimate interest in medical examiner
2 ~~coroner~~ training.

3 (Source: P.A. 99-408, eff. 1-1-16.)

4 (55 ILCS 135/37 new)

5 Sec. 37. Transition into Medical Examiner Training Board.

6 (a) No later than 60 days after the effective date of this
7 amendatory Act of the 103rd General Assembly, the Board and
8 the Executive Director, if any, shall meet to discuss what
9 changes are necessary, as a result of this amendatory Act of
10 the 103rd General Assembly, to:

11 (1) reports or information furnished to the Board by
12 units of local government;

13 (2) rules that may be adopted for mandatory minimum
14 standards relating to the training of medical examiners;

15 (3) appropriate certification for medical examiners;

16 (4) annual training curriculum for medical examiners;

17 (5) death investigation training for medical
18 examiners; and

19 (6) selection and certification of schools for medical
20 examiner training.

21 (b) The Board shall implement changes necessary under
22 subsection (a) due to this amendatory Act of the 103rd General
23 Assembly so that appointment of medical examiners under
24 subsection (a) of Section 3-3000 of the Counties Code and
25 training of the medical examiners under Section 3-3001 of the

1 Counties Code are not delayed.

2 (c) No later than November 30, 2024, the Governor shall
3 appoint 2 medical examiners, designating for each appointment
4 which coroner on the Board is being replaced, from the medical
5 examiners appointed under subsection (a) of Section 3-3000 of
6 the Counties Code. The terms of the medical examiners
7 appointed under this subsection shall expire at the same time
8 of the coroner whom each medical examiner replaced. If both
9 medical examiners are not appointed to the Board under this
10 subsection on or before November 30, 2024, the coroner or
11 coroners on the Board who have not been replaced with a medical
12 examiner on November 30, 2024 shall continue as Board members
13 until medical examiners are appointed and qualified to replace
14 them.

15 Section 120. The Illinois Drainage Code is amended by
16 changing Section 5-7 as follows:

17 (70 ILCS 605/5-7) (from Ch. 42, par. 5-7)

18 Sec. 5-7. Original assessments - Right to jury. The
19 commissioners and any parties interested have the right to a
20 trial by jury upon all questions as to benefits and damages to
21 any lands and property affected, if a written demand for a jury
22 is filed on or before the date and hour fixed for hearing on
23 the assessment roll. If no demand for a jury trial is filed,
24 then all parties shall be deemed to have waived a jury, and the

1 court shall proceed to hear and determine all questions as to
2 benefits and damages to any lands and other property without a
3 jury. If a trial by jury is demanded by the commissioners or by
4 one or more interested parties, then the court shall submit to
5 the jury all questions as to benefits and damages to any and
6 all lands and property, even though a demand for a jury has not
7 been made by all of the parties interested.

8 If any lands or property are sought to be taken by the
9 exercise of the right of eminent domain, then the compensation
10 to be paid for any lands or property so sought to be taken
11 shall be fixed by a jury, unless a waiver of a trial by jury
12 has been filed by each owner of land or property sought to be
13 taken.

14 If a trial by jury is to be held, the jury may be drawn and
15 summoned in the manner now or hereafter provided for the
16 drawing and summoning of juries for the circuit court. If the
17 jury is not summoned as above provided, then the court may,
18 when the cause is set for trial, direct the clerk of the court
19 to issue a venire for not less than 12 nor more than 24
20 competent jurors, as the court shall direct, and deliver the
21 same to the sheriff or medical examiner ~~coroner~~, who shall
22 summon such jurors from the body of the county to appear before
23 the court at the time set for trial. The jury shall be
24 impaneled, and the parties shall be entitled to challenge
25 jurors as in other civil cases.

26 (Source: P.A. 84-886.)

1 Section 125. The Abuse Prevention Review Team Act is
2 amended by changing Sections 15, 20, and 25 as follows:

3 (210 ILCS 28/15)

4 Sec. 15. Residential health care facility resident sexual
5 assault and death review teams; establishment.

6 (a) The Director, in consultation with the Executive
7 Council and with law enforcement agencies and other
8 professionals who work in the field of investigating,
9 treating, or preventing nursing home resident abuse or neglect
10 in the State, shall appoint members to two residential health
11 care facility resident sexual assault and death review teams.
12 The Director shall appoint more teams if the Director or the
13 existing teams determine that more teams are necessary to
14 achieve the purposes of this Act. An Executive Council shall
15 be organized no later than when at least 4 teams are formed.
16 The members of a team shall be appointed for 2-year staggered
17 terms and shall be eligible for reappointment upon the
18 expiration of their terms.

19 (b) Each review team shall consist of at least one member
20 from each of the following categories:

21 (1) Geriatrician or other physician knowledgeable
22 about nursing home resident abuse and neglect.

23 (2) Representative of the Department.

24 (3) State's Attorney or State's Attorney's

1 representative.

2 (4) Representative of a local law enforcement agency.

3 (5) Representative of the Illinois Attorney General.

4 (6) Psychologist or psychiatrist.

5 (7) Representative of a local health department.

6 (8) Representative of a social service or health care
7 agency that provides services to persons with mental
8 illness, in a program whose accreditation to provide such
9 services is recognized by the Office of Mental Health
10 within the Department of Human Services.

11 (9) Representative of a social service or health care
12 agency that provides services to persons with
13 developmental disabilities, in a program whose
14 accreditation to provide such services is recognized by
15 the Office of Developmental Disabilities within the
16 Department of Human Services.

17 (10) Medical examiner ~~Coroner~~ or forensic pathologist.

18 (11) Representative of the local sub-state ombudsman.

19 (12) Representative of a nursing home resident
20 advocacy organization.

21 (13) Representative of a local hospital, trauma
22 center, or provider of emergency medical services.

23 (14) Representative of an organization that represents
24 nursing homes.

25 Each review team may make recommendations to the Director
26 concerning additional appointments. Each review team member

1 must have demonstrated experience and an interest in
2 investigating, treating, or preventing nursing home resident
3 abuse or neglect.

4 (c) Each review team shall select a chairperson from among
5 its members. The chairperson shall also serve on the Illinois
6 Residential Health Care Facility Sexual Assault and Death
7 Review Teams Executive Council.

8 (Source: P.A. 93-577, eff. 8-21-03; 94-931, eff. 6-26-06.)

9 (210 ILCS 28/20)

10 Sec. 20. Reviews of nursing home resident sexual assaults
11 and deaths.

12 (a) Every case of sexual assault of a nursing home
13 resident that the Department determined to be valid shall be
14 reviewed by the review team for the region that has primary
15 case management responsibility.

16 (b) Every death of a nursing home resident shall be
17 reviewed by the review team for the region that has primary
18 case management responsibility, if the deceased resident is
19 one of the following:

20 (1) A person whose death is reviewed by the Department
21 during any regulatory activity, whether or not there were
22 any federal or State violations.

23 (2) A person about whose care the Department received
24 a complaint alleging that the resident's care violated
25 federal or State standards so as to contribute to the

1 resident's death.

2 (3) A resident whose death is referred to the
3 Department for investigation by a local ~~coroner,~~ medical
4 examiner~~,~~ or law enforcement agency.

5 A review team may, at its discretion, review other sudden,
6 unexpected, or unexplained nursing home resident deaths. The
7 Department shall bring such deaths to the attention of the
8 teams when it determines that doing so will help to achieve the
9 purposes of this Act.

10 (c) A review team's purpose in conducting reviews of
11 resident sexual assaults and deaths is to do the following:

12 (1) Assist in determining the cause and manner of the
13 resident's assault or death, when requested.

14 (2) Evaluate means, if any, by which the assault or
15 death might have been prevented.

16 (3) Report its findings to the Director and make
17 recommendations that may help to reduce the number of
18 sexual assaults on and unnecessary deaths of nursing home
19 residents.

20 (4) Promote continuing education for professionals
21 involved in investigating, treating, and preventing
22 nursing home resident abuse and neglect as a means of
23 preventing sexual assaults and unnecessary deaths of
24 nursing home residents.

25 (5) Make specific recommendations to the Director
26 concerning the prevention of sexual assaults and

1 unnecessary deaths of nursing home residents and the
2 establishment of protocols for investigating resident
3 sexual assaults and deaths.

4 (d) A review team must review the sexual assault or death
5 cases submitted to it on a quarterly basis. The review team
6 must meet at least once in each calendar quarter if there are
7 cases to be reviewed. The Department shall forward cases
8 pursuant to subsections (a) and (b) of this Section within 120
9 days after completion of the investigation.

10 (e) Within 90 days after receiving recommendations made by
11 a review team under item (5) of subsection (c), the Director
12 must review those recommendations and respond to the review
13 team. The Director shall implement recommendations as feasible
14 and appropriate and shall respond to the review team in
15 writing to explain the implementation or nonimplementation of
16 the recommendations.

17 (f) In any instance when a review team does not operate in
18 accordance with established protocol, the Director, in
19 consultation and cooperation with the Executive Council, must
20 take any necessary actions to bring the review team into
21 compliance with the protocol.

22 (Source: P.A. 93-577, eff. 8-21-03; 94-931, eff. 6-26-06.)

23 (210 ILCS 28/25)

24 Sec. 25. Review team access to information.

25 (a) The Department shall provide to a review team, on the

1 request of the review team chairperson, all records and
2 information in the Department's possession that are relevant
3 to the review team's review of a sexual assault or death
4 described in subsection (b) of Section 20, including records
5 and information concerning previous reports or investigations
6 of suspected abuse or neglect.

7 (b) A review team shall have access to all records and
8 information that are relevant to its review of a sexual
9 assault or death and in the possession of a State or local
10 governmental agency. These records and information include,
11 without limitation, death certificates, all relevant medical
12 and mental health records, records of law enforcement agency
13 investigations, records of ~~coroner~~ or medical examiner
14 investigations, records of the Department of Corrections and
15 Department of Juvenile Justice concerning a person's parole or
16 aftercare release, records of a probation and court services
17 department, and records of a social services agency that
18 provided services to the resident.

19 (Source: P.A. 98-558, eff. 1-1-14.)

20 Section 130. The Abused and Neglected Long Term Care
21 Facility Residents Reporting Act is amended by changing
22 Section 4 as follows:

23 (210 ILCS 30/4) (from Ch. 111 1/2, par. 4164)

24 Sec. 4. Any long term care facility administrator, agent

1 or employee or any physician, hospital, surgeon, dentist,
2 osteopath, chiropractor, podiatric physician, accredited
3 religious practitioner who provides treatment by spiritual
4 means alone through prayer in accordance with the tenets and
5 practices of the accrediting church, medical examiner ~~coroner~~,
6 social worker, social services administrator, registered
7 nurse, law enforcement officer, field personnel of the
8 Department of Healthcare and Family Services, field personnel
9 of the Illinois Department of Public Health and County or
10 Municipal Health Departments, personnel of the Department of
11 Human Services (acting as the successor to the Department of
12 Mental Health and Developmental Disabilities or the Department
13 of Public Aid), personnel of the Guardianship and Advocacy
14 Commission, personnel of the State Fire Marshal, local fire
15 department inspectors or other personnel, or personnel of the
16 Illinois Department on Aging, or its subsidiary Agencies on
17 Aging, or employee of a facility licensed under the Assisted
18 Living and Shared Housing Act, having reasonable cause to
19 believe any resident with whom they have direct contact has
20 been subjected to abuse or neglect shall immediately report or
21 cause a report to be made to the Department. Persons required
22 to make reports or cause reports to be made under this Section
23 include all employees of the State of Illinois who are
24 involved in providing services to residents, including
25 professionals providing medical or rehabilitation services and
26 all other persons having direct contact with residents; and

1 further include all employees of community service agencies
2 who provide services to a resident of a public or private long
3 term care facility outside of that facility. Any long term
4 care surveyor of the Illinois Department of Public Health who
5 has reasonable cause to believe in the course of a survey that
6 a resident has been abused or neglected and initiates an
7 investigation while on site at the facility shall be exempt
8 from making a report under this Section but the results of any
9 such investigation shall be forwarded to the central register
10 in a manner and form described by the Department.

11 The requirement of this Act shall not relieve any long
12 term care facility administrator, agent or employee of
13 responsibility to report the abuse or neglect of a resident
14 under Section 3-610 of the Nursing Home Care Act or under
15 Section 3-610 of the ID/DD Community Care Act or under Section
16 3-610 of the MC/DD Act or under Section 2-107 of the
17 Specialized Mental Health Rehabilitation Act of 2013.

18 In addition to the above persons required to report
19 suspected resident abuse and neglect, any other person may
20 make a report to the Department, or to any law enforcement
21 officer, if such person has reasonable cause to suspect a
22 resident has been abused or neglected.

23 This Section also applies to residents whose death occurs
24 from suspected abuse or neglect before being found or brought
25 to a hospital.

26 A person required to make reports or cause reports to be

1 made under this Section who fails to comply with the
2 requirements of this Section is guilty of a Class A
3 misdemeanor.

4 (Source: P.A. 98-104, eff. 7-22-13; 98-214, eff. 8-9-13;
5 98-756, eff. 7-16-14; 99-180, eff. 7-29-15.)

6 Section 135. The MC/DD Act is amended by changing Section
7 2-208 as follows:

8 (210 ILCS 46/2-208)

9 Sec. 2-208. Notice of imminent death, unusual incident,
10 abuse, or neglect.

11 (a) A facility shall immediately notify the identified
12 resident's next of kin, guardian, resident's representative,
13 and physician of the resident's death or when the resident's
14 death appears to be imminent. A facility shall immediately
15 notify the Department by telephone of a resident's death
16 within 24 hours after the resident's death. The facility shall
17 notify the Department of the death of a facility's resident
18 that does not occur in the facility immediately upon learning
19 of the death. A facility shall promptly notify the ~~coroner or~~
20 medical examiner of a resident's death in a manner and form to
21 be determined by the Department after consultation with the
22 ~~coroner or~~ medical examiner of the county in which the
23 facility is located. In addition to notice to the Department
24 by telephone, the Department shall require the facility to

1 submit written notification of the death of a resident within
2 72 hours after the death, including a report of any medication
3 errors or other incidents that occurred within 30 days of the
4 resident's death. A facility's failure to comply with this
5 Section shall constitute a Type "B" violation.

6 (b) A facility shall immediately notify the resident's
7 next of kin, guardian, or resident representative of any
8 unusual incident, abuse, or neglect involving the resident. A
9 facility shall immediately notify the Department by telephone
10 of any unusual incident, abuse, or neglect required to be
11 reported pursuant to State law or administrative rule. In
12 addition to notice to the Department by telephone, the
13 Department shall require the facility to submit written
14 notification of any unusual incident, abuse, or neglect within
15 one day after the unusual incident, abuse, or neglect
16 occurring. A facility's failure to comply with this Section
17 shall constitute a Type "B" violation. For purposes of this
18 Section, "unusual incident" means serious injury; unscheduled
19 hospital visit for treatment of serious injury; 9-1-1 calls
20 for emergency services directly relating to a resident threat;
21 or stalking of staff or person served that raises health or
22 safety concerns.

23 (Source: P.A. 99-180, eff. 7-29-15.)

24 Section 140. The ID/DD Community Care Act is amended by
25 changing Section 2-208 as follows:

1 (210 ILCS 47/2-208)

2 Sec. 2-208. Notice of imminent death, unusual incident,
3 abuse, or neglect.

4 (a) A facility shall immediately notify the identified
5 resident's next of kin, guardian, resident's representative,
6 and physician of the resident's death or when the resident's
7 death appears to be imminent. A facility shall immediately
8 notify the Department by telephone of a resident's death
9 within 24 hours after the resident's death. The facility shall
10 notify the Department of the death of a facility's resident
11 that does not occur in the facility immediately upon learning
12 of the death. A facility shall promptly notify the ~~coroner or~~
13 medical examiner of a resident's death in a manner and form to
14 be determined by the Department after consultation with the
15 ~~coroner or~~ medical examiner of the county in which the
16 facility is located. In addition to notice to the Department
17 by telephone, the Department shall require the facility to
18 submit written notification of the death of a resident within
19 72 hours after the death, including a report of any medication
20 errors or other incidents that occurred within 30 days of the
21 resident's death. A facility's failure to comply with this
22 Section shall constitute a Type "B" violation.

23 (b) A facility shall immediately notify the resident's
24 next of kin, guardian, or resident representative of any
25 unusual incident, abuse, or neglect involving the resident. A

1 facility shall immediately notify the Department by telephone
2 of any unusual incident, abuse, or neglect required to be
3 reported pursuant to State law or administrative rule. In
4 addition to notice to the Department by telephone, the
5 Department shall require the facility to submit written
6 notification of any unusual incident, abuse, or neglect within
7 one day after the unusual incident, abuse, or neglect
8 occurring. A facility's failure to comply with this Section
9 shall constitute a Type "B" violation. For purposes of this
10 Section, "unusual incident" means serious injury; unscheduled
11 hospital visit for treatment of serious injury; 9-1-1 calls
12 for emergency services directly relating to a resident threat;
13 or stalking of staff or person served that raises health or
14 safety concerns.

15 (Source: P.A. 96-339, eff. 7-1-10; 97-38, eff. 6-28-11.)

16 Section 145. The Hospital Licensing Act is amended by
17 changing Sections 6.09a and 7 as follows:

18 (210 ILCS 85/6.09a)

19 Sec. 6.09a. Report of death. Every hospital shall promptly
20 report the death of a person readily known to be, without an
21 investigation by the hospital, a resident of a facility
22 licensed under the ID/DD Community Care Act or the MC/DD Act,
23 to the ~~coroner or~~ medical examiner. The ~~coroner or~~ medical
24 examiner shall promptly respond to the report by accepting or

1 not accepting the body for investigation.

2 (Source: P.A. 99-180, eff. 7-29-15.)

3 (210 ILCS 85/7) (from Ch. 111 1/2, par. 148)

4 Sec. 7. (a) The Director after notice and opportunity for
5 hearing to the applicant or licensee may deny, suspend, or
6 revoke a permit to establish a hospital or deny, suspend, or
7 revoke a license to open, conduct, operate, and maintain a
8 hospital in any case in which he finds that there has been a
9 substantial failure to comply with the provisions of this Act,
10 the Hospital Report Card Act, or the Illinois Adverse Health
11 Care Events Reporting Law of 2005 or the standards, rules, and
12 regulations established by virtue of any of those Acts. The
13 Department may impose fines on hospitals, not to exceed \$500
14 per occurrence, for failing to (1) initiate a criminal
15 background check on a patient that meets the criteria for
16 hospital-initiated background checks or (2) report the death
17 of a person known to be a resident of a facility licensed under
18 the ID/DD Community Care Act or the MC/DD Act to the ~~coroner or~~
19 medical examiner within 24 hours as required by Section 6.09a
20 of this Act. In assessing whether to impose such a fine for
21 failure to initiate a criminal background check, the
22 Department shall consider various factors including, but not
23 limited to, whether the hospital has engaged in a pattern or
24 practice of failing to initiate criminal background checks.
25 Money from fines shall be deposited into the Long Term Care

1 Provider Fund.

2 (a-5) If a hospital demonstrates a pattern or practice of
3 failing to substantially comply with the requirements of
4 Section 10.10 or the hospital's written staffing plan, the
5 hospital shall provide a plan of correction to the Department
6 within 60 days. The Department may impose fines as follows:
7 (i) if a hospital fails to implement a written staffing plan
8 for nursing services, a fine not to exceed \$500 per occurrence
9 may be imposed; (ii) if a hospital demonstrates a pattern or
10 practice of failing to substantially comply with a plan of
11 correction within 60 days after the plan takes effect, a fine
12 not to exceed \$500 per occurrence may be imposed; and (iii) if
13 a hospital demonstrates for a second or subsequent time a
14 pattern or practice of failing to substantially comply with a
15 plan of correction within 60 days after the plan takes effect,
16 a fine not to exceed \$1,000 per occurrence may be imposed.
17 Reports of violations of Section 10.10 shall be subject to
18 public disclosure under Section 6.14a. Money from fines within
19 this subsection (a-5) shall be deposited into the Hospital
20 Licensure Fund, and money from fines for violations of Section
21 10.10 shall be used for scholarships under the Nursing
22 Education Scholarship Law.

23 (b) Such notice shall be effected by registered mail or by
24 personal service setting forth the particular reasons for the
25 proposed action and fixing a date, not less than 15 days from
26 the date of such mailing or service, at which time the

1 applicant or licensee shall be given an opportunity for a
2 hearing. Such hearing shall be conducted by the Director or by
3 an employee of the Department designated in writing by the
4 Director as Hearing Officer to conduct the hearing. On the
5 basis of any such hearing, or upon default of the applicant or
6 licensee, the Director shall make a determination specifying
7 his findings and conclusions. In case of a denial to an
8 applicant of a permit to establish a hospital, such
9 determination shall specify the subsection of Section 6 under
10 which the permit was denied and shall contain findings of fact
11 forming the basis of such denial. A copy of such determination
12 shall be sent by registered mail or served personally upon the
13 applicant or licensee. The decision denying, suspending, or
14 revoking a permit or a license shall become final 35 days after
15 it is so mailed or served, unless the applicant or licensee,
16 within such 35 day period, petitions for review pursuant to
17 Section 13.

18 (c) The procedure governing hearings authorized by this
19 Section shall be in accordance with rules promulgated by the
20 Department and approved by the Hospital Licensing Board. A
21 full and complete record shall be kept of all proceedings,
22 including the notice of hearing, complaint, and all other
23 documents in the nature of pleadings, written motions filed in
24 the proceedings, and the report and orders of the Director and
25 Hearing Officer. All testimony shall be reported but need not
26 be transcribed unless the decision is appealed pursuant to

1 Section 13. A copy or copies of the transcript may be obtained
2 by any interested party on payment of the cost of preparing
3 such copy or copies.

4 (d) The Director or Hearing Officer shall upon his own
5 motion, or on the written request of any party to the
6 proceeding, issue subpoenas requiring the attendance and the
7 giving of testimony by witnesses, and subpoenas duces tecum
8 requiring the production of books, papers, records, or
9 memoranda. All subpoenas and subpoenas duces tecum issued
10 under the terms of this Act may be served by any person of full
11 age. The fees of witnesses for attendance and travel shall be
12 the same as the fees of witnesses before the Circuit Court of
13 this State, such fees to be paid when the witness is excused
14 from further attendance. When the witness is subpoenaed at the
15 instance of the Director, or Hearing Officer, such fees shall
16 be paid in the same manner as other expenses of the Department,
17 and when the witness is subpoenaed at the instance of any other
18 party to any such proceeding the Department may require that
19 the cost of service of the subpoena or subpoena duces tecum and
20 the fee of the witness be borne by the party at whose instance
21 the witness is summoned. In such case, the Department in its
22 discretion, may require a deposit to cover the cost of such
23 service and witness fees. A subpoena or subpoena duces tecum
24 issued as aforesaid shall be served in the same manner as a
25 subpoena issued out of a court.

26 (e) Any Circuit Court of this State upon the application

1 of the Director, or upon the application of any other party to
2 the proceeding, may, in its discretion, compel the attendance
3 of witnesses, the production of books, papers, records, or
4 memoranda and the giving of testimony before the Director or
5 Hearing Officer conducting an investigation or holding a
6 hearing authorized by this Act, by an attachment for contempt,
7 or otherwise, in the same manner as production of evidence may
8 be compelled before the court.

9 (f) The Director or Hearing Officer, or any party in an
10 investigation or hearing before the Department, may cause the
11 depositions of witnesses within the State to be taken in the
12 manner prescribed by law for like depositions in civil actions
13 in courts of this State, and to that end compel the attendance
14 of witnesses and the production of books, papers, records, or
15 memoranda.

16 (Source: P.A. 102-641, eff. 8-27-21.)

17 Section 150. The Safe Pharmaceutical Disposal Act is
18 amended by changing Section 18 as follows:

19 (210 ILCS 150/18)

20 Sec. 18. Unused medications at the scene of a death.

21 (a) Notwithstanding any provision of law to the contrary,
22 the Illinois State Police may by rule authorize State Police
23 officers to dispose of any unused medications found at the
24 scene of a death the State Police officer is investigating. A

1 State Police officer may only dispose of any unused
2 medications under this subsection after consulting with any
3 other investigating law enforcement agency to ensure that the
4 unused medications will not be needed as evidence in any
5 investigation. This Section shall not apply to any unused
6 medications a State Police officer takes into custody as part
7 of any investigation into a crime.

8 (b) Notwithstanding any provision of law to the contrary,
9 a local governmental agency may authorize police officers to
10 dispose of any unused medications found at the scene of a death
11 a police officer is investigating. A police officer may only
12 dispose of any unused medications under this subsection after
13 consulting with any other investigating law enforcement agency
14 to ensure that the unused medications will not be needed as
15 evidence in any investigation. This Section shall not apply to
16 any unused medications a police officer takes into custody as
17 part of any investigation into a crime.

18 (c) Notwithstanding any provision of law to the contrary,
19 a ~~coroner or~~ medical examiner may dispose of any unused
20 medications found at the scene of a death the ~~coroner or~~
21 medical examiner is investigating. A ~~coroner or~~ medical
22 examiner may only dispose of any unused medications under this
23 subsection after consulting with any investigating law
24 enforcement agency to ensure that the unused medications will
25 not be needed as evidence in any investigation.

26 (d) Any disposal under this Section shall be in accordance

1 with Section 17 of this Act or another State or federally
2 approved medication take-back program or location.

3 (e) This Section shall not apply to prescription drugs for
4 which the United States Food and Drug Administration created a
5 Risk Evaluation and Mitigation Strategy for under the Food and
6 Drug Administration Amendments Act of 2007.

7 (f) Nothing in this Section shall be construed to require
8 a search of the scene for unused medications.

9 (g) Prior to disposal of any medication collected as
10 evidence in a criminal investigation under this Section, a
11 State Police officer, police officer, ~~coroner,~~ or medical
12 examiner shall photograph the unused medication and its
13 container or packaging, if available; document the number or
14 amount of medication to be disposed; and include the
15 photographs and documentation in the police report, ~~coroner~~
16 ~~report,~~ or medical examiner report.

17 (h) If an autopsy is performed as part of a death
18 investigation, no medication seized under this Section shall
19 be disposed of until after a toxicology report is received by
20 the entity requesting the report.

21 (i) If a police officer, State Police officer, ~~coroner,~~ or
22 medical examiner is not present at the scene of a death, a
23 nurse may dispose of any unused medications found at the scene
24 of a death the nurse is present at while engaging in the
25 performance of his or her duties. A nurse may dispose of any
26 unused medications under this subsection only after consulting

1 with any investigating law enforcement agency to ensure that
2 the unused medications will not be needed as evidence in an
3 investigation.

4 (j) When an individual authorized to dispose of unused
5 medication under this Section disposes of unused medication
6 under this Section in good faith, the individual, and his or
7 her employer, employees, and agents, shall incur no criminal
8 liability or professional discipline.

9 (Source: P.A. 102-538, eff. 8-20-21.)

10 Section 155. The Coal Mining Act is amended by changing
11 Sections 10.03 and 10.04 as follows:

12 (225 ILCS 705/10.03) (from Ch. 96 1/2, par. 1003)

13 Sec. 10.03. If any person is killed in or about a mine the
14 operator shall notify the medical examiner ~~coroner~~ of the
15 county, who shall hold an inquest concerning the cause of the
16 death. The State Mine Inspector may question or cross-question
17 any witness testifying at the inquest.

18 (Source: Laws 1953, p. 701.)

19 (225 ILCS 705/10.04) (from Ch. 96 1/2, par. 1004)

20 Sec. 10.04. The State Mine Inspector shall make a personal
21 investigation as to the nature and cause of all serious
22 accidents in mines under his supervision. He shall make a
23 record of the circumstances attending the accident, as

1 developed at the medical examiner's ~~coroner's~~ inquest and by
2 his own personal investigation. A copy of the record shall be
3 filed with the Department within 30 days following the
4 conclusion of the investigation, and the report shall
5 thereupon become a part of the records of the Department. To
6 enable the State Mine Inspector to make his investigation he
7 has the power to compel the attendance of witnesses, and to
8 administer oaths or affirmations to them.

9 (Source: P.A. 79-340.)

10 Section 160. The Fluorspar Mines Act is amended by
11 changing Sections 15 and 16 as follows:

12 (225 ILCS 710/15) (from Ch. 96 1/2, par. 4222)

13 Sec. 15. The superintendent shall post or cause to be
14 posted an emergency organization chart or plan in a
15 conspicuous place on each mine property designating the duties
16 of various employees and listing mine rescue stations,
17 hospitals, doctors, etc., to be called in case of fire,
18 explosion, flood, cave-in or other emergency. Whenever loss of
19 life occurs from accident in or about a mine, and when death
20 results from personal injury, the superintendent or other
21 person having immediate charge of the work at the time of the
22 accident shall give notice to the inspector promptly by
23 telephone or telegraph, followed by a notice in writing, after
24 knowledge of death comes.

1 Whenever possible, the inspector shall be present at the
2 medical examiner's ~~coroner's~~ inquest held over the remains of
3 a person killed in or about a mine. Due notice of an intended
4 inquest to be held by the medical examiner ~~coroner~~ shall be
5 given by the medical examiner ~~coroner~~ to the inspector, and at
6 such inquest the inspector shall have the right to examine and
7 cross-examine witnesses, and such examination shall be part of
8 the records of such inquest. If, at any inquest held over the
9 body or bodies of persons whose death was caused by an accident
10 in or about the mine, the inspector be not present, and it be
11 found from the evidence given at the inquest that the accident
12 was caused by neglect or by any defect in or about the mine, or
13 because the mine was operated contrary to the provisions of
14 this Act, the medical examiner ~~coroner~~ shall send notice in
15 writing to said inspector of such reported neglect or default;
16 and the said inspector shall immediately take steps to have an
17 investigation made of the same. The medical examiner ~~coroner~~
18 before whom such an inquest is held shall promptly file with
19 the inspector of mines a copy of the testimony taken thereat
20 and a copy of the verdict rendered by the medical examiner's
21 ~~coroner's~~ jury.

22 (Source: Laws 1945, p. 1035.)

23 (225 ILCS 710/16) (from Ch. 96 1/2, par. 4223)

24 Sec. 16. Employee failure; investigation. Whenever, in the
25 opinion of the inspector of mines, a serious or fatal accident

1 in or about any mine in this State shall have been caused by
2 failure on the part of the operator or any employee of such
3 mine, or by any other person, or by any of them, to observe the
4 provisions of this Act, it shall be the duty of the inspector
5 to immediately notify the Department of Natural Resources by
6 wire or telephone, and cause a copy of the report of such
7 accident or a copy of the testimony taken at the medical
8 examiner's ~~coroner's~~ inquest, together with the verdict of the
9 medical examiner's ~~coroner's~~ jury, and all papers in his or
10 her hands relating thereto, to be forwarded to the Department
11 of Natural Resources that an investigation may be immediately
12 conducted by the Department of Natural Resources, and if they
13 concur with the inspector, all reports and testimony so
14 assembled shall be delivered to the prosecuting officer of the
15 county in which the accident or loss of life occurred,
16 together with a statement of the inspector showing in what
17 particular or particulars he or she believes the law to have
18 been violated, and if upon the receipt thereof the prosecuting
19 officer of the said county deems the facts to make a prima
20 facie cause of action against any party, that officer shall
21 present such evidence to the grand jury and take such further
22 steps for the criminal prosecution of such operators,
23 employees or other persons as may seem advisable.

24 (Source: P.A. 89-445, eff. 2-7-96.)

25 Section 165. The Adult Protective Services Act is amended

1 by changing Sections 2, 3, 5, 8, and 15 as follows:

2 (320 ILCS 20/2) (from Ch. 23, par. 6602)

3 Sec. 2. Definitions. As used in this Act, unless the
4 context requires otherwise:

5 (a) "Abandonment" means the desertion or willful forsaking
6 of an eligible adult by an individual responsible for the care
7 and custody of that eligible adult under circumstances in
8 which a reasonable person would continue to provide care and
9 custody. Nothing in this Act shall be construed to mean that an
10 eligible adult is a victim of abandonment because of health
11 care services provided or not provided by licensed health care
12 professionals.

13 (a-1) "Abuse" means causing any physical, mental or sexual
14 injury to an eligible adult, including exploitation of such
15 adult's financial resources, and abandonment.

16 Nothing in this Act shall be construed to mean that an
17 eligible adult is a victim of abuse, abandonment, neglect, or
18 self-neglect for the sole reason that he or she is being
19 furnished with or relies upon treatment by spiritual means
20 through prayer alone, in accordance with the tenets and
21 practices of a recognized church or religious denomination.

22 Nothing in this Act shall be construed to mean that an
23 eligible adult is a victim of abuse because of health care
24 services provided or not provided by licensed health care
25 professionals.

1 (a-5) "Abuser" means a person who abuses, abandons,
2 neglects, or financially exploits an eligible adult.

3 (a-6) "Adult with disabilities" means a person aged 18
4 through 59 who resides in a domestic living situation and
5 whose disability as defined in subsection (c-5) impairs his or
6 her ability to seek or obtain protection from abuse,
7 abandonment, neglect, or exploitation.

8 (a-7) "Caregiver" means a person who either as a result of
9 a family relationship, voluntarily, or in exchange for
10 compensation has assumed responsibility for all or a portion
11 of the care of an eligible adult who needs assistance with
12 activities of daily living or instrumental activities of daily
13 living.

14 (b) "Department" means the Department on Aging of the
15 State of Illinois.

16 (c) "Director" means the Director of the Department.

17 (c-5) "Disability" means a physical or mental disability,
18 including, but not limited to, a developmental disability, an
19 intellectual disability, a mental illness as defined under the
20 Mental Health and Developmental Disabilities Code, or dementia
21 as defined under the Alzheimer's Disease Assistance Act.

22 (d) "Domestic living situation" means a residence where
23 the eligible adult at the time of the report lives alone or
24 with his or her family or a caregiver, or others, or other
25 community-based unlicensed facility, but is not:

26 (1) A licensed facility as defined in Section 1-113 of

1 the Nursing Home Care Act;

2 (1.5) A facility licensed under the ID/DD Community
3 Care Act;

4 (1.6) A facility licensed under the MC/DD Act;

5 (1.7) A facility licensed under the Specialized Mental
6 Health Rehabilitation Act of 2013;

7 (2) A "life care facility" as defined in the Life Care
8 Facilities Act;

9 (3) A home, institution, or other place operated by
10 the federal government or agency thereof or by the State
11 of Illinois;

12 (4) A hospital, sanitarium, or other institution, the
13 principal activity or business of which is the diagnosis,
14 care, and treatment of human illness through the
15 maintenance and operation of organized facilities
16 therefor, which is required to be licensed under the
17 Hospital Licensing Act;

18 (5) A "community living facility" as defined in the
19 Community Living Facilities Licensing Act;

20 (6) (Blank);

21 (7) A "community-integrated living arrangement" as
22 defined in the Community-Integrated Living Arrangements
23 Licensure and Certification Act or a "community
24 residential alternative" as licensed under that Act;

25 (8) An assisted living or shared housing establishment
26 as defined in the Assisted Living and Shared Housing Act;

1 or

2 (9) A supportive living facility as described in
3 Section 5-5.01a of the Illinois Public Aid Code.

4 (e) "Eligible adult" means either an adult with
5 disabilities aged 18 through 59 or a person aged 60 or older
6 who resides in a domestic living situation and is, or is
7 alleged to be, abused, abandoned, neglected, or financially
8 exploited by another individual or who neglects himself or
9 herself. "Eligible adult" also includes an adult who resides
10 in any of the facilities that are excluded from the definition
11 of "domestic living situation" under paragraphs (1) through
12 (9) of subsection (d), if either: (i) the alleged abuse,
13 abandonment, or neglect occurs outside of the facility and not
14 under facility supervision and the alleged abuser is a family
15 member, caregiver, or another person who has a continuing
16 relationship with the adult; or (ii) the alleged financial
17 exploitation is perpetrated by a family member, caregiver, or
18 another person who has a continuing relationship with the
19 adult, but who is not an employee of the facility where the
20 adult resides.

21 (f) "Emergency" means a situation in which an eligible
22 adult is living in conditions presenting a risk of death or
23 physical, mental or sexual injury and the provider agency has
24 reason to believe the eligible adult is unable to consent to
25 services which would alleviate that risk.

26 (f-1) "Financial exploitation" means the use of an

1 eligible adult's resources by another to the disadvantage of
2 that adult or the profit or advantage of a person other than
3 that adult.

4 (f-5) "Mandated reporter" means any of the following
5 persons while engaged in carrying out their professional
6 duties:

7 (1) a professional or professional's delegate while
8 engaged in: (i) social services, (ii) law enforcement,
9 (iii) education, (iv) the care of an eligible adult or
10 eligible adults, or (v) any of the occupations required to
11 be licensed under the Behavior Analyst Licensing Act, the
12 Clinical Psychologist Licensing Act, the Clinical Social
13 Work and Social Work Practice Act, the Illinois Dental
14 Practice Act, the Dietitian Nutritionist Practice Act, the
15 Marriage and Family Therapy Licensing Act, the Medical
16 Practice Act of 1987, the Naprapathic Practice Act, the
17 Nurse Practice Act, the Nursing Home Administrators
18 Licensing and Disciplinary Act, the Illinois Occupational
19 Therapy Practice Act, the Illinois Optometric Practice Act
20 of 1987, the Pharmacy Practice Act, the Illinois Physical
21 Therapy Act, the Physician Assistant Practice Act of 1987,
22 the Podiatric Medical Practice Act of 1987, the
23 Respiratory Care Practice Act, the Professional Counselor
24 and Clinical Professional Counselor Licensing and Practice
25 Act, the Illinois Speech-Language Pathology and Audiology
26 Practice Act, the Veterinary Medicine and Surgery Practice

1 Act of 2004, and the Illinois Public Accounting Act;

2 (1.5) an employee of an entity providing developmental
3 disabilities services or service coordination funded by
4 the Department of Human Services;

5 (2) an employee of a vocational rehabilitation
6 facility prescribed or supervised by the Department of
7 Human Services;

8 (3) an administrator, employee, or person providing
9 services in or through an unlicensed community based
10 facility;

11 (4) any religious practitioner who provides treatment
12 by prayer or spiritual means alone in accordance with the
13 tenets and practices of a recognized church or religious
14 denomination, except as to information received in any
15 confession or sacred communication enjoined by the
16 discipline of the religious denomination to be held
17 confidential;

18 (5) field personnel of the Department of Healthcare
19 and Family Services, Department of Public Health, and
20 Department of Human Services, and any county or municipal
21 health department;

22 (6) personnel of the Department of Human Services, the
23 Guardianship and Advocacy Commission, the State Fire
24 Marshal, local fire departments, the Department on Aging
25 and its subsidiary Area Agencies on Aging and provider
26 agencies, and the Office of State Long Term Care

1 Ombudsman;

2 (7) any employee of the State of Illinois not
3 otherwise specified herein who is involved in providing
4 services to eligible adults, including professionals
5 providing medical or rehabilitation services and all other
6 persons having direct contact with eligible adults;

7 (8) a person who performs the duties of a ~~coroner or~~
8 medical examiner; or

9 (9) a person who performs the duties of a paramedic or
10 an emergency medical technician.

11 (g) "Neglect" means another individual's failure to
12 provide an eligible adult with or willful withholding from an
13 eligible adult the necessities of life including, but not
14 limited to, food, clothing, shelter or health care. This
15 subsection does not create any new affirmative duty to provide
16 support to eligible adults. Nothing in this Act shall be
17 construed to mean that an eligible adult is a victim of neglect
18 because of health care services provided or not provided by
19 licensed health care professionals.

20 (h) "Provider agency" means any public or nonprofit agency
21 in a planning and service area that is selected by the
22 Department or appointed by the regional administrative agency
23 with prior approval by the Department on Aging to receive and
24 assess reports of alleged or suspected abuse, abandonment,
25 neglect, or financial exploitation. A provider agency is also
26 referenced as a "designated agency" in this Act.

1 (i) "Regional administrative agency" means any public or
2 nonprofit agency in a planning and service area that provides
3 regional oversight and performs functions as set forth in
4 subsection (b) of Section 3 of this Act. The Department shall
5 designate an Area Agency on Aging as the regional
6 administrative agency or, in the event the Area Agency on
7 Aging in that planning and service area is deemed by the
8 Department to be unwilling or unable to provide those
9 functions, the Department may serve as the regional
10 administrative agency or designate another qualified entity to
11 serve as the regional administrative agency; any such
12 designation shall be subject to terms set forth by the
13 Department.

14 (i-5) "Self-neglect" means a condition that is the result
15 of an eligible adult's inability, due to physical or mental
16 impairments, or both, or a diminished capacity, to perform
17 essential self-care tasks that substantially threaten his or
18 her own health, including: providing essential food, clothing,
19 shelter, and health care; and obtaining goods and services
20 necessary to maintain physical health, mental health,
21 emotional well-being, and general safety. The term includes
22 compulsive hoarding, which is characterized by the acquisition
23 and retention of large quantities of items and materials that
24 produce an extensively cluttered living space, which
25 significantly impairs the performance of essential self-care
26 tasks or otherwise substantially threatens life or safety.

1 (j) "Substantiated case" means a reported case of alleged
2 or suspected abuse, abandonment, neglect, financial
3 exploitation, or self-neglect in which a provider agency,
4 after assessment, determines that there is reason to believe
5 abuse, abandonment, neglect, or financial exploitation has
6 occurred.

7 (k) "Verified" means a determination that there is "clear
8 and convincing evidence" that the specific injury or harm
9 alleged was the result of abuse, abandonment, neglect, or
10 financial exploitation.

11 (Source: P.A. 102-244, eff. 1-1-22; 102-953, eff. 5-27-22.)

12 (320 ILCS 20/3) (from Ch. 23, par. 6603)

13 Sec. 3. Responsibilities.

14 (a) The Department shall establish, design, and manage a
15 protective services program for eligible adults who have been,
16 or are alleged to be, victims of abuse, abandonment, neglect,
17 financial exploitation, or self-neglect. The Department shall
18 contract with or fund, or contract with and fund, regional
19 administrative agencies, provider agencies, or both, for the
20 provision of those functions, and, contingent on adequate
21 funding, with attorneys or legal services provider agencies
22 for the provision of legal assistance pursuant to this Act.
23 For self-neglect, the program shall include the following
24 services for eligible adults who have been removed from their
25 residences for the purpose of cleanup or repairs: temporary

1 housing; counseling; and caseworker services to try to ensure
2 that the conditions necessitating the removal do not reoccur.

3 (a-1) The Department shall by rule develop standards for
4 minimum staffing levels and staff qualifications. The
5 Department shall by rule establish mandatory standards for the
6 investigation of abuse, abandonment, neglect, financial
7 exploitation, or self-neglect of eligible adults and mandatory
8 procedures for linking eligible adults to appropriate services
9 and supports.

10 (a-5) A provider agency shall, in accordance with rules
11 promulgated by the Department, establish a multi-disciplinary
12 team to act in an advisory role for the purpose of providing
13 professional knowledge and expertise in the handling of
14 complex abuse cases involving eligible adults. Each
15 multi-disciplinary team shall consist of one volunteer
16 representative from the following professions: banking or
17 finance; disability care; health care; law; law enforcement;
18 mental health care; and clergy. A provider agency may also
19 choose to add representatives from the fields of substance
20 abuse, domestic violence, sexual assault, or other related
21 fields. To support multi-disciplinary teams in this role, law
22 enforcement agencies and ~~coroners or~~ medical examiners shall
23 supply records as may be requested in particular cases.

24 (b) Each regional administrative agency shall designate
25 provider agencies within its planning and service area with
26 prior approval by the Department on Aging, monitor the use of

1 services, provide technical assistance to the provider
2 agencies and be involved in program development activities.

3 (c) Provider agencies shall assist, to the extent
4 possible, eligible adults who need agency services to allow
5 them to continue to function independently. Such assistance
6 shall include, but not be limited to, receiving reports of
7 alleged or suspected abuse, abandonment, neglect, financial
8 exploitation, or self-neglect, conducting face-to-face
9 assessments of such reported cases, determination of
10 substantiated cases, referral of substantiated cases for
11 necessary support services, referral of criminal conduct to
12 law enforcement in accordance with Department guidelines, and
13 provision of case work and follow-up services on substantiated
14 cases. In the case of a report of alleged or suspected abuse,
15 abandonment, or neglect that places an eligible adult at risk
16 of injury or death, a provider agency shall respond to the
17 report on an emergency basis in accordance with guidelines
18 established by the Department by administrative rule and shall
19 ensure that it is capable of responding to such a report 24
20 hours per day, 7 days per week. A provider agency may use an
21 on-call system to respond to reports of alleged or suspected
22 abuse, abandonment, or neglect after hours and on weekends.

23 (c-5) Where a provider agency has reason to believe that
24 the death of an eligible adult may be the result of abuse,
25 abandonment, or neglect, including any reports made after
26 death, the agency shall immediately report the matter to both

1 the appropriate law enforcement agency and the ~~coroner or~~
2 medical examiner. Between 30 and 45 days after making such a
3 report, the provider agency again shall contact the law
4 enforcement agency and ~~coroner or~~ medical examiner to
5 determine whether any further action was taken. Upon request
6 by a provider agency, a law enforcement agency and ~~coroner or~~
7 medical examiner shall supply a summary of its action in
8 response to a reported death of an eligible adult. A copy of
9 the report shall be maintained and all subsequent follow-up
10 with the law enforcement agency and ~~coroner or~~ medical
11 examiner shall be documented in the case record of the
12 eligible adult. If the law enforcement agency, ~~coroner,~~ or
13 medical examiner determines the reported death was caused by
14 abuse, abandonment, or neglect by a caregiver, the law
15 enforcement agency, ~~coroner,~~ or medical examiner shall inform
16 the Department, and the Department shall report the
17 caregiver's identity on the Registry as described in Section
18 7.5 of this Act.

19 (d) Upon sufficient appropriations to implement a
20 statewide program, the Department shall implement a program,
21 based on the recommendations of the Self-Neglect Steering
22 Committee, for (i) responding to reports of possible
23 self-neglect, (ii) protecting the autonomy, rights, privacy,
24 and privileges of adults during investigations of possible
25 self-neglect and consequential judicial proceedings regarding
26 competency, (iii) collecting and sharing relevant information

1 and data among the Department, provider agencies, regional
2 administrative agencies, and relevant seniors, (iv) developing
3 working agreements between provider agencies and law
4 enforcement, where practicable, and (v) developing procedures
5 for collecting data regarding incidents of self-neglect.

6 (Source: P.A. 102-244, eff. 1-1-22.)

7 (320 ILCS 20/5) (from Ch. 23, par. 6605)

8 Sec. 5. Procedure.

9 (a) A provider agency designated to receive reports of
10 alleged or suspected abuse, abandonment, neglect, financial
11 exploitation, or self-neglect under this Act shall, upon
12 receiving such a report, conduct a face-to-face assessment
13 with respect to such report, in accord with established law
14 and Department protocols, procedures, and policies.
15 Face-to-face assessments, casework, and follow-up of reports
16 of self-neglect by the provider agencies designated to receive
17 reports of self-neglect shall be subject to sufficient
18 appropriation for statewide implementation of assessments,
19 casework, and follow-up of reports of self-neglect. In the
20 absence of sufficient appropriation for statewide
21 implementation of assessments, casework, and follow-up of
22 reports of self-neglect, the designated adult protective
23 services provider agency shall refer all reports of
24 self-neglect to the appropriate agency or agencies as
25 designated by the Department for any follow-up. The assessment

1 shall include, but not be limited to, a visit to the residence
2 of the eligible adult who is the subject of the report and
3 shall include interviews or consultations regarding the
4 allegations with service agencies, immediate family members,
5 and individuals who may have knowledge of the eligible adult's
6 circumstances based on the consent of the eligible adult in
7 all instances, except where the provider agency is acting in
8 the best interest of an eligible adult who is unable to seek
9 assistance for himself or herself and where there are
10 allegations against a caregiver who has assumed
11 responsibilities in exchange for compensation. If, after the
12 assessment, the provider agency determines that the case is
13 substantiated it shall develop a service care plan for the
14 eligible adult and may report its findings at any time during
15 the case to the appropriate law enforcement agency in accord
16 with established law and Department protocols, procedures, and
17 policies. In developing a case plan, the provider agency may
18 consult with any other appropriate provider of services, and
19 such providers shall be immune from civil or criminal
20 liability on account of such acts. The plan shall include
21 alternative suggested or recommended services which are
22 appropriate to the needs of the eligible adult and which
23 involve the least restriction of the eligible adult's
24 activities commensurate with his or her needs. Only those
25 services to which consent is provided in accordance with
26 Section 9 of this Act shall be provided, contingent upon the

1 availability of such services.

2 (b) A provider agency shall refer evidence of crimes
3 against an eligible adult to the appropriate law enforcement
4 agency according to Department policies. A referral to law
5 enforcement may be made at intake or any time during the case.
6 Where a provider agency has reason to believe the death of an
7 eligible adult may be the result of abuse, abandonment, or
8 neglect, the agency shall immediately report the matter to the
9 ~~coroner or~~ medical examiner and shall cooperate fully with any
10 subsequent investigation.

11 (c) If any person other than the alleged victim refuses to
12 allow the provider agency to begin an investigation,
13 interferes with the provider agency's ability to conduct an
14 investigation, or refuses to give access to an eligible adult,
15 the appropriate law enforcement agency must be consulted
16 regarding the investigation.

17 (Source: P.A. 101-496, eff. 1-1-20; 102-244, eff. 1-1-22.)

18 (320 ILCS 20/8) (from Ch. 23, par. 6608)

19 Sec. 8. Access to records. All records concerning reports
20 of abuse, abandonment, neglect, financial exploitation, or
21 self-neglect and all records generated as a result of such
22 reports shall be confidential and shall not be disclosed
23 except as specifically authorized by this Act or other
24 applicable law. In accord with established law and Department
25 protocols, procedures, and policies, access to such records,

1 but not access to the identity of the person or persons making
2 a report of alleged abuse, abandonment, neglect, financial
3 exploitation, or self-neglect as contained in such records,
4 shall be provided, upon request, to the following persons and
5 for the following persons:

6 (1) Department staff, provider agency staff, other
7 aging network staff, and regional administrative agency
8 staff, including staff of the Chicago Department on Aging
9 while that agency is designated as a regional
10 administrative agency, in the furtherance of their
11 responsibilities under this Act;

12 (1.5) A representative of the public guardian acting
13 in the course of investigating the appropriateness of
14 guardianship for the eligible adult or while pursuing a
15 petition for guardianship of the eligible adult pursuant
16 to the Probate Act of 1975;

17 (2) A law enforcement agency or State's Attorney's
18 office investigating known or suspected abuse,
19 abandonment, neglect, financial exploitation, or
20 self-neglect. Where a provider agency has reason to
21 believe that the death of an eligible adult may be the
22 result of abuse, abandonment, or neglect, including any
23 reports made after death, the agency shall immediately
24 provide the appropriate law enforcement agency with all
25 records pertaining to the eligible adult;

26 (2.5) A law enforcement agency, fire department

1 agency, or fire protection district having proper
2 jurisdiction pursuant to a written agreement between a
3 provider agency and the law enforcement agency, fire
4 department agency, or fire protection district under which
5 the provider agency may furnish to the law enforcement
6 agency, fire department agency, or fire protection
7 district a list of all eligible adults who may be at
8 imminent risk of abuse, abandonment, neglect, financial
9 exploitation, or self-neglect;

10 (3) A physician who has before him or her or who is
11 involved in the treatment of an eligible adult whom he or
12 she reasonably suspects may be abused, abandoned,
13 neglected, financially exploited, or self-neglected or who
14 has been referred to the Adult Protective Services
15 Program;

16 (4) An eligible adult reported to be abused,
17 abandoned, neglected, financially exploited, or
18 self-neglected, or such adult's authorized guardian or
19 agent, unless such guardian or agent is the abuser or the
20 alleged abuser;

21 (4.5) An executor or administrator of the estate of an
22 eligible adult who is deceased;

23 (5) In cases regarding abuse, abandonment, neglect, or
24 financial exploitation, a court or a guardian ad litem,
25 upon its or his or her finding that access to such records
26 may be necessary for the determination of an issue before

1 the court. However, such access shall be limited to an in
2 camera inspection of the records, unless the court
3 determines that disclosure of the information contained
4 therein is necessary for the resolution of an issue then
5 pending before it;

6 (5.5) In cases regarding self-neglect, a guardian ad
7 litem;

8 (6) A grand jury, upon its determination that access
9 to such records is necessary in the conduct of its
10 official business;

11 (7) Any person authorized by the Director, in writing,
12 for audit or bona fide research purposes;

13 (8) A ~~coroner or~~ medical examiner who has reason to
14 believe that an eligible adult has died as the result of
15 abuse, abandonment, neglect, financial exploitation, or
16 self-neglect. The provider agency shall immediately
17 provide the ~~coroner or~~ medical examiner with all records
18 pertaining to the eligible adult;

19 (8.5) A ~~coroner or~~ medical examiner having proper
20 jurisdiction, pursuant to a written agreement between a
21 provider agency and the ~~coroner or~~ medical examiner, under
22 which the provider agency may furnish to the office of the
23 ~~coroner or~~ medical examiner a list of all eligible adults
24 who may be at imminent risk of death as a result of abuse,
25 abandonment, neglect, financial exploitation, or
26 self-neglect;

1 (9) Department of Financial and Professional
2 Regulation staff and members of the Illinois Medical
3 Disciplinary Board or the Social Work Examining and
4 Disciplinary Board in the course of investigating alleged
5 violations of the Clinical Social Work and Social Work
6 Practice Act by provider agency staff or other licensing
7 bodies at the discretion of the Director of the Department
8 on Aging;

9 (9-a) Department of Healthcare and Family Services
10 staff and provider agency staff when that Department is
11 funding services to the eligible adult, including access
12 to the identity of the eligible adult;

13 (9-b) Department of Human Services staff and provider
14 agency staff when that Department is funding services to
15 the eligible adult or is providing reimbursement for
16 services provided by the abuser or alleged abuser,
17 including access to the identity of the eligible adult;

18 (10) Hearing officers in the course of conducting an
19 administrative hearing under this Act; parties to such
20 hearing shall be entitled to discovery as established by
21 rule;

22 (11) A caregiver who challenges placement on the
23 Registry shall be given the statement of allegations in
24 the abuse report and the substantiation decision in the
25 final investigative report; and

26 (12) The Illinois Guardianship and Advocacy Commission

1 and the agency designated by the Governor under Section 1
2 of the Protection and Advocacy for Persons with
3 Developmental Disabilities Act shall have access, through
4 the Department, to records, including the findings,
5 pertaining to a completed or closed investigation of a
6 report of suspected abuse, abandonment, neglect, financial
7 exploitation, or self-neglect of an eligible adult.

8 (Source: P.A. 102-244, eff. 1-1-22.)

9 (320 ILCS 20/15)

10 Sec. 15. Fatality review teams.

11 (a) State policy.

12 (1) Both the State and the community maintain a
13 commitment to preventing the abuse, abandonment, neglect,
14 and financial exploitation of at-risk adults. This
15 includes a charge to bring perpetrators of crimes against
16 at-risk adults to justice and prevent untimely deaths in
17 the community.

18 (2) When an at-risk adult dies, the response to the
19 death by the community, law enforcement, and the State
20 must include an accurate and complete determination of the
21 cause of death, and the development and implementation of
22 measures to prevent future deaths from similar causes.

23 (3) Multidisciplinary and multi-agency reviews of
24 deaths can assist the State and counties in developing a
25 greater understanding of the incidence and causes of

1 premature deaths and the methods for preventing those
2 deaths, improving methods for investigating deaths, and
3 identifying gaps in services to at-risk adults.

4 (4) Access to information regarding the deceased
5 person and his or her family by multidisciplinary and
6 multi-agency fatality review teams is necessary in order
7 to fulfill their purposes and duties.

8 (a-5) Definitions. As used in this Section:

9 "Advisory Council" means the Illinois Fatality Review
10 Team Advisory Council.

11 "Review Team" means a regional interagency fatality
12 review team.

13 (b) The Director, in consultation with the Advisory
14 Council, law enforcement, and other professionals who work in
15 the fields of investigating, treating, or preventing abuse,
16 abandonment, or neglect of at-risk adults, shall appoint
17 members to a minimum of one review team in each of the
18 Department's planning and service areas. Each member of a
19 review team shall be appointed for a 2-year term and shall be
20 eligible for reappointment upon the expiration of the term. A
21 review team's purpose in conducting review of at-risk adult
22 deaths is: (i) to assist local agencies in identifying and
23 reviewing suspicious deaths of adult victims of alleged,
24 suspected, or substantiated abuse, abandonment, or neglect in
25 domestic living situations; (ii) to facilitate communications
26 between officials responsible for autopsies and inquests and

1 persons involved in reporting or investigating alleged or
2 suspected cases of abuse, abandonment, neglect, or financial
3 exploitation of at-risk adults and persons involved in
4 providing services to at-risk adults; (iii) to evaluate means
5 by which the death might have been prevented; and (iv) to
6 report its findings to the appropriate agencies and the
7 Advisory Council and make recommendations that may help to
8 reduce the number of at-risk adult deaths caused by abuse,
9 abandonment, and neglect and that may help to improve the
10 investigations of deaths of at-risk adults and increase
11 prosecutions, if appropriate.

12 (b-5) Each such team shall be composed of representatives
13 of entities and individuals including, but not limited to:

- 14 (1) the Department on Aging;
- 15 (2) ~~coroners or~~ medical examiners ~~(or both)~~;
- 16 (3) State's Attorneys;
- 17 (4) local police departments;
- 18 (5) forensic units;
- 19 (6) local health departments;
- 20 (7) a social service or health care agency that
21 provides services to persons with mental illness, in a
22 program whose accreditation to provide such services is
23 recognized by the Division of Mental Health within the
24 Department of Human Services;
- 25 (8) a social service or health care agency that
26 provides services to persons with developmental

1 disabilities, in a program whose accreditation to provide
2 such services is recognized by the Division of
3 Developmental Disabilities within the Department of Human
4 Services;

5 (9) a local hospital, trauma center, or provider of
6 emergency medicine;

7 (10) providers of services for eligible adults in
8 domestic living situations; and

9 (11) a physician, psychiatrist, or other health care
10 provider knowledgeable about abuse, abandonment, and
11 neglect of at-risk adults.

12 (c) A review team shall review cases of deaths of at-risk
13 adults occurring in its planning and service area (i)
14 involving blunt force trauma or an undetermined manner or
15 suspicious cause of death; (ii) if requested by the deceased's
16 attending physician or an emergency room physician; (iii) upon
17 referral by a health care provider; (iv) upon referral by a
18 ~~coroner~~ or medical examiner; (v) constituting an open or
19 closed case from an adult protective services agency, law
20 enforcement agency, State's Attorney's office, or the
21 Department of Human Services' Office of the Inspector General
22 that involves alleged or suspected abuse, abandonment,
23 neglect, or financial exploitation; or (vi) upon referral by a
24 law enforcement agency or State's Attorney's office. If such a
25 death occurs in a planning and service area where a review team
26 has not yet been established, the Director shall request that

1 the Advisory Council or another review team review that death.
2 A team may also review deaths of at-risk adults if the alleged
3 abuse, abandonment, or neglect occurred while the person was
4 residing in a domestic living situation.

5 A review team shall meet not less than 4 times a year to
6 discuss cases for its possible review. Each review team, with
7 the advice and consent of the Department, shall establish
8 criteria to be used in discussing cases of alleged, suspected,
9 or substantiated abuse, abandonment, or neglect for review and
10 shall conduct its activities in accordance with any applicable
11 policies and procedures established by the Department.

12 (c-5) The Illinois Fatality Review Team Advisory Council,
13 consisting of one member from each review team in Illinois,
14 shall be the coordinating and oversight body for review teams
15 and activities in Illinois. The Director may appoint to the
16 Advisory Council any ex-officio members deemed necessary.
17 Persons with expertise needed by the Advisory Council may be
18 invited to meetings. The Advisory Council must select from its
19 members a chairperson and a vice-chairperson, each to serve a
20 2-year term. The chairperson or vice-chairperson may be
21 selected to serve additional, subsequent terms. The Advisory
22 Council must meet at least 4 times during each calendar year.

23 The Department may provide or arrange for the staff
24 support necessary for the Advisory Council to carry out its
25 duties. The Director, in cooperation and consultation with the
26 Advisory Council, shall appoint, reappoint, and remove review

1 team members.

2 The Advisory Council has, but is not limited to, the
3 following duties:

4 (1) To serve as the voice of review teams in Illinois.

5 (2) To oversee the review teams in order to ensure
6 that the review teams' work is coordinated and in
7 compliance with State statutes and the operating protocol.

8 (3) To ensure that the data, results, findings, and
9 recommendations of the review teams are adequately used in
10 a timely manner to make any necessary changes to the
11 policies, procedures, and State statutes in order to
12 protect at-risk adults.

13 (4) To collaborate with the Department in order to
14 develop any legislation needed to prevent unnecessary
15 deaths of at-risk adults.

16 (5) To ensure that the review teams' review processes
17 are standardized in order to convey data, findings, and
18 recommendations in a usable format.

19 (6) To serve as a link with review teams throughout
20 the country and to participate in national review team
21 activities.

22 (7) To provide the review teams with the most current
23 information and practices concerning at-risk adult death
24 review and related topics.

25 (8) To perform any other functions necessary to
26 enhance the capability of the review teams to reduce and

1 prevent at-risk adult fatalities.

2 The Advisory Council may prepare an annual report, in
3 consultation with the Department, using aggregate data
4 gathered by review teams and using the review teams'
5 recommendations to develop education, prevention, prosecution,
6 or other strategies designed to improve the coordination of
7 services for at-risk adults and their families.

8 In any instance where a review team does not operate in
9 accordance with established protocol, the Director, in
10 consultation and cooperation with the Advisory Council, must
11 take any necessary actions to bring the review team into
12 compliance with the protocol.

13 (d) Any document or oral or written communication shared
14 within or produced by the review team relating to a case
15 discussed or reviewed by the review team is confidential and
16 is not admissible as evidence in any civil or criminal
17 proceeding, except for use by a State's Attorney's office in
18 prosecuting a criminal case against a caregiver. Those records
19 and information are, however, subject to discovery or
20 subpoena, and are admissible as evidence, to the extent they
21 are otherwise available to the public.

22 Any document or oral or written communication provided to
23 a review team by an individual or entity, and created by that
24 individual or entity solely for the use of the review team, is
25 confidential, is not subject to disclosure to or discoverable
26 by another party, and is not admissible as evidence in any

1 civil or criminal proceeding, except for use by a State's
2 Attorney's office in prosecuting a criminal case against a
3 caregiver. Those records and information are, however, subject
4 to discovery or subpoena, and are admissible as evidence, to
5 the extent they are otherwise available to the public.

6 Each entity or individual represented on the fatality
7 review team may share with other members of the team
8 information in the entity's or individual's possession
9 concerning the decedent who is the subject of the review or
10 concerning any person who was in contact with the decedent, as
11 well as any other information deemed by the entity or
12 individual to be pertinent to the review. Any such information
13 shared by an entity or individual with other members of the
14 review team is confidential. The intent of this paragraph is
15 to permit the disclosure to members of the review team of any
16 information deemed confidential or privileged or prohibited
17 from disclosure by any other provision of law. Release of
18 confidential communication between domestic violence advocates
19 and a domestic violence victim shall follow subsection (d) of
20 Section 227 of the Illinois Domestic Violence Act of 1986
21 which allows for the waiver of privilege afforded to
22 guardians, executors, or administrators of the estate of the
23 domestic violence victim. This provision relating to the
24 release of confidential communication between domestic
25 violence advocates and a domestic violence victim shall
26 exclude adult protective service providers.

1 A ~~coroner's or~~ medical examiner's office may share with
2 the review team medical records that have been made available
3 to the ~~coroner's or~~ medical examiner's office in connection
4 with that office's investigation of a death.

5 Members of a review team and the Advisory Council are not
6 subject to examination, in any civil or criminal proceeding,
7 concerning information presented to members of the review team
8 or the Advisory Council or opinions formed by members of the
9 review team or the Advisory Council based on that information.
10 A person may, however, be examined concerning information
11 provided to a review team or the Advisory Council.

12 (d-5) Meetings of the review teams and the Advisory
13 Council may be closed to the public under the Open Meetings
14 Act. Records and information provided to a review team and the
15 Advisory Council, and records maintained by a team or the
16 Advisory Council, are exempt from release under the Freedom of
17 Information Act.

18 (e) A review team's recommendation in relation to a case
19 discussed or reviewed by the review team, including, but not
20 limited to, a recommendation concerning an investigation or
21 prosecution, may be disclosed by the review team upon the
22 completion of its review and at the discretion of a majority of
23 its members who reviewed the case.

24 (e-5) The State shall indemnify and hold harmless members
25 of a review team and the Advisory Council for all their acts,
26 omissions, decisions, or other conduct arising out of the

1 scope of their service on the review team or Advisory Council,
2 except those involving willful or wanton misconduct. The
3 method of providing indemnification shall be as provided in
4 the State Employee Indemnification Act.

5 (f) The Department, in consultation with ~~coroners,~~ medical
6 examiners~~,~~ and law enforcement agencies, shall use aggregate
7 data gathered by and recommendations from the Advisory Council
8 and the review teams to create an annual report and may use
9 those data and recommendations to develop education,
10 prevention, prosecution, or other strategies designed to
11 improve the coordination of services for at-risk adults and
12 their families. The Department or other State or county
13 agency, in consultation with ~~coroners,~~ medical examiners~~,~~ and
14 law enforcement agencies, also may use aggregate data gathered
15 by the review teams to create a database of at-risk
16 individuals.

17 (g) The Department shall adopt such rules and regulations
18 as it deems necessary to implement this Section.

19 (Source: P.A. 102-244, eff. 1-1-22.)

20 Section 170. The Abused and Neglected Child Reporting Act
21 is amended by changing Sections 4 and 4.1 as follows:

22 (325 ILCS 5/4)

23 Sec. 4. Persons required to report; privileged
24 communications; transmitting false report.

1 (a) The following persons are required to immediately
2 report to the Department when they have reasonable cause to
3 believe that a child known to them in their professional or
4 official capacities may be an abused child or a neglected
5 child:

6 (1) Medical personnel, including any: physician
7 licensed to practice medicine in any of its branches
8 (medical doctor or doctor of osteopathy); resident;
9 intern; medical administrator or personnel engaged in the
10 examination, care, and treatment of persons; psychiatrist;
11 surgeon; dentist; dental hygienist; chiropractic
12 physician; podiatric physician; physician assistant;
13 emergency medical technician; physical therapist; physical
14 therapy assistant; occupational therapist; occupational
15 therapy assistant; acupuncturist; registered nurse;
16 licensed practical nurse; advanced practice registered
17 nurse; genetic counselor; respiratory care practitioner;
18 home health aide; or certified nursing assistant.

19 (2) Social services and mental health personnel,
20 including any: licensed professional counselor; licensed
21 clinical professional counselor; licensed social worker;
22 licensed clinical social worker; licensed psychologist or
23 assistant working under the direct supervision of a
24 psychologist; associate licensed marriage and family
25 therapist; licensed marriage and family therapist; field
26 personnel of the Departments of Healthcare and Family

1 Services, Public Health, Human Services, Human Rights, or
2 Children and Family Services; supervisor or administrator
3 of the General Assistance program established under
4 Article VI of the Illinois Public Aid Code; social
5 services administrator; or substance abuse treatment
6 personnel.

7 (3) Crisis intervention personnel, including any:
8 crisis line or hotline personnel; or domestic violence
9 program personnel.

10 (4) Education personnel, including any: school
11 personnel (including administrators and certified and
12 non-certified school employees); personnel of institutions
13 of higher education; educational advocate assigned to a
14 child in accordance with the School Code; member of a
15 school board or the Chicago Board of Education or the
16 governing body of a private school (but only to the extent
17 required under subsection (d)); or truant officer.

18 (5) Recreation or athletic program or facility
19 personnel; or an athletic trainer.

20 (6) Child care personnel, including any: early
21 intervention provider as defined in the Early Intervention
22 Services System Act; director or staff assistant of a
23 nursery school or a child day care center; or foster
24 parent, homemaker, or child care worker.

25 (7) Law enforcement personnel, including any: law
26 enforcement officer; field personnel of the Department of

1 Juvenile Justice; field personnel of the Department of
2 Corrections; probation officer; or animal control officer
3 or field investigator of the Department of Agriculture's
4 Bureau of Animal Health and Welfare.

5 (8) Any funeral home director; funeral home director
6 and embalmer; funeral home employee; ~~coroner~~; or medical
7 examiner.

8 (9) Any member of the clergy.

9 (10) Any physician, physician assistant, registered
10 nurse, licensed practical nurse, medical technician,
11 certified nursing assistant, licensed social worker,
12 licensed clinical social worker, or licensed professional
13 counselor of any office, clinic, licensed behavior
14 analyst, licensed assistant behavior analyst, or any other
15 physical location that provides abortions, abortion
16 referrals, or contraceptives.

17 (b) When 2 or more persons who work within the same
18 workplace and are required to report under this Act share a
19 reasonable cause to believe that a child may be an abused or
20 neglected child, one of those reporters may be designated to
21 make a single report. The report shall include the names and
22 contact information for the other mandated reporters sharing
23 the reasonable cause to believe that a child may be an abused
24 or neglected child. The designated reporter must provide
25 written confirmation of the report to those mandated reporters
26 within 48 hours. If confirmation is not provided, those

1 mandated reporters are individually responsible for
2 immediately ensuring a report is made. Nothing in this Section
3 precludes or may be used to preclude any person from reporting
4 child abuse or child neglect.

5 (c) (1) As used in this Section, "a child known to them in
6 their professional or official capacities" means:

7 (A) the mandated reporter comes into contact with the
8 child in the course of the reporter's employment or
9 practice of a profession, or through a regularly scheduled
10 program, activity, or service;

11 (B) the mandated reporter is affiliated with an
12 agency, institution, organization, school, school
13 district, regularly established church or religious
14 organization, or other entity that is directly responsible
15 for the care, supervision, guidance, or training of the
16 child; or

17 (C) a person makes a specific disclosure to the
18 mandated reporter that an identifiable child is the victim
19 of child abuse or child neglect, and the disclosure
20 happens while the mandated reporter is engaged in his or
21 her employment or practice of a profession, or in a
22 regularly scheduled program, activity, or service.

23 (2) Nothing in this Section requires a child to come
24 before the mandated reporter in order for the reporter to make
25 a report of suspected child abuse or child neglect.

26 (d) If an allegation is raised to a school board member

1 during the course of an open or closed school board meeting
2 that a child who is enrolled in the school district of which he
3 or she is a board member is an abused child as defined in
4 Section 3 of this Act, the member shall direct or cause the
5 school board to direct the superintendent of the school
6 district or other equivalent school administrator to comply
7 with the requirements of this Act concerning the reporting of
8 child abuse. For purposes of this paragraph, a school board
9 member is granted the authority in his or her individual
10 capacity to direct the superintendent of the school district
11 or other equivalent school administrator to comply with the
12 requirements of this Act concerning the reporting of child
13 abuse.

14 Notwithstanding any other provision of this Act, if an
15 employee of a school district has made a report or caused a
16 report to be made to the Department under this Act involving
17 the conduct of a current or former employee of the school
18 district and a request is made by another school district for
19 the provision of information concerning the job performance or
20 qualifications of the current or former employee because he or
21 she is an applicant for employment with the requesting school
22 district, the general superintendent of the school district to
23 which the request is being made must disclose to the
24 requesting school district the fact that an employee of the
25 school district has made a report involving the conduct of the
26 applicant or caused a report to be made to the Department, as

1 required under this Act. Only the fact that an employee of the
2 school district has made a report involving the conduct of the
3 applicant or caused a report to be made to the Department may
4 be disclosed by the general superintendent of the school
5 district to which the request for information concerning the
6 applicant is made, and this fact may be disclosed only in cases
7 where the employee and the general superintendent have not
8 been informed by the Department that the allegations were
9 unfounded. An employee of a school district who is or has been
10 the subject of a report made pursuant to this Act during his or
11 her employment with the school district must be informed by
12 that school district that if he or she applies for employment
13 with another school district, the general superintendent of
14 the former school district, upon the request of the school
15 district to which the employee applies, shall notify that
16 requesting school district that the employee is or was the
17 subject of such a report.

18 (e) Whenever such person is required to report under this
19 Act in his capacity as a member of the staff of a medical or
20 other public or private institution, school, facility or
21 agency, or as a member of the clergy, he shall make report
22 immediately to the Department in accordance with the
23 provisions of this Act and may also notify the person in charge
24 of such institution, school, facility or agency, or church,
25 synagogue, temple, mosque, or other religious institution, or
26 his designated agent that such report has been made. Under no

1 circumstances shall any person in charge of such institution,
2 school, facility or agency, or church, synagogue, temple,
3 mosque, or other religious institution, or his designated
4 agent to whom such notification has been made, exercise any
5 control, restraint, modification or other change in the report
6 or the forwarding of such report to the Department.

7 (f) In addition to the persons required to report
8 suspected cases of child abuse or child neglect under this
9 Section, any other person may make a report if such person has
10 reasonable cause to believe a child may be an abused child or a
11 neglected child.

12 (g) The privileged quality of communication between any
13 professional person required to report and his patient or
14 client shall not apply to situations involving abused or
15 neglected children and shall not constitute grounds for
16 failure to report as required by this Act or constitute
17 grounds for failure to share information or documents with the
18 Department during the course of a child abuse or neglect
19 investigation. If requested by the professional, the
20 Department shall confirm in writing that the information or
21 documents disclosed by the professional were gathered in the
22 course of a child abuse or neglect investigation.

23 The reporting requirements of this Act shall not apply to
24 the contents of a privileged communication between an attorney
25 and his or her client or to confidential information within
26 the meaning of Rule 1.6 of the Illinois Rules of Professional

1 Conduct relating to the legal representation of an individual
2 client.

3 A member of the clergy may claim the privilege under
4 Section 8-803 of the Code of Civil Procedure.

5 (h) Any office, clinic, or any other physical location
6 that provides abortions, abortion referrals, or contraceptives
7 shall provide to all office personnel copies of written
8 information and training materials about abuse and neglect and
9 the requirements of this Act that are provided to employees of
10 the office, clinic, or physical location who are required to
11 make reports to the Department under this Act, and instruct
12 such office personnel to bring to the attention of an employee
13 of the office, clinic, or physical location who is required to
14 make reports to the Department under this Act any reasonable
15 suspicion that a child known to him or her in his or her
16 professional or official capacity may be an abused child or a
17 neglected child.

18 (i) Any person who enters into employment on and after
19 July 1, 1986 and is mandated by virtue of that employment to
20 report under this Act, shall sign a statement on a form
21 prescribed by the Department, to the effect that the employee
22 has knowledge and understanding of the reporting requirements
23 of this Act. On and after January 1, 2019, the statement shall
24 also include information about available mandated reporter
25 training provided by the Department. The statement shall be
26 signed prior to commencement of the employment. The signed

1 statement shall be retained by the employer. The cost of
2 printing, distribution, and filing of the statement shall be
3 borne by the employer.

4 (j) Persons required to report child abuse or child
5 neglect as provided under this Section must complete an
6 initial mandated reporter training, including a section on
7 implicit bias, within 3 months of their date of engagement in a
8 professional or official capacity as a mandated reporter, or
9 within the time frame of any other applicable State law that
10 governs training requirements for a specific profession, and
11 at least every 3 years thereafter. The initial requirement
12 only applies to the first time they engage in their
13 professional or official capacity. In lieu of training every 3
14 years, medical personnel, as listed in paragraph (1) of
15 subsection (a), must meet the requirements described in
16 subsection (k).

17 The mandated reporter trainings shall be in-person or
18 web-based, and shall include, at a minimum, information on the
19 following topics: (i) indicators for recognizing child abuse
20 and child neglect, as defined under this Act; (ii) the process
21 for reporting suspected child abuse and child neglect in
22 Illinois as required by this Act and the required
23 documentation; (iii) responding to a child in a
24 trauma-informed manner; and (iv) understanding the response of
25 child protective services and the role of the reporter after a
26 call has been made. Child-serving organizations are encouraged

1 to provide in-person annual trainings.

2 The implicit bias section shall be in-person or web-based,
3 and shall include, at a minimum, information on the following
4 topics: (i) implicit bias and (ii) racial and ethnic
5 sensitivity. As used in this subsection, "implicit bias" means
6 the attitudes or internalized stereotypes that affect people's
7 perceptions, actions, and decisions in an unconscious manner
8 and that exist and often contribute to unequal treatment of
9 people based on race, ethnicity, gender identity, sexual
10 orientation, age, disability, and other characteristics. The
11 implicit bias section shall provide tools to adjust automatic
12 patterns of thinking and ultimately eliminate discriminatory
13 behaviors. During these trainings mandated reporters shall
14 complete the following: (1) a pretest to assess baseline
15 implicit bias levels; (2) an implicit bias training task; and
16 (3) a posttest to reevaluate bias levels after training. The
17 implicit bias curriculum for mandated reporters shall be
18 developed within one year after January 1, 2022 (the effective
19 date of Public Act 102-604) ~~this amendatory Act of the 102nd~~
20 ~~General Assembly~~ and shall be created in consultation with
21 organizations demonstrating expertise and or experience in the
22 areas of implicit bias, youth and adolescent developmental
23 issues, prevention of child abuse, exploitation, and neglect,
24 culturally diverse family systems, and the child welfare
25 system.

26 The mandated reporter training, including a section on

1 implicit bias, shall be provided through the Department,
2 through an entity authorized to provide continuing education
3 for professionals licensed through the Department of Financial
4 and Professional Regulation, the State Board of Education, the
5 Illinois Law Enforcement Training Standards Board, or the
6 Department of State Police, or through an organization
7 approved by the Department to provide mandated reporter
8 training, including a section on implicit bias. The Department
9 must make available a free web-based training for reporters.

10 Each mandated reporter shall report to his or her employer
11 and, when applicable, to his or her licensing or certification
12 board that he or she received the mandated reporter training.
13 The mandated reporter shall maintain records of completion.

14 Beginning January 1, 2021, if a mandated reporter receives
15 licensure from the Department of Financial and Professional
16 Regulation or the State Board of Education, and his or her
17 profession has continuing education requirements, the training
18 mandated under this Section shall count toward meeting the
19 licensee's required continuing education hours.

20 (k)(1) Medical personnel, as listed in paragraph (1) of
21 subsection (a), who work with children in their professional
22 or official capacity, must complete mandated reporter training
23 at least every 6 years. Such medical personnel, if licensed,
24 must attest at each time of licensure renewal on their renewal
25 form that they understand they are a mandated reporter of
26 child abuse and neglect, that they are aware of the process for

1 making a report, that they know how to respond to a child in a
2 trauma-informed manner, and that they are aware of the role of
3 child protective services and the role of a reporter after a
4 call has been made.

5 (2) In lieu of repeated training, medical personnel, as
6 listed in paragraph (1) of subsection (a), who do not work with
7 children in their professional or official capacity, may
8 instead attest each time at licensure renewal on their renewal
9 form that they understand they are a mandated reporter of
10 child abuse and neglect, that they are aware of the process for
11 making a report, that they know how to respond to a child in a
12 trauma-informed manner, and that they are aware of the role of
13 child protective services and the role of a reporter after a
14 call has been made. Nothing in this paragraph precludes
15 medical personnel from completing mandated reporter training
16 and receiving continuing education credits for that training.

17 (1) The Department shall provide copies of this Act, upon
18 request, to all employers employing persons who shall be
19 required under the provisions of this Section to report under
20 this Act.

21 (m) Any person who knowingly transmits a false report to
22 the Department commits the offense of disorderly conduct under
23 subsection (a)(7) of Section 26-1 of the Criminal Code of
24 2012. A violation of this provision is a Class 4 felony.

25 Any person who knowingly and willfully violates any
26 provision of this Section other than a second or subsequent

1 violation of transmitting a false report as described in the
2 preceding paragraph, is guilty of a Class A misdemeanor for a
3 first violation and a Class 4 felony for a second or subsequent
4 violation; except that if the person acted as part of a plan or
5 scheme having as its object the prevention of discovery of an
6 abused or neglected child by lawful authorities for the
7 purpose of protecting or insulating any person or entity from
8 arrest or prosecution, the person is guilty of a Class 4 felony
9 for a first offense and a Class 3 felony for a second or
10 subsequent offense (regardless of whether the second or
11 subsequent offense involves any of the same facts or persons
12 as the first or other prior offense).

13 (n) A child whose parent, guardian or custodian in good
14 faith selects and depends upon spiritual means through prayer
15 alone for the treatment or cure of disease or remedial care may
16 be considered neglected or abused, but not for the sole reason
17 that his parent, guardian or custodian accepts and practices
18 such beliefs.

19 (o) A child shall not be considered neglected or abused
20 solely because the child is not attending school in accordance
21 with the requirements of Article 26 of the School Code, as
22 amended.

23 (p) Nothing in this Act prohibits a mandated reporter who
24 reasonably believes that an animal is being abused or
25 neglected in violation of the Humane Care for Animals Act from
26 reporting animal abuse or neglect to the Department of

1 Agriculture's Bureau of Animal Health and Welfare.

2 (q) A home rule unit may not regulate the reporting of
3 child abuse or neglect in a manner inconsistent with the
4 provisions of this Section. This Section is a limitation under
5 subsection (i) of Section 6 of Article VII of the Illinois
6 Constitution on the concurrent exercise by home rule units of
7 powers and functions exercised by the State.

8 (r) For purposes of this Section "child abuse or neglect"
9 includes abuse or neglect of an adult resident as defined in
10 this Act.

11 (Source: P.A. 101-564, eff. 1-1-20; 102-604, eff. 1-1-22;
12 102-861, eff. 1-1-23; 102-953, eff. 5-27-22; revised
13 12-14-22.)

14 (325 ILCS 5/4.1) (from Ch. 23, par. 2054.1)

15 Sec. 4.1. Any person required to report under this Act who
16 has reasonable cause to suspect that a child has died as a
17 result of abuse or neglect shall also immediately report his
18 suspicion to the appropriate medical examiner ~~or coroner~~. Any
19 other person who has reasonable cause to believe that a child
20 has died as a result of abuse or neglect may report his
21 suspicion to the appropriate medical examiner ~~or coroner~~. The
22 medical examiner ~~or coroner~~ shall investigate the report and
23 communicate his apparent gross findings, orally, immediately
24 upon completion of the gross autopsy, but in all cases within
25 72 hours and within 21 days in writing, to the local law

1 enforcement agency, the appropriate State's attorney, the
2 Department and, if the institution making the report is a
3 hospital, the hospital. The child protective investigator
4 assigned to the death investigation shall have the right to
5 require a copy of the completed autopsy report from the
6 ~~coroner or~~ medical examiner.

7 (Source: P.A. 85-193.)

8 Section 175. The Abused and Neglected Child Reporting Act
9 is amended by changing Sections 7.9, 11.1, and 11.9 as
10 follows:

11 (325 ILCS 5/7.9) (from Ch. 23, par. 2057.9)

12 Sec. 7.9. The Department shall prepare, print, and
13 distribute initial, preliminary, and final reporting forms to
14 each Child Protective Service Unit. Initial written reports
15 from the reporting source shall contain the following
16 information to the extent known at the time the report is made:
17 (1) the names and addresses of the child and his parents or
18 other persons responsible for his welfare; (1.5) the name and
19 address of the school that the child attends (or the school
20 that the child last attended, if the report is written during
21 the summer when school is not in session), and the name of the
22 school district in which the school is located, if applicable;
23 (2) the child's age, sex, and race; (3) the nature and extent
24 of the child's abuse or neglect, including any evidence of

1 prior injuries, abuse, or neglect of the child or his
2 siblings; (4) the names of the persons apparently responsible
3 for the abuse or neglect; (5) family composition, including
4 names, ages, sexes, and races of other children in the home;
5 (6) the name of the person making the report, his occupation,
6 and where he can be reached; (7) the actions taken by the
7 reporting source, including the taking of photographs and
8 x-rays, placing the child in temporary protective custody, or
9 notifying the medical examiner ~~or coroner~~; and (8) any other
10 information the person making the report believes might be
11 helpful in the furtherance of the purposes of this Act.

12 (Source: P.A. 92-295, eff. 1-1-02; 92-651, eff. 7-11-02.)

13 (325 ILCS 5/11.1) (from Ch. 23, par. 2061.1)

14 Sec. 11.1. Access to records.

15 (a) A person shall have access to the records described in
16 Section 11 only in furtherance of purposes directly connected
17 with the administration of this Act or the Intergovernmental
18 Missing Child Recovery Act of 1984. Those persons and purposes
19 for access include:

20 (1) Department staff in the furtherance of their
21 responsibilities under this Act, or for the purpose of
22 completing background investigations on persons or
23 agencies licensed by the Department or with whom the
24 Department contracts for the provision of child welfare
25 services.

1 (2) A law enforcement agency investigating known or
2 suspected child abuse or neglect, known or suspected
3 involvement with child pornography, known or suspected
4 criminal sexual assault, known or suspected criminal
5 sexual abuse, or any other sexual offense when a child is
6 alleged to be involved.

7 (3) The Illinois State Police when administering the
8 provisions of the Intergovernmental Missing Child Recovery
9 Act of 1984.

10 (4) A physician who has before him a child whom he
11 reasonably suspects may be abused or neglected.

12 (5) A person authorized under Section 5 of this Act to
13 place a child in temporary protective custody when such
14 person requires the information in the report or record to
15 determine whether to place the child in temporary
16 protective custody.

17 (6) A person having the legal responsibility or
18 authorization to care for, treat, or supervise a child, or
19 a parent, prospective adoptive parent, foster parent,
20 guardian, or other person responsible for the child's
21 welfare, who is the subject of a report.

22 (7) Except in regard to harmful or detrimental
23 information as provided in Section 7.19, any subject of
24 the report, and if the subject of the report is a minor,
25 his guardian or guardian ad litem.

26 (8) A court, upon its finding that access to such

1 records may be necessary for the determination of an issue
2 before such court; however, such access shall be limited
3 to in camera inspection, unless the court determines that
4 public disclosure of the information contained therein is
5 necessary for the resolution of an issue then pending
6 before it.

7 (8.1) A probation officer or other authorized
8 representative of a probation or court services department
9 conducting an investigation ordered by a court under the
10 Juvenile Court Act of 1987.

11 (9) A grand jury, upon its determination that access
12 to such records is necessary in the conduct of its
13 official business.

14 (10) Any person authorized by the Director, in
15 writing, for audit or bona fide research purposes.

16 (11) Law enforcement agencies, ~~coroners or~~ medical
17 examiners, physicians, courts, school superintendents and
18 child welfare agencies in other states who are responsible
19 for child abuse or neglect investigations or background
20 investigations.

21 (12) The Department of Professional Regulation, the
22 State Board of Education and school superintendents in
23 Illinois, who may use or disclose information from the
24 records as they deem necessary to conduct investigations
25 or take disciplinary action, as provided by law.

26 (13) A ~~coroner or~~ medical examiner who has reason to

1 believe that a child has died as the result of abuse or
2 neglect.

3 (14) The Director of a State-operated facility when an
4 employee of that facility is the perpetrator in an
5 indicated report.

6 (15) The operator of a licensed child care facility or
7 a facility licensed by the Department of Human Services
8 (as successor to the Department of Alcoholism and
9 Substance Abuse) in which children reside when a current
10 or prospective employee of that facility is the
11 perpetrator in an indicated child abuse or neglect report,
12 pursuant to Section 4.3 of the Child Care Act of 1969.

13 (16) Members of a multidisciplinary team in the
14 furtherance of its responsibilities under subsection (b)
15 of Section 7.1. All reports concerning child abuse and
16 neglect made available to members of such
17 multidisciplinary teams and all records generated as a
18 result of such reports shall be confidential and shall not
19 be disclosed, except as specifically authorized by this
20 Act or other applicable law. It is a Class A misdemeanor to
21 permit, assist or encourage the unauthorized release of
22 any information contained in such reports or records.
23 Nothing contained in this Section prevents the sharing of
24 reports or records relating or pertaining to the death of
25 a minor under the care of or receiving services from the
26 Department of Children and Family Services and under the

1 jurisdiction of the juvenile court with the juvenile
2 court, the State's Attorney, and the minor's attorney.

3 (17) The Department of Human Services, as provided in
4 Section 17 of the Rehabilitation of Persons with
5 Disabilities Act.

6 (18) Any other agency or investigative body, including
7 the Department of Public Health and a local board of
8 health, authorized by State law to conduct an
9 investigation into the quality of care provided to
10 children in hospitals and other State regulated care
11 facilities.

12 (19) The person appointed, under Section 2-17 of the
13 Juvenile Court Act of 1987, as the guardian ad litem of a
14 minor who is the subject of a report or records under this
15 Act; or the person appointed, under Section 5-610 of the
16 Juvenile Court Act of 1987, as the guardian ad litem of a
17 minor who is in the custody or guardianship of the
18 Department or who has an open intact family services case
19 with the Department and who is the subject of a report or
20 records made pursuant to this Act.

21 (20) The Department of Human Services, as provided in
22 Section 10 of the Early Intervention Services System Act,
23 and the operator of a facility providing early
24 intervention services pursuant to that Act, for the
25 purpose of determining whether a current or prospective
26 employee who provides or may provide direct services under

1 that Act is the perpetrator in an indicated report of
2 child abuse or neglect filed under this Act.

3 (b) Nothing contained in this Act prevents the sharing or
4 disclosure of information or records relating or pertaining to
5 juveniles subject to the provisions of the Serious Habitual
6 Offender Comprehensive Action Program when that information is
7 used to assist in the early identification and treatment of
8 habitual juvenile offenders.

9 (c) To the extent that persons or agencies are given
10 access to information pursuant to this Section, those persons
11 or agencies may give this information to and receive this
12 information from each other in order to facilitate an
13 investigation conducted by those persons or agencies.

14 (Source: P.A. 101-43, eff. 1-1-20; 102-538, eff. 8-20-21.)

15 (325 ILCS 5/11.9)

16 Sec. 11.9. Child Death Investigation Task Force;
17 establishment.

18 (a) The Department of Children and Family Services shall,
19 from funds appropriated by the General Assembly to the
20 Department for this purpose, or from funds that may otherwise
21 be provided for this purpose from other public or private
22 sources, establish a Child Death Investigation Task Force to
23 operate in the Southern Region of the State and in other
24 regions at the discretion of the Director of the Department.
25 The Child Death Investigation Task Force shall develop and

1 implement a plan for the investigation of sudden, unexpected,
2 or unexplained child fatalities or near fatalities of children
3 under 18 years of age occurring within that region, as may be
4 further defined in Department rule and procedure. The plan
5 must include provisions for local or State law enforcement
6 agencies, the Department, hospitals, and medical examiners
7 ~~coroners~~ to promptly notify the Task Force of a sudden,
8 unexpected, or unexplained child fatality or near fatality of
9 a child, and for the Task Force to review and investigate the
10 notification. The investigation shall include coordination
11 among members of a multidisciplinary team, including local or
12 State law enforcement agencies, the Department, hospitals,
13 medical examiners ~~coroners~~, the appropriate State's Attorney's
14 Office, and the appropriate children's advocacy center. The
15 plan must also include provisions for training members of each
16 multidisciplinary team on the various components of the
17 investigation of fatalities or near fatalities of children.
18 The Task Force shall maintain case tracking and related case
19 information for activations. Information shall be shared and
20 reviewed by the Task Force's Board of Directors. The plan must
21 be submitted in writing and approved by the Board of
22 Directors.

23 (b) The Child Death Investigation Task Force shall be
24 governed by a Board of Directors composed of, but not limited
25 to, an approved representative from each of the following
26 agencies or groups: the Department of Children and Family

1 Services, the Southern Illinois Police Chiefs' Association,
2 the Illinois Coroners and Medical Examiners Association, the
3 Illinois State's Attorneys Association, the Illinois Sheriffs'
4 Association, the Illinois State Police, the Child Advocacy
5 Centers of Illinois, and the Illinois Law Enforcement Training
6 Standards Board. The Board of Directors shall have the
7 authority to organize itself and adopt bylaws and to appoint,
8 assign, and elect members and leaders, and shall determine the
9 voting rights of its members. The Board of Directors shall
10 determine all major policies and establish all necessary
11 principles and procedures of the Task Force. The Board of
12 Directors shall meet 4 times a year or as called for in the
13 bylaws of the organization.

14 (c) The State shall indemnify and hold harmless members of
15 the Child Death Investigation Task Force and the Board of
16 Directors for all their acts, omissions, decisions, or other
17 conduct arising out of the scope of their service on the Task
18 Force or Board, except those involving willful or wanton
19 misconduct. The method of providing indemnification shall be
20 as provided in the State Employee Indemnification Act.

21 (Source: P.A. 100-733, eff. 1-1-19.)

22 Section 180. The Mental Health and Developmental
23 Disabilities Code is amended by changing Section 5-100 as
24 follows:

1 (405 ILCS 5/5-100) (from Ch. 91 1/2, par. 5-100)

2 Sec. 5-100. Written notice of the death of a recipient of
3 services which occurs at a mental health or developmental
4 disabilities facility, or the death of a recipient of services
5 who has not been discharged from a mental health or
6 developmental disabilities facility but whose death occurs
7 elsewhere, shall within 10 days of the death of a recipient be
8 mailed to the Department of Public Health which, for the
9 primary purpose of monitoring patterns of abuse and neglect of
10 recipients of services, shall make such notices available to
11 the Guardianship and Advocacy Commission and to the agency
12 designated by the Governor under Section 1 of "An Act in
13 relation to the protection and advocacy of the rights of
14 persons with developmental disabilities, and amending Acts
15 therein named", approved September 20, 1985. Such notice shall
16 include the name of the recipient, the name and address of the
17 facility at which the death occurred, the recipient's age, the
18 nature of the recipient's condition, including any evidence of
19 the previous injuries or disabilities, or relevant medical
20 conditions or any other information which might be helpful in
21 establishing the cause of death.

22 Written notice of the death of a recipient of services who
23 was admitted by court order, and the cause thereof shall, in
24 all cases, be mailed by the facility director to the court
25 entering the original admission order, and if possible, to the
26 same judge, and the time, place and alleged cause of such death

1 shall be entered upon the docket. Such notice must be mailed
2 within 10 days following the death of the recipient.

3 In the event of a sudden or mysterious death of any
4 recipient of services at any public or private facility, a
5 medical examiner's ~~coroner's~~ inquest shall be held as provided
6 by law in other cases.

7 In cases where the deceased person was a recipient or
8 client of any state facility, and the fees for holding an
9 inquest cannot be collected out of his estate, such fees shall
10 be paid by the Department.

11 (Source: P.A. 88-380.)

12 Section 185. The Developmental Disability and Mental
13 Health Safety Act is amended by changing Sections 15 and 20 as
14 follows:

15 (405 ILCS 82/15)

16 Sec. 15. Mortality Review Process.

17 (a) The Department of Human Services shall develop an
18 independent team of experts from the academic, private, and
19 public sectors to examine all deaths at facilities and
20 community agencies.

21 (b) The Secretary of Human Services, in consultation with
22 the Director of Public Health, shall appoint members to the
23 independent team of experts, which shall consist of at least
24 one member from each of the following categories:

1 1. Physicians experienced in providing medical care to
2 individuals with developmental disabilities.

3 2. Physicians experienced in providing medical care to
4 individuals with mental illness.

5 3. Registered nurses experienced in providing medical
6 care to individuals with developmental disabilities.

7 4. Registered nurses experienced in providing medical
8 care to individuals with mental illness.

9 5. Psychiatrists.

10 6. Psychologists.

11 7. Representatives of the Department of Human Services
12 who are not employed at the facility at which the death
13 occurred.

14 8. Representatives of the Department of Public Health.

15 9. Representatives of the agency designated by the
16 Governor pursuant to the Protection and Advocacy for
17 Persons with Developmental Disabilities Act.

18 10. State's Attorneys or State's Attorneys'
19 representatives.

20 11. Medical examiners ~~Coroners~~ or forensic
21 pathologists.

22 12. Representatives of local hospitals, trauma
23 centers, or providers of emergency medical services.

24 13. Other categories of persons, as the Secretary of
25 Human Services may see fit.

26 The independent team of experts may make recommendations

1 to the Secretary of Human Services concerning additional
2 appointments. Each team member must have demonstrated
3 experience and an interest in investigating, treating, or
4 preventing the deaths of individuals with disabilities. The
5 Secretary of Human Services shall appoint additional teams if
6 the Secretary or the existing team determines that more teams
7 are necessary to accomplish the purposes of this Act. The
8 members of a team shall be appointed for 2-year staggered
9 terms and shall be eligible for reappointment upon the
10 expiration of their terms. Each independent team shall select
11 a Chairperson from among its members.

12 (c) The independent team of experts shall examine the
13 deaths of all individuals who have died while under the care of
14 a facility or community agency.

15 (d) The purpose of the independent team of experts'
16 examination of such deaths is to do the following:

17 1. Review the cause and manner of the individual's
18 death.

19 2. Review all actions taken by the facility, State
20 agencies, or other entities to address the cause or causes
21 of death and the adequacy of medical care and treatment.

22 3. Evaluate the means, if any, by which the death
23 might have been prevented.

24 4. Report its observations and conclusions to the
25 Secretary of Human Services and make recommendations that
26 may help to reduce the number of unnecessary deaths.

1 5. Promote continuing education for professionals
2 involved in investigating and preventing the unnecessary
3 deaths of individuals under the care of a facility or
4 community agency.

5 6. Make specific recommendations to the Secretary of
6 Human Services concerning the prevention of unnecessary
7 deaths of individuals under the care of facilities and
8 community agencies, including changes in policies and
9 practices that will prevent harm to individuals with
10 disabilities, and the establishment of protocols for
11 investigating the deaths of these individuals.

12 (e) The independent team of experts must examine the cases
13 submitted to it on a quarterly basis. The team shall meet at
14 least once in each calendar quarter if there are cases to be
15 examined. The Department of Human Services shall forward cases
16 within 90 days after completion of a review or an
17 investigation into the death of an individual residing at a
18 facility or community agency.

19 (f) Within 90 days after receiving recommendations made by
20 the independent team of experts under subsection (d) of this
21 Section, the Secretary of Human Services must review those
22 recommendations, as feasible and appropriate, and shall
23 respond to the team in writing to explain the implementation
24 of those recommendations.

25 (g) The Secretary of Human Services shall establish
26 protocols governing the operation of the independent team.

1 Those protocols shall include the creation of sub-teams to
2 review the case records or portions of the case records and
3 report to the full team. The members of a sub-team shall be
4 composed of team members specially qualified to examine those
5 records. In any instance in which the independent team does
6 not operate in accordance with established protocol, the
7 Secretary of Human Services shall take any necessary actions
8 to bring the team into compliance with the protocol.

9 (Source: P.A. 99-143, eff. 7-27-15.)

10 (405 ILCS 82/20)

11 Sec. 20. Independent team of experts' access to
12 information.

13 (a) The Secretary of Human Services shall provide to the
14 independent team of experts, on the request of the team
15 Chairperson, all records and information in the Department's
16 possession that are relevant to the team's examination of a
17 death of the sort described in subsection (c) of Section 10,
18 including records and information concerning previous reports
19 or investigations of any matter, as determined by the team.

20 (b) The independent team shall have access to all records
21 and information that are relevant to its review of a death and
22 in the possession of a State or local governmental agency or
23 other entity. These records and information shall include,
24 without limitation, death certificates, all relevant medical
25 and mental health records, records of law enforcement agency

1 investigations, records of ~~coroner or~~ medical examiner
2 investigations, records of the Department of Corrections and
3 Department of Juvenile Justice concerning a person's parole,
4 aftercare release, records of a probation and court services
5 department, and records of a social services agency that
6 provided services to the person who died.

7 (Source: P.A. 98-558, eff. 1-1-14.)

8 Section 190. The Crematory Regulation Act is amended by
9 changing Sections 35 and 94 as follows:

10 (410 ILCS 18/35)

11 (Section scheduled to be repealed on January 1, 2024)

12 Sec. 35. Cremation procedures.

13 (a) Human remains shall not be cremated within 24 hours
14 after the time of death, as indicated on the Medical
15 Examiner's ~~Medical Examiner's/Coroner's~~ Certificate of Death.

16 In any death, the human remains shall not be cremated by the
17 crematory authority until a cremation permit has been received
18 from the ~~coroner or~~ medical examiner of the county in which the
19 death occurred and the crematory authority has received a
20 cremation authorization form, executed by an authorizing
21 agent, in accordance with the provisions of Section 15 of this
22 Act. In no instance, however, shall the lapse of time between
23 the death and the cremation be less than 24 hours, unless (i)
24 it is known the deceased has an infectious or dangerous

1 disease and that the time requirement is waived in writing by
2 the medical examiner ~~or coroner~~ where the death occurred or
3 (ii) because of a religious requirement.

4 (b) Except as set forth in subsection (a) of this Section,
5 a crematory authority shall have the right to schedule the
6 actual cremation to be performed at its own convenience, at
7 any time after the human remains have been delivered to the
8 crematory authority, unless the crematory authority has
9 received specific instructions to the contrary on the
10 cremation authorization form.

11 (c) No crematory authority shall cremate human remains
12 when it has actual knowledge that human remains contain a
13 pacemaker or any other material or implant that may be
14 potentially hazardous to the person performing the cremation.

15 (d) No crematory authority shall refuse to accept human
16 remains for cremation because such human remains are not
17 embalmed.

18 (e) Whenever a crematory authority is unable or
19 unauthorized to cremate human remains immediately upon taking
20 custody of the remains, the crematory authority shall place
21 the human remains in a holding facility in accordance with the
22 crematory authority's rules and regulations. The crematory
23 authority must notify the authorizing agent of the reasons for
24 delay in cremation if a properly authorized cremation is not
25 performed within any time period expressly contemplated in the
26 authorization.

1 (f) A crematory authority shall not accept a casket or
2 alternative container from which there is any evidence of the
3 leakage of body fluids.

4 (g) The casket or the alternative container shall be
5 cremated with the human remains or destroyed, unless the
6 crematory authority has notified the authorizing agent to the
7 contrary on the cremation authorization form and obtained the
8 written consent of the authorizing agent.

9 (h) The simultaneous cremation of the human remains of
10 more than one person within the same cremation chamber,
11 without the prior written consent of the authorizing agent, is
12 prohibited except for common cremation pursuant to Section
13 11.4 of the Hospital Licensing Act. Nothing in this
14 subsection, however, shall prevent the simultaneous cremation
15 within the same cremation chamber of body parts delivered to
16 the crematory authority from multiple sources, or the use of
17 cremation equipment that contains more than one cremation
18 chamber.

19 (i) No unauthorized person shall be permitted in the
20 holding facility or cremation room while any human remains are
21 being held there awaiting cremation, being cremated, or being
22 removed from the cremation chamber.

23 (j) A crematory authority shall not remove any dental
24 gold, body parts, organs, or any item of value prior to or
25 subsequent to a cremation without previously having received
26 specific written authorization from the authorizing agent and

1 written instructions for the delivery of these items to the
2 authorizing agent. Under no circumstances shall a crematory
3 authority profit from making or assisting in any removal of
4 valuables.

5 (k) Upon the completion of each cremation, and insofar as
6 is practicable, all of the recoverable residue of the
7 cremation process shall be removed from the cremation chamber.

8 (l) If all of the recovered cremated remains will not fit
9 within the receptacle that has been selected, the remainder of
10 the cremated remains shall be returned to the authorizing
11 agent or the agent's designee in a separate container. The
12 crematory authority shall not return to an authorizing agent
13 or the agent's designee more or less cremated remains than
14 were removed from the cremation chamber.

15 (m) A crematory authority shall not knowingly represent to
16 an authorizing agent or the agent's designee that a temporary
17 container or urn contains the cremated remains of a specific
18 decedent when it does not.

19 (n) Cremated remains shall be shipped only by a method
20 that has an internal tracing system available and that
21 provides a receipt signed, in either paper or electronic
22 format, by the person accepting delivery.

23 (o) A crematory authority shall maintain an identification
24 system that shall ensure that it shall be able to identify the
25 human remains in its possession throughout all phases of the
26 cremation process.

1 (Source: P.A. 102-824, eff. 1-1-23.)

2 (410 ILCS 18/94)

3 (Section scheduled to be repealed on January 1, 2024)

4 Sec. 94. Summary suspension of a license. The Comptroller
5 may summarily suspend a license of a licensed crematory
6 without a hearing, simultaneously with the institution of
7 proceedings for a hearing provided for in this Act, if the
8 Comptroller finds that evidence in the Comptroller's
9 possession indicates that the licensee's continued practice
10 would constitute an imminent danger to the public. In the
11 event that the Comptroller summarily suspends the license of a
12 licensed crematory without a hearing, a hearing must be
13 commenced within 30 days after the suspension has occurred and
14 concluded as expeditiously as practical. In the event of a
15 summary suspension, the county ~~coroner or~~ medical examiner
16 responsible for the area where the crematory is located shall
17 make arrangements to dispose of any bodies in the suspended
18 licensee's possession after consulting with the authorizing
19 agents for those bodies.

20 (Source: P.A. 96-863, eff. 3-1-12; 97-679, eff. 2-6-12.)

21 Section 195. The Toxicological Laboratory Service Act is
22 amended by changing Section 1 as follows:

23 (410 ILCS 60/1) (from Ch. 111 1/2, par. 201)

1 Sec. 1. The Department of Public Health is authorized to
2 establish and operate a toxicological laboratory service for
3 the purpose of testing specimens submitted by medical
4 examiners ~~coroners~~, physicians and law enforcement officers in
5 their efforts to determine whether poisonous, biologically
6 infectious or radioactive substances have been involved in
7 deaths, accidents, or illness; providing technical assistance
8 and advice on the safe handling of such specimens; and for the
9 further purpose of testing samples of water, air, and other
10 substances to determine the radioactive or chemical
11 ingredients of pollutants or industrial wastes which are or
12 may be emptied into, or found in the streams, waters and
13 atmosphere of this State, and for similar purposes.

14 (Source: P.A. 86-853.)

15 Section 200. The Autopsy Act is amended by changing
16 Section 5 as follows:

17 (410 ILCS 505/5) (from Ch. 31, par. 45)

18 Sec. 5. Nothing in this Act shall be construed to
19 contravene or supersede the provisions of Division 3-3 of the
20 Counties Code ~~"An Act to revise the law in relation to~~
21 ~~coroners", approved February 6, 1874, as amended.~~

22 (Source: Laws 1965, p. 2996.)

23 Section 205. The Cadaver Act is amended by changing

1 Section 1 as follows:

2 (410 ILCS 510/1) (from Ch. 144, par. 1551)

3 Sec. 1. Superintendents of penitentiaries, houses of
4 correction and bridewells, hospitals, state charitable
5 institutions and county homes, medical examiners ~~coroners~~,
6 sheriffs, jailors, funeral directors and all other state,
7 county, town and city officers, in whose custody is the body of
8 any deceased person, required to be buried at public expense,
9 shall, in the absence of disposition of such body, or any part
10 thereof by will or other written instrument, give permission
11 to any physician or surgeon licensed in Illinois, or to any
12 medical college or school, or other institution of higher
13 science education or school of mortuary science, public or
14 private, of any city, town or county, upon his or their receipt
15 in writing and request therefor, to receive and remove free of
16 public charge or expense, after having given proper notice to
17 relatives or guardians of the deceased, the bodies of such
18 deceased persons about to be buried at public expense, to be by
19 him or them used within the state, for advancement of medical,
20 anatomical, biological or mortuary science. Preference shall
21 be given to medical colleges or schools, public or private and
22 such bodies to be distributed to and among the same,
23 equitably, the number assigned to each, being in proportion to
24 the students of each college or school: except, if any person
25 claiming to be, and satisfying the proper authorities that he

1 is of kindred of the deceased asks to have the body for burial,
2 it shall, in the absence of other disposition of such body, or
3 any part thereof by will, court order or other written
4 instrument, be surrendered for interment. Any medical college
5 or school, or other institution of higher science education or
6 school of mortuary science, public and private, or any
7 officers of the same, that receive the bodies of deceased
8 persons for the purposes of scientific study, under the
9 provisions of this Act, shall furnish the same to students of
10 medicine, surgery and biological or mortuary sciences, who are
11 under their instruction, at a price not exceeding the sum of \$5
12 for each and every such deceased body so furnished.

13 (Source: Laws 1965, p. 1980.)

14 Section 210. The Vital Records Act is amended by changing
15 Sections 18, 20, 21, 21.7, and 25.5 as follows:

16 (410 ILCS 535/18) (from Ch. 111 1/2, par. 73-18)

17 Sec. 18. (1) Each death which occurs in this State shall be
18 registered by filing a death certificate with the local
19 registrar of the district in which the death occurred or the
20 body was found, within 7 days after such death (within 5 days
21 if the death occurs prior to January 1, 1989) and prior to
22 cremation or removal of the body from the State, except when
23 death is subject to investigation by the ~~coroner or~~ medical
24 examiner.

1 (a) For the purposes of this Section, if the place of
2 death is unknown, a death certificate shall be filed in
3 the registration district in which a dead body is found,
4 which shall be considered the place of death.

5 (b) When a death occurs on a moving conveyance, the
6 place where the body is first removed from the conveyance
7 shall be considered the place of death and a death
8 certificate shall be filed in the registration district in
9 which such place is located.

10 (c) The funeral director who first assumes custody of
11 a dead body shall be responsible for filing a completed
12 death certificate. He or she shall obtain the personal
13 data from the next of kin or the best qualified person or
14 source available; he or she shall enter on the certificate
15 the name, relationship, and address of the informant; he
16 or she shall enter the date, place, and method of final
17 disposition; he or she shall affix his or her own
18 signature and enter his or her address; and shall present
19 the certificate to the person responsible for completing
20 the medical certification of cause of death. The person
21 responsible for completing the medical certification of
22 cause of death must note the presence of
23 methicillin-resistant staphylococcus aureus, clostridium
24 difficile, or vancomycin-resistant enterococci if it is a
25 contributing factor to or the cause of death. Additional
26 multi-drug resistant organisms (MDROs) may be added to

1 this list by the Department by rule.

2 (2) The medical certification shall be completed and
3 signed within 48 hours after death by the certifying health
4 care professional who, within 12 months prior to the date of
5 the patient's death, was treating or managing treatment of the
6 patient's illness or condition which resulted in death, except
7 when death is subject to the ~~coroner's or~~ medical examiner's
8 investigation. In the absence of the certifying health care
9 professional or with his or her approval, the medical
10 certificate may be completed and signed by his or her
11 associate physician, ~~or~~ advanced practice registered nurse, or
12 physician assistant, the chief medical officer of the
13 institution in which death occurred, or ~~by~~ the physician who
14 performed an autopsy upon the decedent.

15 (3) When a death occurs without medical attendance, or
16 when it is otherwise subject to the ~~coroner's or~~ medical
17 examiner's investigation, the ~~coroner or~~ medical examiner
18 shall be responsible for the completion of a ~~coroner's or~~
19 medical examiner's certificate of death and shall sign the
20 medical certification within 48 hours after death, except as
21 provided by regulation in special problem cases. If the
22 decedent was under the age of 18 years at the time of his or
23 her death, and the death was due to injuries suffered as a
24 result of a motor vehicle backing over a child, or if the death
25 occurred due to the power window of a motor vehicle, the
26 ~~coroner or~~ medical examiner must send a copy of the medical

1 certification, with information documenting that the death was
2 due to a vehicle backing over the child or that the death was
3 caused by a power window of a vehicle, to the Department of
4 Children and Family Services. The Department of Children and
5 Family Services shall (i) collect this information for use by
6 Child Death Review Teams and (ii) compile and maintain this
7 information as part of its Annual Child Death Review Team
8 Report to the General Assembly.

9 (3.5) The medical certification of cause of death shall
10 expressly provide an opportunity for the person completing the
11 certification to indicate that the death was caused in whole
12 or in part by a dementia-related disease, Parkinson's Disease,
13 or Parkinson-Dementia Complex.

14 (4) When the deceased was a veteran of any war of the
15 United States, the funeral director shall prepare a
16 "Certificate of Burial of U. S. War Veteran", as prescribed
17 and furnished by the Illinois Department of Veterans' Affairs,
18 and submit such certificate to the Illinois Department of
19 Veterans' Affairs monthly.

20 (5) When a death is presumed to have occurred in this State
21 but the body cannot be located, a death certificate may be
22 prepared by the State Registrar upon receipt of an order of a
23 court of competent jurisdiction which includes the finding of
24 facts required to complete the death certificate. Such death
25 certificate shall be marked "Presumptive" and shall show on
26 its face the date of the registration and shall identify the

1 court and the date of the judgment.

2 (Source: P.A. 102-257, eff. 1-1-22; 102-844, eff. 1-1-23;
3 revised 12-12-22.)

4 (410 ILCS 535/20) (from Ch. 111 1/2, par. 73-20)

5 Sec. 20. Fetal death; place of registration.

6 (1) Each fetal death which occurs in this State after a
7 gestation period of 20 completed weeks (and when the mother
8 elects in writing to arrange for the burial or cremation of the
9 fetus under Section 11.4 of the Hospital Licensing Act) or
10 more shall be registered with the local or subregistrar of the
11 district in which the delivery occurred within 7 days after
12 the delivery and before removal of the fetus from the State,
13 except as provided by regulation in special problem cases.

14 (a) For the purposes of this Section, if the place of
15 fetal death is unknown, a fetal death certificate shall be
16 filed in the registration district in which a dead fetus
17 is found, which shall be considered the place of fetal
18 death.

19 (b) When a fetal death occurs on a moving conveyance,
20 the city, village, township, or road district in which the
21 fetus is first removed from the conveyance shall be
22 considered the place of delivery and a fetal death
23 certificate shall be filed in the registration district in
24 which the place is located.

25 (c) The funeral director or person acting as such who

1 first assumes custody of a fetus shall file the
2 certificate. The personal data shall be obtained from the
3 best qualified person or source available. The name,
4 relationship, and address of the informant shall be
5 entered on the certificate. The date, place, and method of
6 final disposition of the fetus shall be recorded over the
7 personal signature and address of the funeral director
8 responsible for the disposition. The certificate shall be
9 presented to the person responsible for completing the
10 medical certification of the cause of death.

11 (2) The medical certification shall be completed and
12 signed within 24 hours after delivery by the certifying health
13 care professional in attendance at or after delivery, except
14 when investigation is required under Division 3-3 of Article 3
15 of the Counties Code and except as provided by regulation in
16 special problem cases.

17 (3) When a fetal death occurs without medical attendance
18 upon the mother at or after the delivery, or when
19 investigation is required under Division 3-3 of Article 3 of
20 the Counties Code, the medical examiner ~~coroner~~ shall be
21 responsible for the completion of the fetal death certificate
22 and shall sign the medical certification within 24 hours after
23 the delivery or the finding of the fetus, except as provided by
24 regulation in special problem cases.

25 (Source: P.A. 102-257, eff. 1-1-22.)

1 (410 ILCS 535/21) (from Ch. 111 1/2, par. 73-21)

2 Sec. 21. (1) The funeral director or person acting as such
3 who first assumes custody of a dead body or fetus shall make a
4 written report to the registrar of the district in which death
5 occurred or in which the body or fetus was found within 24
6 hours after taking custody of the body or fetus on a form
7 prescribed and furnished by the State Registrar and in
8 accordance with the rules promulgated by the State Registrar.
9 Except as specified in paragraph (2) of this Section, the
10 written report shall serve as a permit to transport, bury, or
11 entomb the body or fetus within this State, provided that the
12 funeral director or person acting as such shall certify that
13 the certifying health care professional who, within 12 months
14 prior to the date of the patient's death, was treating or
15 managing treatment of the patient's illness or condition which
16 resulted in death has been contacted and has affirmatively
17 stated that he or she will sign the medical certificate of
18 death or the fetal death certificate. If a funeral director
19 fails to file written reports under this Section in a timely
20 manner, the local registrar may suspend the funeral director's
21 privilege of filing written reports by mail. In a county with a
22 population greater than 3,000,000, if a funeral director or
23 person acting as such interrs or entombs a dead body without
24 having previously certified that the certifying health care
25 professional who, within 12 months prior to the date of the
26 patient's death, was treating or managing treatment of the

1 patient's illness or condition that resulted in death has been
2 contacted and has affirmatively stated that he or she will
3 sign the medical certificate of death, then that funeral
4 director or person acting as such is responsible for payment
5 of the specific costs incurred by the county medical examiner
6 in disinterring and reintering or reentombing the dead body.

7 (2) The written report as specified in paragraph (1) of
8 this Section shall not serve as a permit to:

9 (a) Remove body or fetus from this State;

10 (b) Cremate the body or fetus; or

11 (c) Make disposal of any body or fetus in any manner
12 when death is subject to the ~~coroner's~~ or medical
13 examiner's investigation.

14 (3) In accordance with the provisions of paragraph (2) of
15 this Section the funeral director or person acting as such who
16 first assumes custody of a dead body or fetus shall obtain a
17 permit for disposition of such dead human body prior to final
18 disposition or removal from the State of the body or fetus.
19 Such permit shall be issued by the registrar of the district
20 where death occurred or the body or fetus was found. No such
21 permit shall be issued until a properly completed certificate
22 of death has been filed with the registrar. The registrar
23 shall insure the issuance of a permit for disposition within
24 an expedited period of time to accommodate Sunday or holiday
25 burials of decedents whose time of death and religious tenets
26 or beliefs necessitate Sunday or holiday burials.

1 (4) A permit which accompanies a dead body or fetus
2 brought into this State shall be authority for final
3 disposition of the body or fetus in this State, except in
4 municipalities where local ordinance requires the issuance of
5 a local permit prior to disposition.

6 (5) A permit for disposition of a dead human body shall be
7 required prior to disinterment of a dead body or fetus, and
8 when the disinterred body is to be shipped by a common carrier.
9 Such permit shall be issued to a licensed funeral director or
10 person acting as such, upon proper application, by the local
11 registrar of the district in which disinterment is to be made.
12 In the case of disinterment, proper application shall include
13 a statement providing the name and address of any surviving
14 spouse of the deceased, or, if none, any surviving children of
15 the deceased, or if no surviving spouse or children, a parent,
16 brother, or sister of the deceased. The application shall
17 indicate whether the applicant is one of these parties and, if
18 so, whether the applicant is a surviving spouse or a surviving
19 child. Prior to the issuance of a permit for disinterment, the
20 local registrar shall, by certified mail, notify the surviving
21 spouse, unless he or she is the applicant, or if there is no
22 surviving spouse, all surviving children except for the
23 applicant, of the application for the permit. The person or
24 persons notified shall have 30 days from the mailing of the
25 notice to object by obtaining an injunction enjoining the
26 issuance of the permit. After the 30-day period has expired,

1 the local registrar shall issue the permit unless he or she has
2 been enjoined from doing so or there are other statutory
3 grounds for refusal. The notice to the spouse or surviving
4 children shall inform the person or persons being notified of
5 the right to seek an injunction within 30 days.
6 Notwithstanding any other provision of this subsection (5), a
7 court may order issuance of a permit for disinterment without
8 notice or prior to the expiration of the 30-day period where
9 the petition is made by an agency of any governmental unit and
10 good cause is shown for disinterment without notice or for the
11 early order. Nothing in this subsection (5) limits the
12 authority of the City of Chicago to acquire property or
13 otherwise exercise its powers under the O'Hare Modernization
14 Act or requires that City, or any person acting on behalf of
15 that City, to obtain a permit under this subsection (5) when
16 exercising powers under the O'Hare Modernization Act. The
17 Illinois Department of Transportation, and any person acting
18 on its behalf under a public-private agreement entered into in
19 accordance with the Public-Private Agreements for the South
20 Suburban Airport Act, is exempt from this subsection (5),
21 provided that the Illinois Department of Transportation, or
22 any such person, takes reasonable steps to comply with the
23 provisions of this subsection (5) so long as compliance does
24 not interfere with the design, development, operation, or
25 maintenance of the South Suburban Airport or the exercise of
26 their powers under the Public-Private Agreements for the South

1 Suburban Airport Act.

2 (Source: P.A. 102-257, eff. 1-1-22.)

3 (410 ILCS 535/21.7)

4 Sec. 21.7. Temporary removal of a dead body. No permit for
5 transportation signed by the local registrar is required prior
6 to transporting a dead human body out of the State of Illinois,
7 at the direction of a federally designated organ procurement
8 organization, for the purpose of organ or tissue donation. The
9 dead human body being transported for the purpose of organ or
10 tissue donation shall be accompanied by a self-issued permit
11 in accordance with rules adopted by the Department of Public
12 Health. This self-issued permit shall be completed by an
13 Illinois-licensed funeral director and embalmer or
14 Illinois-licensed funeral director and shall serve as
15 notification to the county medical examiner ~~or coroner~~ of the
16 jurisdiction or county in which the death occurred that the
17 dead human body is being transported out of Illinois for a
18 period not to exceed 36 hours. This Section applies only to
19 instances in which the dead human body is to be returned to
20 Illinois prior to disposition. This Section does not affect
21 any rights or responsibilities held by county medical
22 examiners ~~or coroners~~ under the Local Governmental and
23 Governmental Employees Tort Immunity Act. The Department of
24 Public Health shall adopt rules to implement this Section.

25 (Source: P.A. 99-262, eff. 1-1-16.)

1 (410 ILCS 535/25.5)

2 Sec. 25.5. Death Certificate Surcharge Fund. The
3 additional \$2 fee for certified copies of death certificates
4 and fetal death certificates must be deposited into the Death
5 Certificate Surcharge Fund, a special fund created in the
6 State treasury. Beginning 30 days after the effective date of
7 this amendatory Act of the 92nd General Assembly and until
8 January 1, 2003 and then beginning again on July 1, 2003 and
9 until July 1, 2005, moneys in the Fund, subject to
10 appropriation, may be used by the Department for the purpose
11 of implementing an electronic reporting system for death
12 registrations as provided in Section 18.5 of this Act. Before
13 the effective date of this amendatory Act of the 92nd General
14 Assembly, on and after January 1, 2003 and until July 1, 2003,
15 and on and after July 1, 2005, moneys in the Fund, subject to
16 appropriations, may be used as follows: (i) 25% by the Medical
17 Examiner ~~Coroner~~ Training Board for the purpose of training
18 medical examiners ~~coroners~~, deputy medical examiners ~~coroners~~,
19 forensic pathologists, and police officers for death
20 investigations and lodging and travel expenses relating to
21 training, (ii) 25% for grants by the Department of Public
22 Health for distribution to all local county ~~coroners~~ and
23 medical examiners or officials charged with the duties set
24 forth under Division 3-3 of the Counties Code, who have a
25 different title, for equipment and lab facilities, (iii) 25%

1 by the Department of Public Health for the purpose of setting
2 up a statewide database of death certificates and implementing
3 an electronic reporting system for death registrations
4 pursuant to Section 18.5, and (iv) 25% for a grant by the
5 Department of Public Health to local registrars.

6 (Source: P.A. 99-408, eff. 1-1-16.)

7 Section 215. The Fire Investigation Act is amended by
8 changing Section 6 as follows:

9 (425 ILCS 25/6) (from Ch. 127 1/2, par. 6)

10 Sec. 6. Investigation and record of fires; Office of the
11 State Fire Marshal.

12 (a) The chief of the fire department shall investigate the
13 cause, origin and circumstances of every fire occurring in a
14 municipality or fire protection district, or in any area or on
15 any property which is furnished fire protection by the fire
16 department of such municipality or fire protection district,
17 by which property has been destroyed or damaged, and shall
18 especially make investigation as to whether such fire was the
19 result of carelessness or design. Such investigation shall be
20 begun within two days, not including Sunday, of the occurrence
21 of such fire, and the Office shall have the right to supervise
22 and direct such investigation whenever it deems it expedient
23 or necessary. The officer making investigation of fires
24 occurring in cities, villages, towns, fire protection

1 districts or townships shall forthwith notify the Office and
2 shall by the 15th of the month following the occurrence of the
3 fire, furnish to the Office a statement of all facts relating
4 to the cause and origin of the fire, and such other information
5 as may be called for in a format approved or on forms provided
6 by the Office.

7 (b) In every case in which a fire is determined to be a
8 contributing factor in a death, the medical examiner ~~coroner~~
9 of the county where the death occurred shall report the death
10 to the Office as provided in Section 3-3013 of the Counties
11 Code.

12 (c) The Office shall keep a record of all fires occurring
13 in the State, together with all facts, statistics and
14 circumstances, including the origin of the fires, which may be
15 determined by the investigations provided by this act; such
16 record shall at all times be open to the public inspection, and
17 such portions of it as the State Director of Insurance may deem
18 necessary shall be transcribed and forwarded to him within
19 fifteen days from the first of January of each year.

20 (d) In addition to the reporting of fires, the chief of the
21 fire department shall furnish to the Office such other
22 information as the State Fire Marshal deems of importance to
23 the fire services.

24 (Source: P.A. 101-82, eff. 1-1-20.)

25 Section 220. The Illinois Vehicle Code is amended by

1 changing Sections 6-117, 11-413, 11-414, 11-501.7, and 12-215
2 as follows:

3 (625 ILCS 5/6-117) (from Ch. 95 1/2, par. 6-117)

4 (Text of Section before amendment by P.A. 102-982)

5 Sec. 6-117. Records to be kept by the Secretary of State.

6 (a) The Secretary of State shall file every application
7 for a license or permit accepted under this Chapter, and shall
8 maintain suitable indexes thereof. The records of the
9 Secretary of State shall indicate the action taken with
10 respect to such applications.

11 (b) The Secretary of State shall maintain appropriate
12 records of all licenses and permits refused, cancelled,
13 disqualified, revoked, or suspended and of the revocation,
14 suspension, and disqualification of driving privileges of
15 persons not licensed under this Chapter, and such records
16 shall note the reasons for such action.

17 (c) The Secretary of State shall maintain appropriate
18 records of convictions reported under this Chapter. Records of
19 conviction may be maintained in a computer processible medium.

20 (d) The Secretary of State may also maintain appropriate
21 records of any accident reports received.

22 (e) The Secretary of State shall also maintain appropriate
23 records of any disposition of supervision or records relative
24 to a driver's referral to a driver remedial or rehabilitative
25 program, as required by the Secretary of State or the courts.

1 Such records shall only be available for use by the Secretary,
2 the driver licensing administrator of any other state, law
3 enforcement agencies, the courts, and the affected driver or,
4 upon proper verification, such affected driver's attorney.

5 (f) The Secretary of State shall also maintain or contract
6 to maintain appropriate records of all photographs and
7 signatures obtained in the process of issuing any driver's
8 license, permit, or identification card. The record shall be
9 confidential and shall not be disclosed except to those
10 entities listed under Section 6-110.1 of this Code.

11 (g) The Secretary of State may establish a First Person
12 Consent organ and tissue donor registry in compliance with
13 subsection (b-1) of Section 5-20 of the Illinois Anatomical
14 Gift Act, as follows:

15 (1) The Secretary shall offer, to each applicant for
16 issuance or renewal of a driver's license or
17 identification card who is 16 years of age or older, the
18 opportunity to have his or her name included in the First
19 Person Consent organ and tissue donor registry. The
20 Secretary must advise the applicant or licensee that he or
21 she is under no compulsion to have his or her name included
22 in the registry. An individual who agrees to having his or
23 her name included in the First Person Consent organ and
24 tissue donor registry has given full legal consent to the
25 donation of any of his or her organs or tissue upon his or
26 her death. A brochure explaining this method of executing

1 an anatomical gift must be given to each applicant for
2 issuance or renewal of a driver's license or
3 identification card. The brochure must advise the
4 applicant or licensee (i) that he or she is under no
5 compulsion to have his or her name included in this
6 registry and (ii) that he or she may wish to consult with
7 family, friends, or clergy before doing so.

8 (2) The Secretary of State may establish additional
9 methods by which an individual may have his or her name
10 included in the First Person Consent organ and tissue
11 donor registry.

12 (3) When an individual has agreed to have his or her
13 name included in the First Person Consent organ and tissue
14 donor registry, the Secretary of State shall note that
15 agreement in the First Person consent organ and tissue
16 donor registry. Representatives of federally designated
17 organ procurement agencies and tissue banks and the
18 offices of Illinois county coroners and medical examiners
19 may inquire of the Secretary of State whether a potential
20 organ donor's name is included in the First Person Consent
21 organ and tissue donor registry, and the Secretary of
22 State may provide that information to the representative.

23 (4) An individual may withdraw his or her consent to
24 be listed in the First Person Consent organ and tissue
25 donor registry maintained by the Secretary of State by
26 notifying the Secretary of State in writing, or by any

1 other means approved by the Secretary, of the individual's
2 decision to have his or her name removed from the
3 registry.

4 (5) The Secretary of State may undertake additional
5 efforts, including education and awareness activities, to
6 promote organ and tissue donation.

7 (6) In the absence of gross negligence or willful
8 misconduct, the Secretary of State and his or her
9 employees are immune from any civil or criminal liability
10 in connection with an individual's consent to be listed in
11 the organ and tissue donor registry.

12 (Source: P.A. 100-41, eff. 1-1-18.)

13 (Text of Section after amendment by P.A. 102-982)

14 Sec. 6-117. Records to be kept by the Secretary of State.

15 (a) The Secretary of State shall file every application
16 for a license or permit accepted under this Chapter, and shall
17 maintain suitable indexes thereof. The records of the
18 Secretary of State shall indicate the action taken with
19 respect to such applications.

20 (b) The Secretary of State shall maintain appropriate
21 records of all licenses and permits refused, cancelled,
22 disqualified, revoked, or suspended and of the revocation,
23 suspension, and disqualification of driving privileges of
24 persons not licensed under this Chapter, and such records
25 shall note the reasons for such action.

1 (c) The Secretary of State shall maintain appropriate
2 records of convictions reported under this Chapter. Records of
3 conviction may be maintained in a computer processible medium.

4 (d) The Secretary of State may also maintain appropriate
5 records of any crash reports received.

6 (e) The Secretary of State shall also maintain appropriate
7 records of any disposition of supervision or records relative
8 to a driver's referral to a driver remedial or rehabilitative
9 program, as required by the Secretary of State or the courts.
10 Such records shall only be available for use by the Secretary,
11 the driver licensing administrator of any other state, law
12 enforcement agencies, the courts, and the affected driver or,
13 upon proper verification, such affected driver's attorney.

14 (f) The Secretary of State shall also maintain or contract
15 to maintain appropriate records of all photographs and
16 signatures obtained in the process of issuing any driver's
17 license, permit, or identification card. The record shall be
18 confidential and shall not be disclosed except to those
19 entities listed under Section 6-110.1 of this Code.

20 (g) The Secretary of State may establish a First Person
21 Consent organ and tissue donor registry in compliance with
22 subsection (b-1) of Section 5-20 of the Illinois Anatomical
23 Gift Act, as follows:

24 (1) The Secretary shall offer, to each applicant for
25 issuance or renewal of a driver's license or
26 identification card who is 16 years of age or older, the

1 opportunity to have his or her name included in the First
2 Person Consent organ and tissue donor registry. The
3 Secretary must advise the applicant or licensee that he or
4 she is under no compulsion to have his or her name included
5 in the registry. An individual who agrees to having his or
6 her name included in the First Person Consent organ and
7 tissue donor registry has given full legal consent to the
8 donation of any of his or her organs or tissue upon his or
9 her death. A brochure explaining this method of executing
10 an anatomical gift must be given to each applicant for
11 issuance or renewal of a driver's license or
12 identification card. The brochure must advise the
13 applicant or licensee (i) that he or she is under no
14 compulsion to have his or her name included in this
15 registry and (ii) that he or she may wish to consult with
16 family, friends, or clergy before doing so.

17 (2) The Secretary of State may establish additional
18 methods by which an individual may have his or her name
19 included in the First Person Consent organ and tissue
20 donor registry.

21 (3) When an individual has agreed to have his or her
22 name included in the First Person Consent organ and tissue
23 donor registry, the Secretary of State shall note that
24 agreement in the First Person consent organ and tissue
25 donor registry. Representatives of federally designated
26 organ procurement agencies and tissue banks and the

1 offices of Illinois county ~~coroners~~ and medical examiners
2 may inquire of the Secretary of State whether a potential
3 organ donor's name is included in the First Person Consent
4 organ and tissue donor registry, and the Secretary of
5 State may provide that information to the representative.

6 (4) An individual may withdraw his or her consent to
7 be listed in the First Person Consent organ and tissue
8 donor registry maintained by the Secretary of State by
9 notifying the Secretary of State in writing, or by any
10 other means approved by the Secretary, of the individual's
11 decision to have his or her name removed from the
12 registry.

13 (5) The Secretary of State may undertake additional
14 efforts, including education and awareness activities, to
15 promote organ and tissue donation.

16 (6) In the absence of gross negligence or willful
17 misconduct, the Secretary of State and his or her
18 employees are immune from any civil or criminal liability
19 in connection with an individual's consent to be listed in
20 the organ and tissue donor registry.

21 (Source: P.A. 102-982, eff. 7-1-23.)

22 (625 ILCS 5/11-413) (from Ch. 95 1/2, par. 11-413)

23 (Text of Section before amendment by P.A. 102-982)

24 Sec. 11-413. Coroners to report. All coroners shall on or
25 before the 10th day of each month report in writing to the

1 Administrator the death of any person within their respective
2 jurisdiction, during the preceding calendar month, as the
3 result of a traffic accident giving the time and place of the
4 accident and the circumstances relating thereto.

5 (Source: P.A. 83-831.)

6 (Text of Section after amendment by P.A. 102-982)

7 Sec. 11-413. Medical examiners ~~Coroners~~ to report. All
8 medical examiners ~~coroners~~ shall on or before the 10th day of
9 each month report in writing to the Administrator the death of
10 any person within their respective jurisdiction, during the
11 preceding calendar month, as the result of a traffic crash
12 giving the time and place of the crash and the circumstances
13 relating thereto.

14 (Source: P.A. 102-982, eff. 7-1-23.)

15 (625 ILCS 5/11-414) (from Ch. 95 1/2, par. 11-414)

16 (Text of Section before amendment by P.A. 102-982)

17 Sec. 11-414. Department to tabulate and analyze motor
18 vehicle accident reports. The Department shall tabulate and
19 may analyze all written motor vehicle accident reports
20 received in compliance with this Code and shall publish
21 annually or at more frequent intervals motor vehicle accident
22 data. The Department:

23 1. (blank);

24 2. shall, upon written request, make available to the

1 public motor vehicle accident data that shall be
2 distributed under Sections 11-412 and 11-417 of this Code;

3 3. may conduct special investigations of motor vehicle
4 accidents and may solicit supplementary reports from
5 drivers, owners, police departments, sheriffs, medical
6 examiners ~~coroners~~, or any other individual. Failure of
7 any individual to submit a supplementary report subjects
8 such individual to the same penalties for failure to
9 report as designated under Section 11-406.

10 (Source: P.A. 100-96, eff. 1-1-18.)

11 (Text of Section after amendment by P.A. 102-982)

12 Sec. 11-414. Department to tabulate and analyze motor
13 vehicle crash reports. The Department shall tabulate and may
14 analyze all written motor vehicle crash reports received in
15 compliance with this Code and shall publish annually or at
16 more frequent intervals motor vehicle crash data. The
17 Department:

18 1. (blank);

19 2. shall, upon written request, make available to the
20 public motor vehicle crash data that shall be distributed
21 under Sections 11-412 and 11-417 of this Code;

22 3. may conduct special investigations of motor vehicle
23 crashes and may solicit supplementary reports from
24 drivers, owners, police departments, sheriffs, medical
25 examiners, ~~coroners~~, or any other individual. Failure of

1 any individual to submit a supplementary report subjects
2 such individual to the same penalties for failure to
3 report as designated under Section 11-406.

4 (Source: P.A. 102-982, eff. 7-1-23.)

5 (625 ILCS 5/11-501.7) (from Ch. 95 1/2, par. 11-501.7)

6 (Text of Section before amendment by P.A. 102-982)

7 Sec. 11-501.7. (a) As a condition of probation or
8 discharge of a person convicted of a violation of Section
9 11-501 of this Code, who was less than 21 years of age at the
10 time of the offense, or a person adjudicated delinquent
11 pursuant to the Juvenile Court Act of 1987, for violation of
12 Section 11-501 of this Code, the Court may order the offender
13 to participate in the Youthful Intoxicated Drivers' Visitation
14 Program. The Program shall consist of a supervised visitation
15 as provided by this Section by the person to at least one of
16 the following, to the extent that personnel and facilities are
17 available:

18 (1) A State or private rehabilitation facility that
19 cares for victims of motor vehicle accidents involving
20 persons under the influence of alcohol.

21 (2) A facility which cares for advanced alcoholics to
22 observe persons in the terminal stages of alcoholism,
23 under the supervision of appropriately licensed medical
24 personnel.

25 (3) If approved by the coroner of the county where the

1 person resides, the county coroner's office or the county
2 morgue to observe appropriate victims of motor vehicle
3 accidents involving persons under the influence of
4 alcohol, under the supervision of the coroner or deputy
5 coroner.

6 (b) The Program shall be operated by the appropriate
7 probation authorities of the courts of the various circuits.
8 The youthful offender ordered to participate in the Program
9 shall bear all costs associated with participation in the
10 Program. A parent or guardian of the offender may assume the
11 obligation of the offender to pay the costs of the Program. The
12 court may waive the requirement that the offender pay the
13 costs of participation in the Program upon a finding of
14 indigency.

15 (c) As used in this Section, "appropriate victims" means
16 victims whose condition is determined by the visit supervisor
17 to demonstrate the results of motor vehicle accidents
18 involving persons under the influence of alcohol without being
19 excessively gruesome or traumatic to the observer.

20 (d) Any visitation shall include, before any observation
21 of victims or persons with disabilities, a comprehensive
22 counseling session with the visitation supervisor at which the
23 supervisor shall explain and discuss the experiences which may
24 be encountered during the visitation in order to ascertain
25 whether the visitation is appropriate.

26 (Source: P.A. 101-81, eff. 7-12-19.)

1 (Text of Section after amendment by P.A. 102-982)

2 Sec. 11-501.7. (a) As a condition of probation or
3 discharge of a person convicted of a violation of Section
4 11-501 of this Code, who was less than 21 years of age at the
5 time of the offense, or a person adjudicated delinquent
6 pursuant to the Juvenile Court Act of 1987, for violation of
7 Section 11-501 of this Code, the Court may order the offender
8 to participate in the Youthful Intoxicated Drivers' Visitation
9 Program. The Program shall consist of a supervised visitation
10 as provided by this Section by the person to at least one of
11 the following, to the extent that personnel and facilities are
12 available:

13 (1) A State or private rehabilitation facility that
14 cares for victims of motor vehicle crashes involving
15 persons under the influence of alcohol.

16 (2) A facility which cares for advanced alcoholics to
17 observe persons in the terminal stages of alcoholism,
18 under the supervision of appropriately licensed medical
19 personnel.

20 (3) If approved by the medical examiner ~~coroner~~ of the
21 county where the person resides, the county medical
22 examiner's ~~coroner's~~ office or the county morgue to
23 observe appropriate victims of motor vehicle crashes
24 involving persons under the influence of alcohol, under
25 the supervision of the medical examiner ~~coroner~~ or deputy

1 medical examiner ~~coroner~~.

2 (b) The Program shall be operated by the appropriate
3 probation authorities of the courts of the various circuits.
4 The youthful offender ordered to participate in the Program
5 shall bear all costs associated with participation in the
6 Program. A parent or guardian of the offender may assume the
7 obligation of the offender to pay the costs of the Program. The
8 court may waive the requirement that the offender pay the
9 costs of participation in the Program upon a finding of
10 indigency.

11 (c) As used in this Section, "appropriate victims" means
12 victims whose condition is determined by the visit supervisor
13 to demonstrate the results of motor vehicle crashes involving
14 persons under the influence of alcohol without being
15 excessively gruesome or traumatic to the observer.

16 (d) Any visitation shall include, before any observation
17 of victims or persons with disabilities, a comprehensive
18 counseling session with the visitation supervisor at which the
19 supervisor shall explain and discuss the experiences which may
20 be encountered during the visitation in order to ascertain
21 whether the visitation is appropriate.

22 (Source: P.A. 101-81, eff. 7-12-19; 102-982, eff. 7-1-23.)

23 (625 ILCS 5/12-215)

24 (Text of Section before amendment by P.A. 102-982)

25 Sec. 12-215. Oscillating, rotating, or flashing lights on

1 motor vehicles. Except as otherwise provided in this Code:

2 (a) The use of red or white oscillating, rotating, or
3 flashing lights, whether lighted or unlighted, is prohibited
4 except on:

5 1. Law enforcement vehicles of State, federal, ~~Federal~~
6 or local authorities;

7 2. A vehicle operated by a police officer or county
8 coroner and designated or authorized by local authorities,
9 in writing, as a law enforcement vehicle; however, such
10 designation or authorization must be carried in the
11 vehicle;

12 2.1. A vehicle operated by a fire chief, deputy fire
13 chief, or assistant fire chief who has completed an
14 emergency vehicle operation training course approved by
15 the Office of the State Fire Marshal and designated or
16 authorized by local authorities, fire departments, or fire
17 protection districts, in writing, as a fire department,
18 fire protection district, or township fire department
19 vehicle; however, the designation or authorization must be
20 carried in the vehicle, and the lights may be visible or
21 activated only when responding to a bona fide emergency;

22 3. Vehicles of local fire departments and State or
23 federal firefighting vehicles;

24 4. Vehicles which are designed and used exclusively as
25 ambulances or rescue vehicles; furthermore, such lights
26 shall not be lighted except when responding to an

1 emergency call for and while actually conveying the sick
2 or injured;

3 4.5. Vehicles which are occasionally used as rescue
4 vehicles that have been authorized for use as rescue
5 vehicles by a volunteer EMS provider, provided that the
6 operator of the vehicle has successfully completed an
7 emergency vehicle operation training course recognized by
8 the Department of Public Health; furthermore, the lights
9 shall not be lighted except when responding to an
10 emergency call for the sick or injured;

11 5. Tow trucks licensed in a state that requires such
12 lights; furthermore, such lights shall not be lighted on
13 any such tow truck while the tow truck is operating in the
14 State of Illinois;

15 6. Vehicles of the Illinois Emergency Management
16 Agency, vehicles of the Office of the Illinois State Fire
17 Marshal, vehicles of the Illinois Department of Public
18 Health, vehicles of the Illinois Department of
19 Corrections, and vehicles of the Illinois Department of
20 Juvenile Justice;

21 7. Vehicles operated by a local or county emergency
22 management services agency as defined in the Illinois
23 Emergency Management Agency Act;

24 8. School buses operating alternately flashing head
25 lamps as permitted under Section 12-805 of this Code;

26 9. Vehicles that are equipped and used exclusively as

1 organ transplant vehicles when used in combination with
2 blue oscillating, rotating, or flashing lights;
3 furthermore, these lights shall be lighted only when the
4 transportation is declared an emergency by a member of the
5 transplant team or a representative of the organ
6 procurement organization;

7 10. Vehicles of the Illinois Department of Natural
8 Resources that are used for mine rescue and explosives
9 emergency response;

10 11. Vehicles of the Illinois Department of
11 Transportation identified as Emergency Traffic Patrol; the
12 lights shall not be lighted except when responding to an
13 emergency call or when parked or stationary while engaged
14 in motor vehicle assistance or at the scene of the
15 emergency; and

16 12. Vehicles of the Illinois State Toll Highway
17 Authority with a gross vehicle weight rating of 9,000
18 pounds or more and those identified as Highway Emergency
19 Lane Patrol; the lights shall not be lighted except when
20 responding to an emergency call or when parked or
21 stationary while engaged in motor vehicle assistance or at
22 the scene of the emergency.

23 (b) The use of amber oscillating, rotating, or flashing
24 lights, whether lighted or unlighted, is prohibited except on:

25 1. Second division vehicles designed and used for
26 towing or hoisting vehicles; furthermore, such lights

1 shall not be lighted except as required in this paragraph
2 1; such lights shall be lighted when such vehicles are
3 actually being used at the scene of an accident or
4 disablement; if the towing vehicle is equipped with a flat
5 bed that supports all wheels of the vehicle being
6 transported, the lights shall not be lighted while the
7 vehicle is engaged in towing on a highway; if the towing
8 vehicle is not equipped with a flat bed that supports all
9 wheels of a vehicle being transported, the lights shall be
10 lighted while the towing vehicle is engaged in towing on a
11 highway during all times when the use of headlights is
12 required under Section 12-201 of this Code; in addition,
13 these vehicles may use white oscillating, rotating, or
14 flashing lights in combination with amber oscillating,
15 rotating, or flashing lights as provided in this
16 paragraph;

17 2. Motor vehicles or equipment of the State of
18 Illinois, the Illinois State Toll Highway Authority, local
19 authorities, and contractors; furthermore, such lights
20 shall not be lighted except while such vehicles are
21 engaged in maintenance or construction operations within
22 the limits of construction projects;

23 3. Vehicles or equipment used by engineering or survey
24 crews; furthermore, such lights shall not be lighted
25 except while such vehicles are actually engaged in work on
26 a highway;

1 4. Vehicles of public utilities, municipalities, or
2 other construction, maintenance, or automotive service
3 vehicles except that such lights shall be lighted only as
4 a means for indicating the presence of a vehicular traffic
5 hazard requiring unusual care in approaching, overtaking,
6 or passing while such vehicles are engaged in maintenance,
7 service, or construction on a highway;

8 5. Oversized vehicle or load; however, such lights
9 shall only be lighted when moving under permit issued by
10 the Department under Section 15-301 of this Code;

11 6. The front and rear of motorized equipment owned and
12 operated by the State of Illinois or any political
13 subdivision thereof, which is designed and used for
14 removal of snow and ice from highways;

15 6.1. The front and rear of motorized equipment or
16 vehicles that (i) are not owned by the State of Illinois or
17 any political subdivision of the State, (ii) are designed
18 and used for removal of snow and ice from highways and
19 parking lots, and (iii) are equipped with a snow plow that
20 is 12 feet in width; these lights may not be lighted except
21 when the motorized equipment or vehicle is actually being
22 used for those purposes on behalf of a unit of government;

23 7. Fleet safety vehicles registered in another state,
24 furthermore, such lights shall not be lighted except as
25 provided for in Section 12-212 of this Code;

26 8. Such other vehicles as may be authorized by local

1 authorities;

2 9. Law enforcement vehicles of State or local
3 authorities when used in combination with red oscillating,
4 rotating, or flashing lights;

5 9.5. Propane delivery trucks;

6 10. Vehicles used for collecting or delivering mail
7 for the United States Postal Service provided that such
8 lights shall not be lighted except when such vehicles are
9 actually being used for such purposes;

10 10.5. Vehicles of the Office of the Illinois State
11 Fire Marshal, provided that such lights shall not be
12 lighted except for when such vehicles are engaged in work
13 for the Office of the Illinois State Fire Marshal;

14 11. Any vehicle displaying a slow-moving vehicle
15 emblem as provided in Section 12-205.1;

16 12. All trucks equipped with self-compactors or
17 roll-off hoists and roll-on containers for garbage,
18 recycling, or refuse hauling. Such lights shall not be
19 lighted except when such vehicles are actually being used
20 for such purposes;

21 13. Vehicles used by a security company, alarm
22 responder, control agency, or the Illinois Department of
23 Corrections;

24 14. Security vehicles of the Department of Human
25 Services; however, the lights shall not be lighted except
26 when being used for security related purposes under the

1 direction of the superintendent of the facility where the
2 vehicle is located; and

3 15. Vehicles of union representatives, except that the
4 lights shall be lighted only while the vehicle is within
5 the limits of a construction project.

6 (c) The use of blue oscillating, rotating, or flashing
7 lights, whether lighted or unlighted, is prohibited except on:

8 1. Rescue squad vehicles not owned by a fire
9 department or fire protection district and vehicles owned
10 or operated by a:

11 voluntary firefighter;

12 paid firefighter;

13 part-paid firefighter;

14 call firefighter;

15 member of the board of trustees of a fire
16 protection district;

17 paid or unpaid member of a rescue squad;

18 paid or unpaid member of a voluntary ambulance
19 unit; or

20 paid or unpaid members of a local or county
21 emergency management services agency as defined in the
22 Illinois Emergency Management Agency Act, designated
23 or authorized by local authorities, in writing, and
24 carrying that designation or authorization in the
25 vehicle.

26 However, such lights are not to be lighted except when

1 responding to a bona fide emergency or when parked or
2 stationary at the scene of a fire, rescue call, ambulance
3 call, or motor vehicle accident.

4 Any person using these lights in accordance with this
5 subdivision (c)1 must carry on his or her person an
6 identification card or letter identifying the bona fide
7 member of a fire department, fire protection district,
8 rescue squad, ambulance unit, or emergency management
9 services agency that owns or operates that vehicle. The
10 card or letter must include:

11 (A) the name of the fire department, fire
12 protection district, rescue squad, ambulance unit, or
13 emergency management services agency;

14 (B) the member's position within the fire
15 department, fire protection district, rescue squad,
16 ambulance unit, or emergency management services
17 agency;

18 (C) the member's term of service; and

19 (D) the name of a person within the fire
20 department, fire protection district, rescue squad,
21 ambulance unit, or emergency management services
22 agency to contact to verify the information provided.

23 2. Police department vehicles in cities having a
24 population of 500,000 or more inhabitants.

25 3. Law enforcement vehicles of State or local
26 authorities when used in combination with red oscillating,

1 rotating, or flashing lights.

2 4. Vehicles of local fire departments and State or
3 federal firefighting vehicles when used in combination
4 with red oscillating, rotating, or flashing lights.

5 5. Vehicles which are designed and used exclusively as
6 ambulances or rescue vehicles when used in combination
7 with red oscillating, rotating, or flashing lights;
8 furthermore, such lights shall not be lighted except when
9 responding to an emergency call.

10 6. Vehicles that are equipped and used exclusively as
11 organ transport vehicles when used in combination with red
12 oscillating, rotating, or flashing lights; furthermore,
13 these lights shall only be lighted when the transportation
14 is declared an emergency by a member of the transplant
15 team or a representative of the organ procurement
16 organization.

17 7. Vehicles of the Illinois Emergency Management
18 Agency, vehicles of the Office of the Illinois State Fire
19 Marshal, vehicles of the Illinois Department of Public
20 Health, vehicles of the Illinois Department of
21 Corrections, and vehicles of the Illinois Department of
22 Juvenile Justice, when used in combination with red
23 oscillating, rotating, or flashing lights.

24 8. Vehicles operated by a local or county emergency
25 management services agency as defined in the Illinois
26 Emergency Management Agency Act, when used in combination

1 with red oscillating, rotating, or flashing lights.

2 9. Vehicles of the Illinois Department of Natural
3 Resources that are used for mine rescue and explosives
4 emergency response, when used in combination with red
5 oscillating, rotating, or flashing lights.

6 (c-1) In addition to the blue oscillating, rotating, or
7 flashing lights permitted under subsection (c), and
8 notwithstanding subsection (a), a vehicle operated by a
9 voluntary firefighter, a voluntary member of a rescue squad,
10 or a member of a voluntary ambulance unit may be equipped with
11 flashing white headlights and blue grill lights, which may be
12 used only in responding to an emergency call or when parked or
13 stationary at the scene of a fire, rescue call, ambulance
14 call, or motor vehicle accident.

15 (c-2) In addition to the blue oscillating, rotating, or
16 flashing lights permitted under subsection (c), and
17 notwithstanding subsection (a), a vehicle operated by a paid
18 or unpaid member of a local or county emergency management
19 services agency as defined in the Illinois Emergency
20 Management Agency Act, may be equipped with white oscillating,
21 rotating, or flashing lights to be used in combination with
22 blue oscillating, rotating, or flashing lights, if
23 authorization by local authorities is in writing and carried
24 in the vehicle.

25 (d) The use of a combination of amber and white
26 oscillating, rotating, or flashing lights, whether lighted or

1 unlighted, is prohibited except on second division vehicles
2 designed and used for towing or hoisting vehicles or motor
3 vehicles or equipment of the State of Illinois, local
4 authorities, contractors, and union representatives;
5 furthermore, such lights shall not be lighted on second
6 division vehicles designed and used for towing or hoisting
7 vehicles or vehicles of the State of Illinois, local
8 authorities, and contractors except while such vehicles are
9 engaged in a tow operation, highway maintenance, or
10 construction operations within the limits of highway
11 construction projects, and shall not be lighted on the
12 vehicles of union representatives except when those vehicles
13 are within the limits of a construction project.

14 (e) All oscillating, rotating, l or flashing lights referred
15 to in this Section shall be of sufficient intensity, when
16 illuminated, to be visible at 500 feet in normal sunlight.

17 (f) Nothing in this Section shall prohibit a manufacturer
18 of oscillating, rotating, l or flashing lights or his
19 representative or authorized vendor from temporarily mounting
20 such lights on a vehicle for demonstration purposes only. If
21 the lights are not covered while the vehicle is operated upon a
22 highway, the vehicle shall display signage indicating that the
23 vehicle is out of service or not an emergency vehicle. The
24 signage shall be displayed on all sides of the vehicle in
25 letters at least 2 inches tall and one-half inch wide. A
26 vehicle authorized to have oscillating, rotating, or flashing

1 lights mounted for demonstration purposes may not activate the
2 lights while the vehicle is operated upon a highway.

3 (g) Any person violating the provisions of subsection
4 ~~subsections~~ (a), (b), (c), l or (d) of this Section who without
5 lawful authority stops or detains or attempts to stop or
6 detain another person shall be guilty of a Class 2 felony.

7 (h) Except as provided in subsection (g) above, any person
8 violating the provisions of subsection ~~subsections~~ (a) or (c)
9 of this Section shall be guilty of a Class A misdemeanor.

10 (Source: P.A. 101-56, eff. 1-1-20; 102-842, eff. 1-1-23;
11 revised 12-14-22.)

12 (Text of Section after amendment by P.A. 102-982)

13 Sec. 12-215. Oscillating, rotating, l or flashing lights on
14 motor vehicles. Except as otherwise provided in this Code:

15 (a) The use of red or white oscillating, rotating, l or
16 flashing lights, whether lighted or unlighted, is prohibited
17 except on:

18 1. Law enforcement vehicles of State, federal, ~~Federal~~
19 or local authorities;

20 2. A vehicle operated by a police officer or county
21 medical examiner ~~coroner~~ and designated or authorized by
22 local authorities, in writing, as a law enforcement
23 vehicle; however, such designation or authorization must
24 be carried in the vehicle;

25 2.1. A vehicle operated by a fire chief, deputy fire

1 chief, or assistant fire chief who has completed an
2 emergency vehicle operation training course approved by
3 the Office of the State Fire Marshal and designated or
4 authorized by local authorities, fire departments, or fire
5 protection districts, in writing, as a fire department,
6 fire protection district, or township fire department
7 vehicle; however, the designation or authorization must be
8 carried in the vehicle, and the lights may be visible or
9 activated only when responding to a bona fide emergency;

10 3. Vehicles of local fire departments and State or
11 federal firefighting vehicles;

12 4. Vehicles which are designed and used exclusively as
13 ambulances or rescue vehicles; furthermore, such lights
14 shall not be lighted except when responding to an
15 emergency call for and while actually conveying the sick
16 or injured;

17 4.5. Vehicles which are occasionally used as rescue
18 vehicles that have been authorized for use as rescue
19 vehicles by a volunteer EMS provider, provided that the
20 operator of the vehicle has successfully completed an
21 emergency vehicle operation training course recognized by
22 the Department of Public Health; furthermore, the lights
23 shall not be lighted except when responding to an
24 emergency call for the sick or injured;

25 5. Tow trucks licensed in a state that requires such
26 lights; furthermore, such lights shall not be lighted on

1 any such tow truck while the tow truck is operating in the
2 State of Illinois;

3 6. Vehicles of the Illinois Emergency Management
4 Agency, vehicles of the Office of the Illinois State Fire
5 Marshal, vehicles of the Illinois Department of Public
6 Health, vehicles of the Illinois Department of
7 Corrections, and vehicles of the Illinois Department of
8 Juvenile Justice;

9 7. Vehicles operated by a local or county emergency
10 management services agency as defined in the Illinois
11 Emergency Management Agency Act;

12 8. School buses operating alternately flashing head
13 lamps as permitted under Section 12-805 of this Code;

14 9. Vehicles that are equipped and used exclusively as
15 organ transplant vehicles when used in combination with
16 blue oscillating, rotating, or flashing lights;
17 furthermore, these lights shall be lighted only when the
18 transportation is declared an emergency by a member of the
19 transplant team or a representative of the organ
20 procurement organization;

21 10. Vehicles of the Illinois Department of Natural
22 Resources that are used for mine rescue and explosives
23 emergency response;

24 11. Vehicles of the Illinois Department of
25 Transportation identified as Emergency Traffic Patrol; the
26 lights shall not be lighted except when responding to an

1 emergency call or when parked or stationary while engaged
2 in motor vehicle assistance or at the scene of the
3 emergency; and

4 12. Vehicles of the Illinois State Toll Highway
5 Authority with a gross vehicle weight rating of 9,000
6 pounds or more and those identified as Highway Emergency
7 Lane Patrol; the lights shall not be lighted except when
8 responding to an emergency call or when parked or
9 stationary while engaged in motor vehicle assistance or at
10 the scene of the emergency.

11 (b) The use of amber oscillating, rotating, or flashing
12 lights, whether lighted or unlighted, is prohibited except on:

13 1. Second division vehicles designed and used for
14 towing or hoisting vehicles; furthermore, such lights
15 shall not be lighted except as required in this paragraph
16 1; such lights shall be lighted when such vehicles are
17 actually being used at the scene of a crash or
18 disablement; if the towing vehicle is equipped with a flat
19 bed that supports all wheels of the vehicle being
20 transported, the lights shall not be lighted while the
21 vehicle is engaged in towing on a highway; if the towing
22 vehicle is not equipped with a flat bed that supports all
23 wheels of a vehicle being transported, the lights shall be
24 lighted while the towing vehicle is engaged in towing on a
25 highway during all times when the use of headlights is
26 required under Section 12-201 of this Code; in addition,

1 these vehicles may use white oscillating, rotating, or
2 flashing lights in combination with amber oscillating,
3 rotating, or flashing lights as provided in this
4 paragraph;

5 2. Motor vehicles or equipment of the State of
6 Illinois, the Illinois State Toll Highway Authority, local
7 authorities, and contractors; furthermore, such lights
8 shall not be lighted except while such vehicles are
9 engaged in maintenance or construction operations within
10 the limits of construction projects;

11 3. Vehicles or equipment used by engineering or survey
12 crews; furthermore, such lights shall not be lighted
13 except while such vehicles are actually engaged in work on
14 a highway;

15 4. Vehicles of public utilities, municipalities, or
16 other construction, maintenance, or automotive service
17 vehicles except that such lights shall be lighted only as
18 a means for indicating the presence of a vehicular traffic
19 hazard requiring unusual care in approaching, overtaking,
20 or passing while such vehicles are engaged in maintenance,
21 service, or construction on a highway;

22 5. Oversized vehicle or load; however, such lights
23 shall only be lighted when moving under permit issued by
24 the Department under Section 15-301 of this Code;

25 6. The front and rear of motorized equipment owned and
26 operated by the State of Illinois or any political

1 subdivision thereof, which is designed and used for
2 removal of snow and ice from highways;

3 6.1. The front and rear of motorized equipment or
4 vehicles that (i) are not owned by the State of Illinois or
5 any political subdivision of the State, (ii) are designed
6 and used for removal of snow and ice from highways and
7 parking lots, and (iii) are equipped with a snow plow that
8 is 12 feet in width; these lights may not be lighted except
9 when the motorized equipment or vehicle is actually being
10 used for those purposes on behalf of a unit of government;

11 7. Fleet safety vehicles registered in another state,
12 furthermore, such lights shall not be lighted except as
13 provided for in Section 12-212 of this Code;

14 8. Such other vehicles as may be authorized by local
15 authorities;

16 9. Law enforcement vehicles of State or local
17 authorities when used in combination with red oscillating,
18 rotating, or flashing lights;

19 9.5. Propane delivery trucks;

20 10. Vehicles used for collecting or delivering mail
21 for the United States Postal Service provided that such
22 lights shall not be lighted except when such vehicles are
23 actually being used for such purposes;

24 10.5. Vehicles of the Office of the Illinois State
25 Fire Marshal, provided that such lights shall not be
26 lighted except for when such vehicles are engaged in work

1 for the Office of the Illinois State Fire Marshal;

2 11. Any vehicle displaying a slow-moving vehicle
3 emblem as provided in Section 12-205.1;

4 12. All trucks equipped with self-compactors or
5 roll-off hoists and roll-on containers for garbage,
6 recycling, or refuse hauling. Such lights shall not be
7 lighted except when such vehicles are actually being used
8 for such purposes;

9 13. Vehicles used by a security company, alarm
10 responder, control agency, or the Illinois Department of
11 Corrections;

12 14. Security vehicles of the Department of Human
13 Services; however, the lights shall not be lighted except
14 when being used for security related purposes under the
15 direction of the superintendent of the facility where the
16 vehicle is located; and

17 15. Vehicles of union representatives, except that the
18 lights shall be lighted only while the vehicle is within
19 the limits of a construction project.

20 (c) The use of blue oscillating, rotating, or flashing
21 lights, whether lighted or unlighted, is prohibited except on:

22 1. Rescue squad vehicles not owned by a fire
23 department or fire protection district and vehicles owned
24 or operated by a:

25 voluntary firefighter;

26 paid firefighter;

1 part-paid firefighter;
2 call firefighter;
3 member of the board of trustees of a fire
4 protection district;
5 paid or unpaid member of a rescue squad;
6 paid or unpaid member of a voluntary ambulance
7 unit; or
8 paid or unpaid members of a local or county
9 emergency management services agency as defined in the
10 Illinois Emergency Management Agency Act, designated
11 or authorized by local authorities, in writing, and
12 carrying that designation or authorization in the
13 vehicle.

14 However, such lights are not to be lighted except when
15 responding to a bona fide emergency or when parked or
16 stationary at the scene of a fire, rescue call, ambulance
17 call, or motor vehicle crash.

18 Any person using these lights in accordance with this
19 subdivision (c)1 must carry on his or her person an
20 identification card or letter identifying the bona fide
21 member of a fire department, fire protection district,
22 rescue squad, ambulance unit, or emergency management
23 services agency that owns or operates that vehicle. The
24 card or letter must include:

25 (A) the name of the fire department, fire
26 protection district, rescue squad, ambulance unit, or

1 emergency management services agency;

2 (B) the member's position within the fire
3 department, fire protection district, rescue squad,
4 ambulance unit, or emergency management services
5 agency;

6 (C) the member's term of service; and

7 (D) the name of a person within the fire
8 department, fire protection district, rescue squad,
9 ambulance unit, or emergency management services
10 agency to contact to verify the information provided.

11 2. Police department vehicles in cities having a
12 population of 500,000 or more inhabitants.

13 3. Law enforcement vehicles of State or local
14 authorities when used in combination with red oscillating,
15 rotating, or flashing lights.

16 4. Vehicles of local fire departments and State or
17 federal firefighting vehicles when used in combination
18 with red oscillating, rotating, or flashing lights.

19 5. Vehicles which are designed and used exclusively as
20 ambulances or rescue vehicles when used in combination
21 with red oscillating, rotating, or flashing lights;
22 furthermore, such lights shall not be lighted except when
23 responding to an emergency call.

24 6. Vehicles that are equipped and used exclusively as
25 organ transport vehicles when used in combination with red
26 oscillating, rotating, or flashing lights; furthermore,

1 these lights shall only be lighted when the transportation
2 is declared an emergency by a member of the transplant
3 team or a representative of the organ procurement
4 organization.

5 7. Vehicles of the Illinois Emergency Management
6 Agency, vehicles of the Office of the Illinois State Fire
7 Marshal, vehicles of the Illinois Department of Public
8 Health, vehicles of the Illinois Department of
9 Corrections, and vehicles of the Illinois Department of
10 Juvenile Justice, when used in combination with red
11 oscillating, rotating, or flashing lights.

12 8. Vehicles operated by a local or county emergency
13 management services agency as defined in the Illinois
14 Emergency Management Agency Act, when used in combination
15 with red oscillating, rotating, or flashing lights.

16 9. Vehicles of the Illinois Department of Natural
17 Resources that are used for mine rescue and explosives
18 emergency response, when used in combination with red
19 oscillating, rotating, or flashing lights.

20 (c-1) In addition to the blue oscillating, rotating, or
21 flashing lights permitted under subsection (c), and
22 notwithstanding subsection (a), a vehicle operated by a
23 voluntary firefighter, a voluntary member of a rescue squad,
24 or a member of a voluntary ambulance unit may be equipped with
25 flashing white headlights and blue grill lights, which may be
26 used only in responding to an emergency call or when parked or

1 stationary at the scene of a fire, rescue call, ambulance
2 call, or motor vehicle crash.

3 (c-2) In addition to the blue oscillating, rotating, or
4 flashing lights permitted under subsection (c), and
5 notwithstanding subsection (a), a vehicle operated by a paid
6 or unpaid member of a local or county emergency management
7 services agency as defined in the Illinois Emergency
8 Management Agency Act, may be equipped with white oscillating,
9 rotating, or flashing lights to be used in combination with
10 blue oscillating, rotating, or flashing lights, if
11 authorization by local authorities is in writing and carried
12 in the vehicle.

13 (d) The use of a combination of amber and white
14 oscillating, rotating, or flashing lights, whether lighted or
15 unlighted, is prohibited except on second division vehicles
16 designed and used for towing or hoisting vehicles or motor
17 vehicles or equipment of the State of Illinois, local
18 authorities, contractors, and union representatives;
19 furthermore, such lights shall not be lighted on second
20 division vehicles designed and used for towing or hoisting
21 vehicles or vehicles of the State of Illinois, local
22 authorities, and contractors except while such vehicles are
23 engaged in a tow operation, highway maintenance, or
24 construction operations within the limits of highway
25 construction projects, and shall not be lighted on the
26 vehicles of union representatives except when those vehicles

1 are within the limits of a construction project.

2 (e) All oscillating, rotating, or flashing lights referred
3 to in this Section shall be of sufficient intensity, when
4 illuminated, to be visible at 500 feet in normal sunlight.

5 (f) Nothing in this Section shall prohibit a manufacturer
6 of oscillating, rotating, or flashing lights or his
7 representative or authorized vendor from temporarily mounting
8 such lights on a vehicle for demonstration purposes only. If
9 the lights are not covered while the vehicle is operated upon a
10 highway, the vehicle shall display signage indicating that the
11 vehicle is out of service or not an emergency vehicle. The
12 signage shall be displayed on all sides of the vehicle in
13 letters at least 2 inches tall and one-half inch wide. A
14 vehicle authorized to have oscillating, rotating, or flashing
15 lights mounted for demonstration purposes may not activate the
16 lights while the vehicle is operated upon a highway.

17 (g) Any person violating the provisions of subsection
18 ~~subsections~~ (a), (b), (c), or (d) of this Section who without
19 lawful authority stops or detains or attempts to stop or
20 detain another person shall be guilty of a Class 2 felony.

21 (h) Except as provided in subsection (g) above, any person
22 violating the provisions of subsection ~~subsections~~ (a) or (c)
23 of this Section shall be guilty of a Class A misdemeanor.

24 (Source: P.A. 101-56, eff. 1-1-20; 102-842, eff. 1-1-23;
25 102-982, eff. 7-1-23; revised 8-1-22.)

1 Section 225. The Boat Registration and Safety Act is
2 amended by changing Section 6-1 as follows:

3 (625 ILCS 45/6-1) (from Ch. 95 1/2, par. 316-1)

4 Sec. 6-1. Collisions, accidents, and casualties; reports.

5 A. The operator of a vessel involved in a collision,
6 accident, or other casualty, so far as he can without serious
7 danger to his own vessel, crew, passengers and guests, if any,
8 shall render to other persons affected by the collision,
9 accident, or other casualty assistance as may be practicable
10 and as may be necessary in order to save them from or minimize
11 any danger caused by the collision, accident, or other
12 casualty, and also shall give his name, address, and
13 identification of his vessel to any person injured and to the
14 owner of any property damaged in the collision, accident, or
15 other casualty.

16 If the collision, accident, or other casualty has resulted
17 in the death of or personal injury to any person, failure to
18 comply with this subsection A is a Class A misdemeanor.

19 A-1. Any person who has failed to stop or to comply with
20 the requirements of subsection A must, as soon as possible but
21 in no case later than one hour after the collision, accident,
22 or other casualty, or, if hospitalized and incapacitated from
23 reporting at any time during that period, as soon as possible
24 but in no case later than one hour after being discharged from
25 the hospital, report the date, place, and approximate time of

1 the collision, accident, or other casualty, the watercraft
2 operator's name and address, the identification number of the
3 watercraft, if any, and the names of all other occupants of the
4 watercraft, at a police station or sheriff's office near the
5 location where the collision, accident, or other casualty
6 occurred. A report made as required under this subsection A-1
7 may not be used, directly or indirectly, as a basis for the
8 prosecution of any violation of subsection A.

9 As used in this Section, personal injury means any injury
10 requiring treatment beyond first aid.

11 Any person failing to comply with this subsection A-1 is
12 guilty of a Class 4 felony if the collision, accident, or other
13 casualty does not result in the death of any person. Any person
14 failing to comply with this subsection A-1 when the collision,
15 accident, or other casualty results in the death of any person
16 is guilty of a Class 2 felony, for which the person, if
17 sentenced to a term of imprisonment, shall be sentenced to a
18 term of not less than 3 years and not more than 14 years.

19 B. In the case of collision, accident, or other casualty
20 involving a vessel, the operator, if the collision, accident,
21 or other casualty results in death or injury to a person or
22 damage to property in excess of \$2000, or there is a complete
23 loss of the vessel, shall file with the Department a full
24 description of the collision, accident, or other casualty,
25 including information as the Department may by regulation
26 require. Reports of the accidents must be filed with the

1 Department on a Department Accident Report form within 5 days.

2 C. Reports of accidents resulting in personal injury,
3 where a person sustains an injury requiring medical attention
4 beyond first aid, must be filed with the Department on a
5 Department Accident Report form within 5 days. Accidents that
6 result in loss of life shall be reported to the Department on a
7 Department form within 48 hours.

8 D. All required accident reports and supplemental reports
9 are without prejudice to the individual reporting, and are for
10 the confidential use of the Department, except that the
11 Department may disclose the identity of a person involved in
12 an accident when the identity is not otherwise known or when
13 the person denies his presence at the accident. No report to
14 the Department may be used as evidence in any trial, civil or
15 criminal, arising out of an accident, except that the
16 Department must furnish upon demand of any person who has or
17 claims to have made a report or upon demand of any court a
18 certificate showing that a specified accident report has or
19 has not been made to the Department solely to prove a
20 compliance or a failure to comply with the requirements that a
21 report be made to the Department.

22 E. (1) Every ~~coroner or~~ medical examiner shall on or
23 before the 10th day of each month report in writing to the
24 Department the circumstances surrounding the death of any
25 person that has occurred as the result of a boating
26 accident within the examiner's jurisdiction during the

1 preceding calendar month.

2 (2) Within 6 hours after a death resulting from a
3 boating accident, but in any case not more than 12 hours
4 after the occurrence of the boating accident, a blood
5 specimen of at least 10 cc shall be withdrawn from the body
6 of the decedent by the ~~coroner or~~ medical examiner or by a
7 qualified person at the direction of the physician. All
8 morticians shall obtain a release from the ~~coroner or~~
9 medical examiner prior to proceeding with embalming any
10 body coming under the scope of this Section. The blood so
11 drawn shall be forwarded to a laboratory approved by the
12 Illinois State Police for analysis of the alcoholic
13 content of the blood specimen. The ~~coroner or~~ medical
14 examiner causing the blood to be withdrawn shall be
15 notified of the results of each analysis made and shall
16 forward the results of each analysis to the Department.
17 The Department shall keep a record of all examinations to
18 be used for statistical purposes only. The cumulative
19 results of the examinations, without identifying the
20 individuals involved, shall be disseminated and made
21 public by the Department.

22 (Source: P.A. 102-538, eff. 8-20-21.)

23 Section 230. The Attorney Act is amended by changing
24 Section 10 as follows:

1 (705 ILCS 205/10) (from Ch. 13, par. 10)

2 Sec. 10. No medical examiner ~~coroner~~, sheriff or deputy
3 sheriff shall be permitted to practice as an attorney or
4 counselor at law in the county in which he is commissioned or
5 appointed, nor shall any clerk or deputy clerk of a court be
6 permitted to practice as an attorney or counselor at law in the
7 court in which he is such clerk or deputy clerk, and no person
8 shall be permitted or suffered to enter his name on the roll or
9 record, to be kept as aforesaid, by the clerk of the Supreme
10 Court, or do any official act appertaining to the office of an
11 attorney or counselor at law, until he has taken the oath
12 hereinbefore required; and the person administering such oath
13 shall certify the same on the license, which certificate shall
14 be a sufficient voucher to the clerk of the Supreme Court to
15 enter or insert, or permit to be entered or inserted, on the
16 roll of attorneys or counselors at law, the name of the person
17 of whom such certificate is made.

18 (Source: Laws 1967, p. 3675.)

19 Section 235. The Jury Act is amended by changing Section
20 20 as follows:

21 (705 ILCS 305/20) (from Ch. 78, par. 20)

22 Sec. 20. (a) It shall be the duty of the clerk of the court
23 at the commencement of each week at which any cause is to be
24 tried by a jury to write the name of each petit juror summoned

1 and retained for that week on a separate ticket, and put the
2 whole into a box or other place for safekeeping; and as often
3 as it shall be necessary to impanel a jury, the clerk, sheriff
4 or medical examiner ~~coroner~~ shall, in the presence of the
5 court, draw by chance 12 names (or 14 where alternate jurors
6 are required) out of such box or other place, which shall
7 designate the persons to be sworn on the jury, and in the same
8 manner for the second jury, in their turn, as the court may
9 order and direct. The attorney for any party litigant in any
10 cause assigned to jury trial shall have the right to be present
11 in person at the time and place when the random selection of
12 jurors for trial of said cause is drawn by lot to be assigned
13 to the trial judge for voir dire examination; a party litigant
14 whose attorney is present at the selection process waives any
15 objection to the selection procedure unless the same is
16 asserted prior to the time any prospective juror is called for
17 voir dire examination.

18 (b) Notwithstanding the provisions of subsection (a),
19 names of jurors may be randomly drawn by computer.

20 (Source: P.A. 86-1053.)

21 Section 240. The Jury Commission Act is amended by
22 changing Section 8 as follows:

23 (705 ILCS 310/8) (from Ch. 78, par. 31)

24 Sec. 8. In such manner as may be prescribed by rules to be

1 adopted by majority vote of the said judges, the jury
2 administrator or the jury commissioners shall also:

3 (a) From time to time prepare a secondary list to be known
4 as the active jury list, containing such number of names taken
5 from the general jury list as shall be appointed by the said
6 rules, and in addition thereto, such other lists, to be known
7 as period jury lists, as the said rules may require. Such
8 period jury lists, if provided for, shall contain the names of
9 prospective jurors who shall have indicated, either before or
10 after being summoned for jury duty, at what time of the year
11 they could most conveniently serve. The active jury list and,
12 except as to the names of persons certified back by the clerk
13 of the court as provided in Section 10 of this act, the period
14 jury lists, shall be prepared by selecting every twentieth
15 name, or other whole number rate necessary to obtain the
16 number required, or, in counties having a population greater
17 than 1,000,000, in a manner prescribed by the judge in charge
18 of jury selection, from the general jury list;

19 (b) Make the active jury list and, except as to the names
20 of persons certified back by the clerk of the court as provided
21 in Section 10 of this Act, the period jury lists, available for
22 the clerks of the circuit court to draw therefrom by lot, as
23 hereinafter required, providing for the purpose such devices
24 or mechanisms as the said rules shall prescribe;

25 (c) See that at least 2 jury commissioners, one jury
26 commissioner and a judge of the circuit court of the county, or

1 a jury administrator shall be present at any such drawing,
2 along with the clerk of the said jury commissioners, if there
3 be one, except that if the names are to be drawn by computer no
4 jury commissioner need be present at any drawing by computer;

5 (d) Provide for the manner of selection of jurors to be
6 provided to medical examiners ~~coroners~~ pursuant to Section
7 3-3013 of the Counties Code ~~Section 10 of "An Act to revise the~~
8 ~~law in relation to coroners", approved July 1, 1874, as~~
9 ~~amended~~; provided that such manner of selection shall be, to
10 the extent practicable, similar to the manner in which petit
11 and grand jurors are selected; and

12 (e) Perform such other duties in relation to the selection
13 of electors for jury service and their appearance for such
14 service as are prescribed by this act or may be prescribed by
15 the said rules or procedures established by the chief judge of
16 the circuit.

17 (Source: P.A. 90-482, eff. 1-1-98.)

18 Section 245. The Juvenile Court Act of 1987 is amended by
19 changing Sections 2-6, 2-15, 3-17, 4-14, and 5-525 as follows:

20 (705 ILCS 405/2-6) (from Ch. 37, par. 802-6)

21 Sec. 2-6. Duty of officer. (1) A law enforcement officer
22 who takes a minor into custody under Section 2-5 shall
23 immediately make a reasonable attempt to notify the parent or
24 other person legally responsible for the minor's care or the

1 person with whom the minor resides that the minor has been
2 taken into custody and where he or she is being held.

3 (a) A law enforcement officer who takes a minor into
4 custody with a warrant shall without unnecessary delay take
5 the minor to the nearest juvenile police officer designated
6 for such purposes in the county of venue.

7 (b) A law enforcement officer who takes a minor into
8 custody without a warrant shall place the minor in temporary
9 protective custody and shall immediately notify the Department
10 of Children and Family Services by contacting either the
11 central register established under 7.7 of the Abused and
12 Neglected Child Reporting Act or the nearest Department of
13 Children and Family Services office. If there is reasonable
14 cause to suspect that a minor has died as a result of abuse or
15 neglect, the law enforcement officer shall immediately report
16 such suspected abuse or neglect to the appropriate medical
17 examiner ~~or coroner~~.

18 (Source: P.A. 85-601.)

19 (705 ILCS 405/2-15) (from Ch. 37, par. 802-15)

20 Sec. 2-15. Summons.

21 (1) When a petition is filed, the clerk of the court shall
22 issue a summons with a copy of the petition attached. The
23 summons shall be directed to the minor's legal guardian or
24 custodian and to each person named as a respondent in the
25 petition, except that summons need not be directed to a minor

1 respondent under 8 years of age for whom the court appoints a
2 guardian ad litem if the guardian ad litem appears on behalf of
3 the minor in any proceeding under this Act.

4 (2) The summons must contain a statement that the minor or
5 any of the respondents is entitled to have an attorney present
6 at the hearing on the petition, and that the clerk of the court
7 should be notified promptly if the minor or any other
8 respondent desires to be represented by an attorney but is
9 financially unable to employ counsel.

10 (3) The summons shall be issued under the seal of the
11 court, attested in and signed with the name of the clerk of the
12 court, dated on the day it is issued, and shall require each
13 respondent to appear and answer the petition on the date set
14 for the adjudicatory hearing. The summons shall contain a
15 notice that the parties will not be entitled to further
16 written notices or publication notices of proceedings in this
17 case, including the filing of an amended petition or a motion
18 to terminate parental rights, except as required by Supreme
19 Court Rule 11.

20 (4) The summons may be served by any county sheriff,
21 medical examiner ~~coroner~~ or probation officer, even though the
22 officer is the petitioner. The return of the summons with
23 endorsement of service by the officer is sufficient proof
24 thereof.

25 (5) Service of a summons and petition shall be made by: (a)
26 leaving a copy thereof with the person summoned at least 3 days

1 before the time stated therein for appearance; (b) leaving a
2 copy at his or her usual place of abode with some person of the
3 family or a person residing there, of the age of 10 years or
4 upwards, and informing that person of the contents thereof,
5 provided the officer or other person making service shall also
6 send a copy of the summons in a sealed envelope with postage
7 fully prepaid, addressed to the person summoned at his usual
8 place of abode, at least 3 days before the time stated therein
9 for appearance; or (c) leaving a copy thereof with the
10 guardian or custodian of a minor, at least 3 days before the
11 time stated therein for appearance. If the guardian or
12 custodian is an agency of the State of Illinois, proper
13 service may be made by leaving a copy of the summons and
14 petition with any administrative employee of such agency
15 designated by such agency to accept service of summons and
16 petitions. The certificate of the officer or affidavit of the
17 person that he has sent the copy pursuant to this Section is
18 sufficient proof of service.

19 (6) When a parent or other person, who has signed a written
20 promise to appear and bring the minor to court or who has
21 waived or acknowledged service, fails to appear with the minor
22 on the date set by the court, a bench warrant may be issued for
23 the parent or other person, the minor, or both.

24 (7) The appearance of the minor's legal guardian or
25 custodian, or a person named as a respondent in a petition, in
26 any proceeding under this Act shall constitute a waiver of

1 service of summons and submission to the jurisdiction of the
2 court, except that the filing of a motion authorized under
3 Section 2-301 of the Code of Civil Procedure does not
4 constitute an appearance under this subsection. A copy of the
5 summons and petition shall be provided to the person at the
6 time of his appearance.

7 (8) Notice to a parent who has appeared or been served with
8 summons personally or by certified mail, and for whom an order
9 of default has been entered on the petition for wardship and
10 has not been set aside shall be provided in accordance with
11 Supreme Court Rule 11. Notice to a parent who was served by
12 publication and for whom an order of default has been entered
13 on the petition for wardship and has not been set aside shall
14 be provided in accordance with this Section and Section 2-16.

15 (Source: P.A. 101-146, eff. 1-1-20.)

16 (705 ILCS 405/3-17) (from Ch. 37, par. 803-17)

17 Sec. 3-17. Summons. (1) When a petition is filed, the
18 clerk of the court shall issue a summons with a copy of the
19 petition attached. The summons shall be directed to the
20 minor's legal guardian or custodian and to each person named
21 as a respondent in the petition, except that summons need not
22 be directed to a minor respondent under 8 years of age for whom
23 the court appoints a guardian ad litem if the guardian ad litem
24 appears on behalf of the minor in any proceeding under this
25 Act.

1 (2) The summons must contain a statement that the minor or
2 any of the respondents is entitled to have an attorney present
3 at the hearing on the petition, and that the clerk of the court
4 should be notified promptly if the minor or any other
5 respondent desires to be represented by an attorney but is
6 financially unable to employ counsel.

7 (3) The summons shall be issued under the seal of the
8 court, attested to and signed with the name of the clerk of the
9 court, dated on the day it is issued, and shall require each
10 respondent to appear and answer the petition on the date set
11 for the adjudicatory hearing.

12 (4) The summons may be served by any county sheriff,
13 medical examiner ~~coroner~~ or probation officer, even though the
14 officer is the petitioner. The return of the summons with
15 endorsement of service by the officer is sufficient proof
16 thereof.

17 (5) Service of a summons and petition shall be made by: (a)
18 leaving a copy thereof with the person summoned at least 3 days
19 before the time stated therein for appearance; (b) leaving a
20 copy at his usual place of abode with some person of the
21 family, of the age of 10 years or upwards, and informing that
22 person of the contents thereof, provided the officer or other
23 person making service shall also send a copy of the summons in
24 a sealed envelope with postage fully prepaid, addressed to the
25 person summoned at his usual place of abode, at least 3 days
26 before the time stated therein for appearance; or (c) leaving

1 a copy thereof with the guardian or custodian of a minor, at
2 least 3 days before the time stated therein for appearance. If
3 the guardian or custodian is an agency of the State of
4 Illinois, proper service may be made by leaving a copy of the
5 summons and petition with any administrative employee of such
6 agency designated by such agency to accept service of summons
7 and petitions. The certificate of the officer or affidavit of
8 the person that he has sent the copy pursuant to this Section
9 is sufficient proof of service.

10 (6) When a parent or other person, who has signed a written
11 promise to appear and bring the minor to court or who has
12 waived or acknowledged service, fails to appear with the minor
13 on the date set by the court, a bench warrant may be issued for
14 the parent or other person, the minor, or both.

15 (7) The appearance of the minor's legal guardian or
16 custodian, or a person named as a respondent in a petition, in
17 any proceeding under this Act shall constitute a waiver of
18 service of summons and submission to the jurisdiction of the
19 court. A copy of the summons and petition shall be provided to
20 the person at the time of his appearance.

21 (Source: P.A. 86-441.)

22 (705 ILCS 405/4-14) (from Ch. 37, par. 804-14)

23 Sec. 4-14. Summons. (1) When a petition is filed, the
24 clerk of the court shall issue a summons with a copy of the
25 petition attached. The summons shall be directed to the

1 minor's legal guardian or custodian and to each person named
2 as a respondent in the petition, except that summons need not
3 be directed to a minor respondent under 8 years of age for whom
4 the court appoints a guardian ad litem if the guardian ad litem
5 appears on behalf of the minor in any proceeding under this
6 Act.

7 (2) The summons must contain a statement that the minor or
8 any of the respondents is entitled to have an attorney present
9 at the hearing on the petition, and that the clerk of the court
10 should be notified promptly if the minor or any other
11 respondent desires to be represented by an attorney but is
12 financially unable to employ counsel.

13 (3) The summons shall be issued under the seal of the
14 court, attested to and signed with the name of the clerk of the
15 court, dated on the day it is issued, and shall require each
16 respondent to appear and answer the petition on the date set
17 for the adjudicatory hearing.

18 (4) The summons may be served by any county sheriff,
19 medical examiner ~~coroner~~ or probation officer, even though the
20 officer is the petitioner. The return of the summons with
21 endorsement of service by the officer is sufficient proof
22 thereof.

23 (5) Service of a summons and petition shall be made by: (a)
24 leaving a copy thereof with the person summoned at least 3 days
25 before the time stated therein for appearance; (b) leaving a
26 copy at his usual place of abode with some person of the

1 family, of the age of 10 years or upwards, and informing that
2 person of the contents thereof, provided that the officer or
3 other person making service shall also send a copy of the
4 summons in a sealed envelope with postage fully prepaid,
5 addressed to the person summoned at his usual place of abode,
6 at least 3 days before the time stated therein for appearance;
7 or (c) leaving a copy thereof with the guardian or custodian of
8 a minor, at least 3 days before the time stated therein for
9 appearance. If the guardian or custodian is an agency of the
10 State of Illinois, proper service may be made by leaving a copy
11 of the summons and petition with any administrative employee
12 of such agency designated by such agency to accept service of
13 summons and petitions. The certificate of the officer or
14 affidavit of the person that he has sent the copy pursuant to
15 this Section is sufficient proof of service.

16 (6) When a parent or other person, who has signed a written
17 promise to appear and bring the minor to court or who has
18 waived or acknowledged service, fails to appear with the minor
19 on the date set by the court, a bench warrant may be issued for
20 the parent or other person, the minor, or both.

21 (7) The appearance of the minor's legal guardian or
22 custodian, or a person named as a respondent in a petition, in
23 any proceeding under this Act shall constitute a waiver of
24 service of summons and submission to the jurisdiction of the
25 court. A copy of the summons and petition shall be provided to
26 the person at the time of his appearance.

1 (Source: P.A. 86-441.)

2 (705 ILCS 405/5-525)

3 Sec. 5-525. Service.

4 (1) Service by summons.

5 (a) Upon the commencement of a delinquency
6 prosecution, the clerk of the court shall issue a summons
7 with a copy of the petition attached. The summons shall be
8 directed to the minor's parent, guardian or legal
9 custodian and to each person named as a respondent in the
10 petition, except that summons need not be directed (i) to
11 a minor respondent under 8 years of age for whom the court
12 appoints a guardian ad litem if the guardian ad litem
13 appears on behalf of the minor in any proceeding under
14 this Act, or (ii) to a parent who does not reside with the
15 minor, does not make regular child support payments to the
16 minor, to the minor's other parent, or to the minor's
17 legal guardian or custodian pursuant to a support order,
18 and has not communicated with the minor on a regular
19 basis.

20 (b) The summons must contain a statement that the
21 minor is entitled to have an attorney present at the
22 hearing on the petition, and that the clerk of the court
23 should be notified promptly if the minor desires to be
24 represented by an attorney but is financially unable to
25 employ counsel.

1 (c) The summons shall be issued under the seal of the
2 court, attested in and signed with the name of the clerk of
3 the court, dated on the day it is issued, and shall require
4 each respondent to appear and answer the petition on the
5 date set for the adjudicatory hearing.

6 (d) The summons may be served by any law enforcement
7 officer, medical examiner ~~coroner~~ or probation officer,
8 even though the officer is the petitioner. The return of
9 the summons with endorsement of service by the officer is
10 sufficient proof of service.

11 (e) Service of a summons and petition shall be made
12 by: (i) leaving a copy of the summons and petition with the
13 person summoned at least 3 days before the time stated in
14 the summons for appearance; (ii) leaving a copy at his or
15 her usual place of abode with some person of the family, of
16 the age of 10 years or upwards, and informing that person
17 of the contents of the summons and petition, provided, the
18 officer or other person making service shall also send a
19 copy of the summons in a sealed envelope with postage
20 fully prepaid, addressed to the person summoned at his or
21 her usual place of abode, at least 3 days before the time
22 stated in the summons for appearance; or (iii) leaving a
23 copy of the summons and petition with the guardian or
24 custodian of a minor, at least 3 days before the time
25 stated in the summons for appearance. If the guardian or
26 legal custodian is an agency of the State of Illinois,

1 proper service may be made by leaving a copy of the summons
2 and petition with any administrative employee of the
3 agency designated by the agency to accept the service of
4 summons and petitions. The certificate of the officer or
5 affidavit of the person that he or she has sent the copy
6 pursuant to this Section is sufficient proof of service.

7 (f) When a parent or other person, who has signed a
8 written promise to appear and bring the minor to court or
9 who has waived or acknowledged service, fails to appear
10 with the minor on the date set by the court, a bench
11 warrant may be issued for the parent or other person, the
12 minor, or both.

13 (2) Service by certified mail or publication.

14 (a) If service on individuals as provided in
15 subsection (1) is not made on any respondent within a
16 reasonable time or if it appears that any respondent
17 resides outside the State, service may be made by
18 certified mail. In that case the clerk shall mail the
19 summons and a copy of the petition to that respondent by
20 certified mail marked for delivery to addressee only. The
21 court shall not proceed with the adjudicatory hearing
22 until 5 days after the mailing. The regular return receipt
23 for certified mail is sufficient proof of service.

24 (b) If service upon individuals as provided in
25 subsection (1) is not made on any respondents within a
26 reasonable time or if any person is made a respondent

1 under the designation of "All Whom It May Concern", or if
2 service cannot be made because the whereabouts of a
3 respondent are unknown, service may be made by
4 publication. The clerk of the court as soon as possible
5 shall cause publication to be made once in a newspaper of
6 general circulation in the county where the action is
7 pending. Service by publication is not required in any
8 case when the person alleged to have legal custody of the
9 minor has been served with summons personally or by
10 certified mail, but the court may not enter any order or
11 judgment against any person who cannot be served with
12 process other than by publication unless service by
13 publication is given or unless that person appears.
14 Failure to provide service by publication to a
15 non-custodial parent whose whereabouts are unknown shall
16 not deprive the court of jurisdiction to proceed with a
17 trial or a plea of delinquency by the minor. When a minor
18 has been detained or sheltered under Section 5-501 of this
19 Act and summons has not been served personally or by
20 certified mail within 20 days from the date of the order of
21 court directing such detention or shelter care, the clerk
22 of the court shall cause publication. Service by
23 publication shall be substantially as follows:

24 "A, B, C, D, (here giving the names of the named
25 respondents, if any) and to All Whom It May Concern (if
26 there is any respondent under that designation):

1 Take notice that on (insert date) a petition was
 2 filed under the Juvenile Court Act of 1987 by in
 3 the circuit court of county entitled 'In the
 4 interest of, a minor', and that in courtroom
 5 at on (insert date) at the hour of, or as
 6 soon thereafter as this cause may be heard, an
 7 adjudicatory hearing will be held upon the petition to
 8 have the child declared to be a ward of the court under
 9 that Act. The court has authority in this proceeding
 10 to take from you the custody and guardianship of the
 11 minor.

12 Now, unless you appear at the hearing and show
 13 cause against the petition, the allegations of the
 14 petition may stand admitted as against you and each of
 15 you, and an order or judgment entered.

16

17 Clerk

18 Dated (insert the date of publication)"

19 (c) The clerk shall also at the time of the
 20 publication of the notice send a copy of the notice by mail
 21 to each of the respondents on account of whom publication
 22 is made at his or her last known address. The certificate
 23 of the clerk that he or she has mailed the notice is
 24 evidence of that mailing. No other publication notice is
 25 required. Every respondent notified by publication under
 26 this Section must appear and answer in open court at the

1 hearing. The court may not proceed with the adjudicatory
2 hearing until 10 days after service by publication on any
3 custodial parent, guardian or legal custodian of a minor
4 alleged to be delinquent.

5 (d) If it becomes necessary to change the date set for
6 the hearing in order to comply with this Section, notice
7 of the resetting of the date must be given, by certified
8 mail or other reasonable means, to each respondent who has
9 been served with summons personally or by certified mail.

10 (3) Once jurisdiction has been established over a
11 party, further service is not required and notice of any
12 subsequent proceedings in that prosecution shall be made
13 in accordance with provisions of Section 5-530.

14 (4) The appearance of the minor's parent, guardian or
15 legal custodian, or a person named as a respondent in a
16 petition, in any proceeding under this Act shall
17 constitute a waiver of service and submission to the
18 jurisdiction of the court. A copy of the petition shall be
19 provided to the person at the time of his or her
20 appearance.

21 (Source: P.A. 90-590, eff. 1-1-99; 91-357, eff. 7-29-99.)

22 Section 250. The Criminal Code of 2012 is amended by
23 changing Sections 9-3.5, 12-20.5, 12-20.6, 31-4, and 33-3.2 as
24 follows:

1 (720 ILCS 5/9-3.5)

2 Sec. 9-3.5. Concealment of death.

3 (a) For purposes of this Section, "conceal" means the
4 performing of some act or acts for the purpose of preventing or
5 delaying the discovery of a death. "Conceal" means something
6 more than simply withholding knowledge or failing to disclose
7 information.

8 (b) A person commits the offense of concealment of death
9 when he or she knowingly conceals the death of any other person
10 who died by other than homicidal means.

11 (c) A person commits the offense of concealment of death
12 when he or she knowingly moves the body of a dead person from
13 its place of death, with the intent of concealing information
14 regarding the place or manner of death of that person, or the
15 identity of any person with information regarding the death of
16 that person. This subsection shall not apply to any movement
17 of the body of a dead person by medical personnel, fire
18 fighters, law enforcement officers, ~~coroners,~~ medical
19 examiners, or licensed funeral directors, or by any person
20 acting at the direction of medical personnel, fire fighters,
21 law enforcement officers, ~~coroners,~~ medical examiners, or
22 licensed funeral directors.

23 (d) Sentence. Concealment of death is a Class 4 felony.

24 (Source: P.A. 96-1361, eff. 1-1-11; 97-333, eff. 8-12-11.)

25 (720 ILCS 5/12-20.5)

1 Sec. 12-20.5. Dismembering a human body.

2 (a) A person commits dismembering a human body when he or
3 she knowingly dismembers, severs, separates, dissects, or
4 mutilates any body part of a deceased's body.

5 (b) This Section does not apply to:

6 (1) an anatomical gift made in accordance with the
7 Illinois Anatomical Gift Act;

8 (2) (blank);

9 (3) the purchase or sale of drugs, reagents, or other
10 substances made from human body parts, for the use in
11 medical or scientific research, treatment, or diagnosis;

12 (4) persons employed by a county medical examiner's
13 office ~~or coroner's office~~ acting within the scope of
14 their employment while performing an autopsy;

15 (5) the acts of a licensed funeral director or
16 embalmer while performing acts authorized by the Funeral
17 Directors and Embalmers Licensing Code;

18 (6) the acts of emergency medical personnel or
19 physicians performed in good faith and according to the
20 usual and customary standards of medical practice in an
21 attempt to resuscitate a life; or

22 (7) physicians licensed to practice medicine in all of
23 its branches or holding a visiting professor, physician,
24 or resident permit under the Medical Practice Act of 1987,
25 performing acts in accordance with usual and customary
26 standards of medical practice, or a currently enrolled

1 student in an accredited medical school in furtherance of
2 his or her education at the accredited medical school.

3 (c) It is not a defense to a violation of this Section that
4 the decedent died due to natural, accidental, or suicidal
5 causes.

6 (d) Sentence. Dismembering a human body is a Class X
7 felony.

8 (Source: P.A. 95-331, eff. 8-21-07; 96-1551, eff. 7-1-11.)

9 (720 ILCS 5/12-20.6)

10 Sec. 12-20.6. Abuse of a corpse.

11 (a) In this Section:

12 "Corpse" means the dead body of a human being.

13 "Sexual conduct" has the meaning ascribed to the term in
14 Section 11-0.1 of this Code.

15 (b) A person commits abuse of a corpse if he or she
16 intentionally:

17 (1) engages in sexual conduct with a corpse or
18 involving a corpse; or

19 (2) removes or carries away a corpse and is not
20 authorized by law to do so.

21 (c) Sentence.

22 (1) A person convicted of violating paragraph (1) of
23 subsection (b) of this Section is guilty of a Class 2
24 felony.

25 (2) A person convicted of violating paragraph (2) of

1 subsection (b) of this Section is guilty of a Class 4
2 felony.

3 (d) Paragraph (2) of subsection (b) of this Section does
4 not apply to:

5 (1) persons employed by a county medical examiner's
6 office ~~or coroner's office~~ acting within the scope of
7 their employment;

8 (2) the acts of a licensed funeral director or
9 embalmer while performing acts authorized by the Funeral
10 Directors and Embalmers Licensing Code;

11 (3) cemeteries and cemetery personnel while performing
12 acts pursuant to a bona fide request from the involved
13 cemetery consumer or his or her heirs, or pursuant to an
14 interment or disinterment permit or a court order, or as
15 authorized under Section 14.5 of the Cemetery Protection
16 Act, or any other actions legally authorized for cemetery
17 employees;

18 (4) the acts of emergency medical personnel or
19 physicians performed in good faith and according to the
20 usual and customary standards of medical practice in an
21 attempt to resuscitate a life;

22 (5) physicians licensed to practice medicine in all of
23 its branches or holding a visiting professor, physician,
24 or resident permit under the Medical Practice Act of 1987,
25 performing acts in accordance with usual and customary
26 standards of medical practice, or a currently enrolled

1 student in an accredited medical school in furtherance of
2 his or her education at the accredited medical school; or

3 (6) removing or carrying away a corpse by the
4 employees, independent contractors, or other persons
5 designated by the federally designated organ procurement
6 agency engaged in the organ and tissue procurement
7 process.

8 (Source: P.A. 97-1072, eff. 8-24-12.)

9 (720 ILCS 5/31-4) (from Ch. 38, par. 31-4)

10 Sec. 31-4. Obstructing justice.

11 (a) A person obstructs justice when, with intent to
12 prevent the apprehension or obstruct the prosecution or
13 defense of any person, he or she knowingly commits any of the
14 following acts:

15 (1) Destroys, alters, conceals or disguises physical
16 evidence, plants false evidence, furnishes false
17 information; or

18 (2) Induces a witness having knowledge material to the
19 subject at issue to leave the State or conceal himself or
20 herself; or

21 (3) Possessing knowledge material to the subject at
22 issue, he or she leaves the State or conceals himself; or

23 (4) If a parent, legal guardian, or caretaker of a
24 child under 13 years of age reports materially false
25 information to a law enforcement agency, medical examiner,

1 ~~coroner,~~ State's Attorney, or other governmental agency
2 during an investigation of the disappearance or death of a
3 child under circumstances described in subsection (a) or
4 (b) of Section 10-10 of this Code.

5 (b) Sentence.

6 (1) Obstructing justice is a Class 4 felony, except as
7 provided in paragraph (2) of this subsection (b).

8 (2) Obstructing justice in furtherance of streetgang
9 related or gang-related activity, as defined in Section 10
10 of the Illinois Streetgang Terrorism Omnibus Prevention
11 Act, is a Class 3 felony.

12 (Source: P.A. 97-1079, eff. 1-1-13.)

13 (720 ILCS 5/33-3.2)

14 Sec. 33-3.2. Solicitation misconduct (local government).

15 (a) An employee of a chief executive officer of a local
16 government commits solicitation misconduct (local government)
17 when, at any time, he or she knowingly solicits or receives
18 contributions, as that term is defined in Section 9-1.4 of the
19 Election Code, from a person engaged in a business or activity
20 over which the person has regulatory authority.

21 (b) For the purpose of this Section, "chief executive
22 officer of a local government" means an executive officer of a
23 county, township or municipal government or any administrative
24 subdivision under jurisdiction of the county, township, or
25 municipal government including but not limited to: chairman or

1 president of a county board or commission, mayor or village
2 president, township supervisor, county executive, municipal
3 manager, assessor, auditor, clerk, medical examiner ~~coroner~~,
4 recorder, sheriff or State's Attorney; "employee of a chief
5 executive officer of a local government" means a full-time or
6 part-time salaried employee, full-time or part-time salaried
7 appointee, or any contractual employee of any office, board,
8 commission, agency, department, authority, administrative
9 unit, or corporate outgrowth under the jurisdiction of a chief
10 executive officer of a local government; and "regulatory
11 authority" means having the responsibility to investigate,
12 inspect, license, or enforce regulatory measures necessary to
13 the requirements of any State, local, or federal statute or
14 regulation relating to the business or activity.

15 (c) An employee of a chief executive officer of a local
16 government, including one who does not have regulatory
17 authority, commits a violation of this Section if that
18 employee knowingly acts in concert with an employee of a chief
19 executive officer of a local government who does have
20 regulatory authority to solicit or receive contributions in
21 violation of this Section.

22 (d) Solicitation misconduct (local government) is a Class
23 A misdemeanor. An employee of a chief executive officer of a
24 local government convicted of committing solicitation
25 misconduct (local government) forfeits his or her employment.

26 (e) An employee of a chief executive officer of a local

1 government who is discharged, demoted, suspended, threatened,
2 harassed, or in any other manner discriminated against in the
3 terms and conditions of employment because of lawful acts done
4 by the employee or on behalf of the employee or others in
5 furtherance of the enforcement of this Section shall be
6 entitled to all relief necessary to make the employee whole.

7 (f) Any person who knowingly makes a false report of
8 solicitation misconduct (local government) to the Illinois
9 State Police, the Attorney General, a State's Attorney, or any
10 law enforcement official is guilty of a Class C misdemeanor.

11 (Source: P.A. 102-538, eff. 8-20-21.)

12 Section 255. The Code of Criminal Procedure of 1963 is
13 amended by changing Sections 107-15, 107-16, 115-5.1, 115-17,
14 and 119-5 as follows:

15 (725 ILCS 5/107-15)

16 Sec. 107-15. Fresh pursuit. When the fact that a felony
17 has been committed comes to the knowledge of a sheriff or
18 medical examiner ~~coroner~~, fresh pursuit shall be forthwith
19 made after every person guilty of the felony, by the sheriff,
20 medical examiner ~~coroner~~, and all other persons who is by any
21 one of them commanded or summoned for that purpose; every such
22 officer who does not do his or her duty in the premises is
23 guilty of a Class B misdemeanor.

24 (Source: P.A. 89-234, eff. 1-1-96.)

1 (725 ILCS 5/107-16)

2 Sec. 107-16. Apprehension of offender. It is the duty of
3 every sheriff, medical examiner ~~coroner~~, and every marshal,
4 policeman, or other officer of an incorporated city, town, or
5 village, having the power of a sheriff, when a criminal
6 offense or breach of the peace is committed or attempted in his
7 or her presence, forthwith to apprehend the offender and bring
8 him or her before a judge, to be dealt with according to law;
9 to suppress all riots and unlawful assemblies, and to keep the
10 peace, and without delay to serve and execute all warrants and
11 other process to him or her lawfully directed.

12 (Source: P.A. 89-234, eff. 1-1-96.)

13 (725 ILCS 5/115-5.1) (from Ch. 38, par. 115-5.1)

14 Sec. 115-5.1. In any civil or criminal action the records
15 of the medical examiner's ~~coroner's~~ medical or laboratory
16 examiner summarizing and detailing the performance of his or
17 her official duties in performing medical examinations upon
18 deceased persons or autopsies, or both, and kept in the
19 ordinary course of business of the medical examiner's
20 ~~coroner's~~ office, duly certified by the county ~~coroner or~~
21 ~~chief supervisory coroner's pathologist or~~ medical examiner,
22 or the medical examiner's designee, shall be received as
23 competent evidence in any court of this State, to the extent
24 permitted by this Section. These reports, specifically

1 including but not limited to the pathologist's protocol,
2 autopsy reports and toxicological reports, shall be public
3 documents and thereby may be admissible as prima facie
4 evidence of the facts, findings, opinions, diagnoses and
5 conditions stated therein.

6 A duly certified medical examiner's ~~coroner's~~ protocol or
7 autopsy report, or both, complying with the requirements of
8 this Section may be duly admitted into evidence as an
9 exception to the hearsay rule as prima facie proof of the cause
10 of death of the person to whom it relates. The records referred
11 to in this Section shall be limited to the records of the
12 results of post-mortem examinations of the findings of autopsy
13 and toxicological laboratory examinations.

14 Persons who prepare reports or records offered in evidence
15 hereunder may be subpoenaed as witnesses in civil or criminal
16 cases upon the request of either party to the cause. However,
17 if such person is dead, the county medical examiner ~~coroner~~ or
18 a duly authorized official of the medical examiner's ~~coroner's~~
19 office may testify to the fact that the examining pathologist,
20 toxicologist or other medical or laboratory examiner is
21 deceased and that the offered report or record was prepared by
22 such deceased person. The witness must further attest that the
23 medical report or record was prepared in the ordinary and
24 usual course of the deceased person's duty or employment in
25 conformity with the provisions of this Section.

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

1 (725 ILCS 5/115-17)

2 Sec. 115-17. Clerk; issuance of subpoenas. It is the duty
3 of the clerk of the court to issue subpoenas, either on the
4 part of the people or of the accused, directed to the sheriff
5 or medical examiner ~~coroner~~ of any county of this State. An
6 attorney admitted to practice in the State of Illinois, as an
7 officer of the court, may also issue subpoenas in a pending
8 action. A witness who is duly subpoenaed who neglects or
9 refuses to attend any court, under the requisitions of the
10 subpoena, shall be proceeded against and punished for contempt
11 of the court. Attachments against witnesses who live in a
12 different county from that where the subpoena is returnable
13 may be served in the same manner as warrants are directed to be
14 served out of the county from which they issue.

15 (Source: P.A. 96-485, eff. 1-1-10.)

16 (725 ILCS 5/119-5) (from Ch. 38, par. 119-5)

17 Sec. 119-5. Execution of Death Sentence.

18 (a)(1) A defendant sentenced to death shall be executed by
19 an intravenous administration of a lethal quantity of an
20 ultrashort-acting barbiturate in combination with a
21 chemical paralytic agent and potassium chloride or other
22 equally effective substances sufficient to cause death
23 until death is pronounced by a medical examiner ~~coroner~~
24 ~~who is not a licensed physician.~~

1 (2) If the execution of the sentence of death as
2 provided in paragraph (1) is held illegal or
3 unconstitutional by a reviewing court of competent
4 jurisdiction, the sentence of death shall be carried out
5 by electrocution.

6 (b) In pronouncing the sentence of death the court shall
7 set the date of the execution which shall be not less than 60
8 nor more than 90 days from the date sentence is pronounced.

9 (c) A sentence of death shall be executed at a Department
10 of Corrections facility.

11 (d) The warden of the penitentiary shall supervise such
12 execution, which shall be conducted in the presence of 6
13 witnesses who shall certify the execution of the sentence. The
14 certification shall be filed with the clerk of the court that
15 imposed the sentence.

16 (d-5) The Department of Corrections shall not request,
17 require, or allow a health care practitioner licensed in
18 Illinois, including but not limited to physicians and nurses,
19 regardless of employment, to participate in an execution.

20 (e) Except as otherwise provided in this subsection (e),
21 the identity of executioners and other persons who participate
22 or perform ancillary functions in an execution and information
23 contained in records that would identify those persons shall
24 remain confidential, shall not be subject to disclosure, and
25 shall not be admissible as evidence or be discoverable in any
26 action of any kind in any court or before any tribunal, board,

1 agency, or person. In order to protect the confidentiality of
2 persons participating in an execution, the Director of
3 Corrections may direct that the Department make payments in
4 cash for such services. In confidential investigations by the
5 Department of Professional Regulation, the Department of
6 Corrections shall disclose the names and license numbers of
7 health care practitioners participating or performing
8 ancillary functions in an execution to the Department of
9 Professional Regulation and the Department of Professional
10 Regulation shall forward those names and license numbers to
11 the appropriate disciplinary boards.

12 (f) The amendatory changes to this Section made by this
13 amendatory Act of 1991 are severable under Section 1.31 of the
14 Statute on Statutes.

15 (g) (Blank).

16 (h) Notwithstanding any other provision of law, any
17 pharmaceutical supplier is authorized to dispense drugs to the
18 Director of Corrections or his or her designee, without
19 prescription, in order to carry out the provisions of this
20 Section.

21 (i) The amendatory changes to this Section made by this
22 amendatory Act of the 93rd General Assembly are severable
23 under Section 1.31 of the Statute on Statutes.

24 (Source: P.A. 93-379, eff. 7-24-03.)

25 Section 260. The County Jail Act is amended by changing

1 Section 8 as follows:

2 (730 ILCS 125/8) (from Ch. 75, par. 108)

3 Sec. 8. The Sheriff may be imprisoned in the jail of his
4 county, and for the time he is so imprisoned, the medical
5 examiner ~~coroner~~ shall be warden of the jail, and perform all
6 the duties of the sheriff in regard thereto, and shall, by
7 himself and his sureties, be answerable for the faithful
8 discharge of his duties as such warden.

9 (Source: P.A. 83-1073.)

10 Section 265. The Department of Juvenile Justice Mortality
11 Review Team Act is amended by changing Sections 15, 20, and 35
12 as follows:

13 (730 ILCS 195/15)

14 Sec. 15. Mortality review teams; establishment.

15 (a) Upon the occurrence of the death of any youth in the
16 Department's custody, the Director shall appoint members and a
17 chairperson to a mortality review team. The Director shall
18 make the appointments within 30 days after the youth's death.

19 (b) Each mortality review team shall consist of at least
20 one member from each of the following categories:

21 (1) Pediatrician or other physician.

22 (2) Representative of the Department.

23 (3) State's Attorney or State's Attorney

1 representative.

2 (4) Representative of a local law enforcement agency.

3 (5) Psychologist or psychiatrist.

4 (6) Representative of a local health department.

5 (7) Designee of the Board of Education of the
6 Department of Juvenile Justice School District created
7 under Section 13-40 of the School Code.

8 (8) Medical examiner ~~Coroner~~ or forensic pathologist.

9 (9) Representative of a juvenile justice advocacy
10 organization.

11 (10) Representative of a local hospital, trauma
12 center, or provider of emergency medical services.

13 (11) Representative of the Illinois State Police.

14 (12) Representative of the Office of the Governor's
15 Executive Inspector General.

16 A mortality review team may make recommendations to the
17 Director concerning additional appointments.

18 (c) Each mortality review team member must have
19 demonstrated experience or an interest in the welfare of youth
20 in State custody.

21 (d) The mortality review teams shall be funded in the
22 Department's annual budget to provide for the travel expenses
23 of team members and professional services engaged by the team.

24 (e) If a death of a youth in the Department's custody
25 occurs while a prior youth death is under review by a team
26 pursuant to this Act, the Director may request that the team

1 review the subsequent death.

2 (f) Upon the conclusion of all reporting required under
3 Sections 20, 25, and 30 with respect to a death reviewed by a
4 team, all appointments to the team shall expire.

5 (Source: P.A. 102-538, eff. 8-20-21.)

6 (730 ILCS 195/20)

7 Sec. 20. Reviews of youth deaths.

8 (a) A mortality review team shall review every death of a
9 youth that occurs within a facility of the Department or as the
10 result of an act or incident occurring within a facility of the
11 Department, including deaths resulting from suspected illness,
12 injury, or self-harm or from an unknown cause.

13 (b) If the medical examiner ~~coroner~~ of the county in which
14 a youth died determines that the youth's death was the direct
15 or proximate result of alleged or suspected criminal activity,
16 the mortality review team's investigation shall be in addition
17 to any criminal investigation of the death but shall be
18 limited to a review of systems and practices of the
19 Department. In the course of conducting its review, the team
20 shall obtain assurance from law enforcement officials that
21 acts taken in furtherance of the review will not impair any
22 criminal investigation or prosecution.

23 (c) A mortality review team's purpose in conducting a
24 review of a youth death is to do the following:

25 (1) Assist in determining the cause and manner of the

1 youth's death, if requested.

2 (2) Evaluate any means by which the death might have
3 been prevented, including, but not limited to, the
4 evaluation of the Department's systems for the following:

5 (A) Training.

6 (B) Assessment and referral for services.

7 (C) Communication.

8 (D) Housing.

9 (E) Supervision of youth.

10 (F) Intervention in critical incidents.

11 (G) Reporting.

12 (H) Follow-up and mortality review following
13 critical incidents or youth deaths.

14 (3) Recommend continuing education and training for
15 Department staff.

16 (4) Make specific recommendations to the Director
17 concerning the prevention of deaths of youth in the
18 Department's custody.

19 (d) A mortality review team shall review a youth death as
20 soon as practicable and not later than within 90 days after a
21 law enforcement agency's completion of its investigation if
22 the death is the result of alleged or suspected criminal
23 activity. If there has been no investigation by a law
24 enforcement agency, the mortality review team shall review a
25 youth's death within 90 days after obtaining the information
26 necessary to complete the review from the ~~coroner,~~

1 pathologist, medical examiner, or law enforcement agency,
2 depending on the nature of the case. The team shall meet as
3 needed in person or via teleconference or video conference
4 following appointment of the team members. When necessary and
5 upon request of the team, the Director may extend the deadline
6 for a review up to an additional 90 days.

7 (Source: P.A. 96-1378, eff. 7-29-10.)

8 (730 ILCS 195/35)

9 Sec. 35. Team access to information.

10 (a) The Department shall provide to a mortality review
11 team, on the request of the team's chairperson, all records
12 and information in the Department's possession that are
13 relevant to the team's review of a youth death.

14 (b) The mortality review team shall have access to all
15 records and information that are relevant to its review of a
16 youth death and in the possession of a State or local
17 governmental agency, including, without limitation, birth
18 certificates, all relevant medical and mental health records,
19 records of law enforcement agency investigations, records of
20 ~~coroner~~ or medical examiner investigations, records of a
21 probation and court services department regarding the youth,
22 and records of a social services agency that provided services
23 to the youth or the youth's family.

24 (c) Each appointed member of a mortality review team shall
25 sign an acknowledgement upon appointment and before

1 participating in meetings or review of records acknowledging
2 the confidentiality of information obtained in the course of
3 the team's review and containing the member's agreement not to
4 reproduce or distribute confidential information obtained in
5 the course of the review.

6 (Source: P.A. 96-1378, eff. 7-29-10.)

7 Section 270. The Unified Code of Corrections is amended by
8 changing Sections 3-2-2, 3-9-6, and 3-13-4 as follows:

9 (730 ILCS 5/3-2-2) (from Ch. 38, par. 1003-2-2)

10 Sec. 3-2-2. Powers and duties of the Department.

11 (1) In addition to the powers, duties, and
12 responsibilities which are otherwise provided by law, the
13 Department shall have the following powers:

14 (a) To accept persons committed to it by the courts of
15 this State for care, custody, treatment, and
16 rehabilitation, and to accept federal prisoners and
17 noncitizens over whom the Office of the Federal Detention
18 Trustee is authorized to exercise the federal detention
19 function for limited purposes and periods of time.

20 (b) To develop and maintain reception and evaluation
21 units for purposes of analyzing the custody and
22 rehabilitation needs of persons committed to it and to
23 assign such persons to institutions and programs under its
24 control or transfer them to other appropriate agencies. In

1 consultation with the Department of Alcoholism and
2 Substance Abuse (now the Department of Human Services),
3 the Department of Corrections shall develop a master plan
4 for the screening and evaluation of persons committed to
5 its custody who have alcohol or drug abuse problems, and
6 for making appropriate treatment available to such
7 persons; the Department shall report to the General
8 Assembly on such plan not later than April 1, 1987. The
9 maintenance and implementation of such plan shall be
10 contingent upon the availability of funds.

11 (b-1) To create and implement, on January 1, 2002, a
12 pilot program to establish the effectiveness of
13 pupillometer technology (the measurement of the pupil's
14 reaction to light) as an alternative to a urine test for
15 purposes of screening and evaluating persons committed to
16 its custody who have alcohol or drug problems. The pilot
17 program shall require the pupillometer technology to be
18 used in at least one Department of Corrections facility.
19 The Director may expand the pilot program to include an
20 additional facility or facilities as he or she deems
21 appropriate. A minimum of 4,000 tests shall be included in
22 the pilot program. The Department must report to the
23 General Assembly on the effectiveness of the program by
24 January 1, 2003.

25 (b-5) To develop, in consultation with the Illinois
26 State Police, a program for tracking and evaluating each

1 inmate from commitment through release for recording his
2 or her gang affiliations, activities, or ranks.

3 (c) To maintain and administer all State correctional
4 institutions and facilities under its control and to
5 establish new ones as needed. Pursuant to its power to
6 establish new institutions and facilities, the Department
7 may, with the written approval of the Governor, authorize
8 the Department of Central Management Services to enter
9 into an agreement of the type described in subsection (d)
10 of Section 405-300 of the Department of Central Management
11 Services Law. The Department shall designate those
12 institutions which shall constitute the State Penitentiary
13 System. The Department of Juvenile Justice shall maintain
14 and administer all State youth centers pursuant to
15 subsection (d) of Section 3-2.5-20.

16 Pursuant to its power to establish new institutions
17 and facilities, the Department may authorize the
18 Department of Central Management Services to accept bids
19 from counties and municipalities for the construction,
20 remodeling, or conversion of a structure to be leased to
21 the Department of Corrections for the purposes of its
22 serving as a correctional institution or facility. Such
23 construction, remodeling, or conversion may be financed
24 with revenue bonds issued pursuant to the Industrial
25 Building Revenue Bond Act by the municipality or county.
26 The lease specified in a bid shall be for a term of not

1 less than the time needed to retire any revenue bonds used
2 to finance the project, but not to exceed 40 years. The
3 lease may grant to the State the option to purchase the
4 structure outright.

5 Upon receipt of the bids, the Department may certify
6 one or more of the bids and shall submit any such bids to
7 the General Assembly for approval. Upon approval of a bid
8 by a constitutional majority of both houses of the General
9 Assembly, pursuant to joint resolution, the Department of
10 Central Management Services may enter into an agreement
11 with the county or municipality pursuant to such bid.

12 (c-5) To build and maintain regional juvenile
13 detention centers and to charge a per diem to the counties
14 as established by the Department to defray the costs of
15 housing each minor in a center. In this subsection (c-5),
16 "juvenile detention center" means a facility to house
17 minors during pendency of trial who have been transferred
18 from proceedings under the Juvenile Court Act of 1987 to
19 prosecutions under the criminal laws of this State in
20 accordance with Section 5-805 of the Juvenile Court Act of
21 1987, whether the transfer was by operation of law or
22 permissive under that Section. The Department shall
23 designate the counties to be served by each regional
24 juvenile detention center.

25 (d) To develop and maintain programs of control,
26 rehabilitation, and employment of committed persons within

1 its institutions.

2 (d-5) To provide a pre-release job preparation program
3 for inmates at Illinois adult correctional centers.

4 (d-10) To provide educational and visitation
5 opportunities to committed persons within its institutions
6 through temporary access to content-controlled tablets
7 that may be provided as a privilege to committed persons
8 to induce or reward compliance.

9 (e) To establish a system of supervision and guidance
10 of committed persons in the community.

11 (f) To establish in cooperation with the Department of
12 Transportation to supply a sufficient number of prisoners
13 for use by the Department of Transportation to clean up
14 the trash and garbage along State, county, township, or
15 municipal highways as designated by the Department of
16 Transportation. The Department of Corrections, at the
17 request of the Department of Transportation, shall furnish
18 such prisoners at least annually for a period to be agreed
19 upon between the Director of Corrections and the Secretary
20 of Transportation. The prisoners used on this program
21 shall be selected by the Director of Corrections on
22 whatever basis he deems proper in consideration of their
23 term, behavior and earned eligibility to participate in
24 such program - where they will be outside of the prison
25 facility but still in the custody of the Department of
26 Corrections. Prisoners convicted of first degree murder,

1 or a Class X felony, or armed violence, or aggravated
2 kidnapping, or criminal sexual assault, aggravated
3 criminal sexual abuse or a subsequent conviction for
4 criminal sexual abuse, or forcible detention, or arson, or
5 a prisoner adjudged a Habitual Criminal shall not be
6 eligible for selection to participate in such program. The
7 prisoners shall remain as prisoners in the custody of the
8 Department of Corrections and such Department shall
9 furnish whatever security is necessary. The Department of
10 Transportation shall furnish trucks and equipment for the
11 highway cleanup program and personnel to supervise and
12 direct the program. Neither the Department of Corrections
13 nor the Department of Transportation shall replace any
14 regular employee with a prisoner.

15 (g) To maintain records of persons committed to it and
16 to establish programs of research, statistics, and
17 planning.

18 (h) To investigate the grievances of any person
19 committed to the Department and to inquire into any
20 alleged misconduct by employees or committed persons; and
21 for these purposes it may issue subpoenas and compel the
22 attendance of witnesses and the production of writings and
23 papers, and may examine under oath any witnesses who may
24 appear before it; to also investigate alleged violations
25 of a parolee's or releasee's conditions of parole or
26 release; and for this purpose it may issue subpoenas and

1 compel the attendance of witnesses and the production of
2 documents only if there is reason to believe that such
3 procedures would provide evidence that such violations
4 have occurred.

5 If any person fails to obey a subpoena issued under
6 this subsection, the Director may apply to any circuit
7 court to secure compliance with the subpoena. The failure
8 to comply with the order of the court issued in response
9 thereto shall be punishable as contempt of court.

10 (i) To appoint and remove the chief administrative
11 officers, and administer programs of training and
12 development of personnel of the Department. Personnel
13 assigned by the Department to be responsible for the
14 custody and control of committed persons or to investigate
15 the alleged misconduct of committed persons or employees
16 or alleged violations of a parolee's or releasee's
17 conditions of parole shall be conservators of the peace
18 for those purposes, and shall have the full power of peace
19 officers outside of the facilities of the Department in
20 the protection, arrest, retaking, and reconfining of
21 committed persons or where the exercise of such power is
22 necessary to the investigation of such misconduct or
23 violations. This subsection shall not apply to persons
24 committed to the Department of Juvenile Justice under the
25 Juvenile Court Act of 1987 on aftercare release.

26 (j) To cooperate with other departments and agencies

1 and with local communities for the development of
2 standards and programs for better correctional services in
3 this State.

4 (k) To administer all moneys and properties of the
5 Department.

6 (l) To report annually to the Governor on the
7 committed persons, institutions, and programs of the
8 Department.

9 (l-5) (Blank).

10 (m) To make all rules and regulations and exercise all
11 powers and duties vested by law in the Department.

12 (n) To establish rules and regulations for
13 administering a system of sentence credits, established in
14 accordance with Section 3-6-3, subject to review by the
15 Prisoner Review Board.

16 (o) To administer the distribution of funds from the
17 State Treasury to reimburse counties where State penal
18 institutions are located for the payment of assistant
19 state's attorneys' salaries under Section 4-2001 of the
20 Counties Code.

21 (p) To exchange information with the Department of
22 Human Services and the Department of Healthcare and Family
23 Services for the purpose of verifying living arrangements
24 and for other purposes directly connected with the
25 administration of this Code and the Illinois Public Aid
26 Code.

1 (q) To establish a diversion program.

2 The program shall provide a structured environment for
3 selected technical parole or mandatory supervised release
4 violators and committed persons who have violated the
5 rules governing their conduct while in work release. This
6 program shall not apply to those persons who have
7 committed a new offense while serving on parole or
8 mandatory supervised release or while committed to work
9 release.

10 Elements of the program shall include, but shall not
11 be limited to, the following:

12 (1) The staff of a diversion facility shall
13 provide supervision in accordance with required
14 objectives set by the facility.

15 (2) Participants shall be required to maintain
16 employment.

17 (3) Each participant shall pay for room and board
18 at the facility on a sliding-scale basis according to
19 the participant's income.

20 (4) Each participant shall:

21 (A) provide restitution to victims in
22 accordance with any court order;

23 (B) provide financial support to his
24 dependents; and

25 (C) make appropriate payments toward any other
26 court-ordered obligations.

1 (5) Each participant shall complete community
2 service in addition to employment.

3 (6) Participants shall take part in such
4 counseling, educational, and other programs as the
5 Department may deem appropriate.

6 (7) Participants shall submit to drug and alcohol
7 screening.

8 (8) The Department shall promulgate rules
9 governing the administration of the program.

10 (r) To enter into intergovernmental cooperation
11 agreements under which persons in the custody of the
12 Department may participate in a county impact
13 incarceration program established under Section 3-6038 or
14 3-15003.5 of the Counties Code.

15 (r-5) (Blank).

16 (r-10) To systematically and routinely identify with
17 respect to each streetgang active within the correctional
18 system: (1) each active gang; (2) every existing
19 inter-gang affiliation or alliance; and (3) the current
20 leaders in each gang. The Department shall promptly
21 segregate leaders from inmates who belong to their gangs
22 and allied gangs. "Segregate" means no physical contact
23 and, to the extent possible under the conditions and space
24 available at the correctional facility, prohibition of
25 visual and sound communication. For the purposes of this
26 paragraph (r-10), "leaders" means persons who:

- 1 (i) are members of a criminal streetgang;
- 2 (ii) with respect to other individuals within the
3 streetgang, occupy a position of organizer,
4 supervisor, or other position of management or
5 leadership; and
- 6 (iii) are actively and personally engaged in
7 directing, ordering, authorizing, or requesting
8 commission of criminal acts by others, which are
9 punishable as a felony, in furtherance of streetgang
10 related activity both within and outside of the
11 Department of Corrections.

12 "Streetgang", "gang", and "streetgang related" have the
13 meanings ascribed to them in Section 10 of the Illinois
14 Streetgang Terrorism Omnibus Prevention Act.

15 (s) To operate a super-maximum security institution,
16 in order to manage and supervise inmates who are
17 disruptive or dangerous and provide for the safety and
18 security of the staff and the other inmates.

19 (t) To monitor any unprivileged conversation or any
20 unprivileged communication, whether in person or by mail,
21 telephone, or other means, between an inmate who, before
22 commitment to the Department, was a member of an organized
23 gang and any other person without the need to show cause or
24 satisfy any other requirement of law before beginning the
25 monitoring, except as constitutionally required. The
26 monitoring may be by video, voice, or other method of

1 recording or by any other means. As used in this
2 subdivision (1)(t), "organized gang" has the meaning
3 ascribed to it in Section 10 of the Illinois Streetgang
4 Terrorism Omnibus Prevention Act.

5 As used in this subdivision (1)(t), "unprivileged
6 conversation" or "unprivileged communication" means a
7 conversation or communication that is not protected by any
8 privilege recognized by law or by decision, rule, or order
9 of the Illinois Supreme Court.

10 (u) To establish a Women's and Children's Pre-release
11 Community Supervision Program for the purpose of providing
12 housing and services to eligible female inmates, as
13 determined by the Department, and their newborn and young
14 children.

15 (u-5) To issue an order, whenever a person committed
16 to the Department absconds or absents himself or herself,
17 without authority to do so, from any facility or program
18 to which he or she is assigned. The order shall be
19 certified by the Director, the Supervisor of the
20 Apprehension Unit, or any person duly designated by the
21 Director, with the seal of the Department affixed. The
22 order shall be directed to all sheriffs, medical examiners
23 ~~coroners~~, and police officers, or to any particular person
24 named in the order. Any order issued pursuant to this
25 subdivision (1)(u-5) shall be sufficient warrant for the
26 officer or person named in the order to arrest and deliver

1 the committed person to the proper correctional officials
2 and shall be executed the same as criminal process.

3 (u-6) To appoint a point of contact person who shall
4 receive suggestions, complaints, or other requests to the
5 Department from visitors to Department institutions or
6 facilities and from other members of the public.

7 (v) To do all other acts necessary to carry out the
8 provisions of this Chapter.

9 (2) The Department of Corrections shall by January 1,
10 1998, consider building and operating a correctional facility
11 within 100 miles of a county of over 2,000,000 inhabitants,
12 especially a facility designed to house juvenile participants
13 in the impact incarceration program.

14 (3) When the Department lets bids for contracts for
15 medical services to be provided to persons committed to
16 Department facilities by a health maintenance organization,
17 medical service corporation, or other health care provider,
18 the bid may only be let to a health care provider that has
19 obtained an irrevocable letter of credit or performance bond
20 issued by a company whose bonds have an investment grade or
21 higher rating by a bond rating organization.

22 (4) When the Department lets bids for contracts for food
23 or commissary services to be provided to Department
24 facilities, the bid may only be let to a food or commissary
25 services provider that has obtained an irrevocable letter of
26 credit or performance bond issued by a company whose bonds

1 have an investment grade or higher rating by a bond rating
2 organization.

3 (5) On and after the date 6 months after August 16, 2013
4 (the effective date of Public Act 98-488), as provided in the
5 Executive Order 1 (2012) Implementation Act, all of the
6 powers, duties, rights, and responsibilities related to State
7 healthcare purchasing under this Code that were transferred
8 from the Department of Corrections to the Department of
9 Healthcare and Family Services by Executive Order 3 (2005) are
10 transferred back to the Department of Corrections; however,
11 powers, duties, rights, and responsibilities related to State
12 healthcare purchasing under this Code that were exercised by
13 the Department of Corrections before the effective date of
14 Executive Order 3 (2005) but that pertain to individuals
15 resident in facilities operated by the Department of Juvenile
16 Justice are transferred to the Department of Juvenile Justice.
17 (Source: P.A. 101-235, eff. 1-1-20; 102-350, eff. 8-13-21;
18 102-535, eff. 1-1-22; 102-538, eff. 8-20-21; 102-813, eff.
19 5-13-22; 102-1030, eff. 5-27-22.)

20 (730 ILCS 5/3-9-6) (from Ch. 38, par. 1003-9-6)

21 Sec. 3-9-6. Unauthorized Absence. Whenever a person
22 committed to the Department of Juvenile Justice absconds or
23 absents himself or herself without authority to do so, from
24 any facility or program to which he or she is assigned, he or
25 she may be held in custody for return to the proper

1 correctional official by the authorities or whomsoever
2 directed, when an order is certified by the Director of
3 Juvenile Justice or a person duly designated by the Director,
4 with the seal of the Department of Juvenile Justice attached.
5 The person so designated by the Director of Juvenile Justice
6 with such seal attached may be one or more persons and the
7 appointment shall be made as a ministerial one with no
8 recordation or notice necessary as to the designated
9 appointees. The order shall be directed to all sheriffs,
10 medical examiners ~~coroners~~, police officers, keepers or
11 custodians of jails or other detention facilities whether in
12 or out of the State of Illinois, or to any particular person
13 named in the order.

14 (Source: P.A. 94-696, eff. 6-1-06.)

15 (730 ILCS 5/3-13-4) (from Ch. 38, par. 1003-13-4)

16 Sec. 3-13-4. Rules and Sanctions.)

17 (a) The Department shall establish rules governing release
18 status and shall provide written copies of such rules to both
19 the committed person on work or day release and to the employer
20 or other person responsible for the individual. Such employer
21 or other responsible person shall agree to abide by such
22 rules, notify the Department of any violation thereof by the
23 individual on release status, and notify the Department of the
24 discharge of the person from work or other programs.

25 (b) If a committed person violates any rule, the

1 Department may impose sanctions appropriate to the violation.
2 The Department shall provide sanctions for unauthorized
3 absences which shall include prosecution for escape under
4 Section 3-6-4.

5 (c) An order certified by the Director, Assistant
6 Director, or the Supervisor of the Apprehension Unit, or a
7 person duly designated by him or her, with the seal of the
8 Department of Corrections attached and directed to all
9 sheriffs, medical examiners ~~coroners~~, police officers, or to
10 any particular persons named in the order shall be sufficient
11 warrant for the officer or person named therein to arrest and
12 deliver the violator to the proper correctional official. Such
13 order shall be executed the same as criminal processes.

14 In the event that a work-releasee is arrested for another
15 crime, the sheriff or police officer shall hold the releasee
16 in custody until he notifies the nearest Office of Field
17 Services or any of the above-named persons designated in this
18 Section to certify the particular process or warrant.

19 (d) Not less than 15 days prior to any person being placed
20 in a work release facility, the Department of Corrections
21 shall provide to the State's Attorney and Sheriff of the
22 county in which the work release center is located, relevant
23 identifying information concerning the person to be placed in
24 the work release facility. Such information shall include, but
25 not be limited to, such identifying information as name, age,
26 physical description, photograph, the offense, and the

1 sentence for which the person is serving time in the
2 Department of Corrections, and like information. The
3 Department of Corrections shall, in addition, give written
4 notice not less than 15 days prior to the placement to the
5 State's Attorney of the county from which the offender was
6 originally sentenced.

7 (Source: P.A. 97-1083, eff. 8-24-12.)

8 Section 280. The Code of Civil Procedure is amended by
9 changing Sections 2-202, 4-110, 8-2201, 10-110, 11-106,
10 12-201, 12-204, and 12-205 and changing the heading of Part 22
11 of Article VIII as follows:

12 (735 ILCS 5/2-202) (from Ch. 110, par. 2-202)

13 Sec. 2-202. Persons authorized to serve process; place of
14 service; failure to make return.

15 (a) Process shall be served by a sheriff, or if the sheriff
16 is disqualified, by a medical examiner ~~coroner~~ of some county
17 of the State. In matters where the county or State is an
18 interested party, process may be served by a special
19 investigator appointed by the State's Attorney of the county,
20 as defined in Section 3-9005 of the Counties Code. A sheriff of
21 a county with a population of less than 2,000,000 may employ
22 civilian personnel to serve process. In counties with a
23 population of less than 2,000,000, process may be served,
24 without special appointment, by a person who is licensed or

1 registered as a private detective under the Private Detective,
2 Private Alarm, Private Security, Fingerprint Vendor, and
3 Locksmith Act of 2004 or by a registered employee of a private
4 detective agency certified under that Act as defined in
5 Section (a-5). A private detective or licensed employee must
6 supply the sheriff of any county in which he serves process
7 with a copy of his license or certificate; however, the
8 failure of a person to supply the copy shall not in any way
9 impair the validity of process served by the person. The court
10 may, in its discretion upon motion, order service to be made by
11 a private person over 18 years of age and not a party to the
12 action. It is not necessary that service be made by a sheriff
13 or medical examiner ~~coroner~~ of the county in which service is
14 made. If served or sought to be served by a sheriff or medical
15 examiner ~~coroner~~, he or she shall endorse his or her return
16 thereon, and if by a private person the return shall be by
17 affidavit.

18 (a-5) Upon motion and in its discretion, the court may
19 appoint as a special process server a private detective agency
20 certified under the Private Detective, Private Alarm, Private
21 Security, Fingerprint Vendor, and Locksmith Act of 2004. Under
22 the appointment, any employee of the private detective agency
23 who is registered under that Act may serve the process. The
24 motion and the order of appointment must contain the number of
25 the certificate issued to the private detective agency by the
26 Department of Professional Regulation under the Private

1 Detective, Private Alarm, Private Security, Fingerprint
2 Vendor, and Locksmith Act of 2004. A private detective or
3 private detective agency shall send, one time only, a copy of
4 his, her, or its individual private detective license or
5 private detective agency certificate to the county sheriff in
6 each county in which the detective or detective agency or his,
7 her, or its employees serve process, regardless of the size of
8 the population of the county. As long as the license or
9 certificate is valid and meets the requirements of the
10 Department of Financial and Professional Regulation, a new
11 copy of the current license or certificate need not be sent to
12 the sheriff. A private detective agency shall maintain a list
13 of its registered employees. Registered employees shall
14 consist of:

15 (1) an employee who works for the agency holding a
16 valid Permanent Employee Registration Card;

17 (2) a person who has applied for a Permanent Employee
18 Registration Card, has had his or her fingerprints
19 processed and cleared by the Illinois State Police and the
20 FBI, and as to whom the Department of Financial and
21 Professional Regulation website shows that the person's
22 application for a Permanent Employee Registration Card is
23 pending;

24 (3) a person employed by a private detective agency
25 who is exempt from a Permanent Employee Registration Card
26 requirement because the person is a current peace officer;

1 and

2 (4) a private detective who works for a private
3 detective agency as an employee.

4 A detective agency shall maintain this list and forward it to
5 any sheriff's department that requests this list within 5
6 business days after the receipt of the request.

7 (b) Summons may be served upon the defendants wherever
8 they may be found in the State, by any person authorized to
9 serve process. An officer may serve summons in his or her
10 official capacity outside his or her county, but fees for
11 mileage outside the county of the officer cannot be taxed as
12 costs. The person serving the process in a foreign county may
13 make return by mail.

14 (c) If any sheriff, medical examiner ~~coroner~~, or other
15 person to whom any process is delivered, neglects or refuses
16 to make return of the same, the plaintiff may petition the
17 court to enter a rule requiring the sheriff, medical examiner
18 ~~coroner~~, or other person, to make return of the process on a
19 day to be fixed by the court, or to show cause on that day why
20 that person should not be attached for contempt of the court.
21 The plaintiff shall then cause a written notice of the rule to
22 be served on the sheriff, medical examiner ~~coroner~~, or other
23 person. If good and sufficient cause be not shown to excuse the
24 officer or other person, the court shall adjudge him or her
25 guilty of a contempt, and shall impose punishment as in other
26 cases of contempt.

1 (d) If process is served by a sheriff, medical examiner
2 ~~coroner~~, or special investigator appointed by the State's
3 Attorney, the court may tax the fee of the sheriff, medical
4 examiner ~~coroner~~, or State's Attorney's special investigator
5 as costs in the proceeding. If process is served by a private
6 person or entity, the court may establish a fee therefor and
7 tax such fee as costs in the proceedings.

8 (e) In addition to the powers stated in Section 8.1a of the
9 Housing Authorities Act, in counties with a population of
10 3,000,000 or more inhabitants, members of a housing authority
11 police force may serve process for eviction actions commenced
12 by that housing authority and may execute eviction orders for
13 that housing authority.

14 (f) In counties with a population of 3,000,000 or more,
15 process may be served, with special appointment by the court,
16 by a private process server or a law enforcement agency other
17 than the county sheriff in proceedings instituted under
18 Article IX of this Code as a result of a lessor or lessor's
19 assignee declaring a lease void pursuant to Section 11 of the
20 Controlled Substance and Cannabis Nuisance Act.

21 (Source: P.A. 102-538, eff. 8-20-21.)

22 (735 ILCS 5/4-110) (from Ch. 110, par. 4-110)

23 Sec. 4-110. Order for attachment. The order for attachment
24 required in the preceding section shall be directed to the
25 sheriff (and, for purpose only of service of summons, to any

1 person authorized to serve summons), or in case the sheriff is
2 interested, or otherwise disqualified or prevented from
3 acting, to the medical examiner ~~coroner~~ of the county in which
4 the action is commenced, and shall be made returnable on a
5 return day designated by the plaintiff, which day shall not be
6 less than 10 days or more than 60 days after its date. Such
7 order shall order the officer to attach so much of the estate,
8 real or personal, of the defendant, to be found in the county,
9 as shall be of value sufficient to satisfy the debt and costs,
10 according to the affidavit, but in case any specific property
11 of the defendant, found in the county, shall be described in
12 the order, then the officer shall attach the described
13 property only, and no other property. Such estate or property
14 shall be so attached in the possession of the officer to
15 secure, or so to provide, that the same may be liable to
16 further proceedings thereupon, according to law. The order
17 shall also direct that the officer summon the defendant to
18 appear and answer the complaint of the plaintiff in court at a
19 specified time or, at defendant's option, to appear at any
20 time prior thereto and move the court to set a hearing on the
21 order for the attachment or affidavit; and that the officer
22 also summon any specified garnishees, to be and appear in
23 court at a specified time to answer to what may be held by them
24 for the defendant.

25 (Source: P.A. 83-707.)

1 (735 ILCS 5/Art. VIII Pt. 22 heading)

2 Part 22. Medical examiner's ~~Coroner's~~ records

3 (735 ILCS 5/8-2201) (from Ch. 110, par. 8-2201)

4 Sec. 8-2201. Admissibility of medical examiner's ~~coroner's~~
5 records. In actions or proceedings for the recovery of damages
6 arising from or growing out of injuries caused by the
7 negligence of any person, firm or corporation resulting in the
8 death of any person or for the collection of a policy of
9 insurance, neither the medical examiner's ~~coroner's~~ verdict
10 returned upon the inquisition, nor a copy thereof, shall be
11 admissible as evidence to prove or establish any of the facts
12 in controversy in such action or proceeding.

13 (Source: P.A. 82-280.)

14 (735 ILCS 5/10-110) (from Ch. 110, par. 10-110)

15 Sec. 10-110. Service of order. The habeas corpus order may
16 be served by the sheriff, medical examiner ~~coroner~~ or any
17 person appointed for that purpose by the court which entered
18 the order; if served by a person not an officer, he or she
19 shall have the same power, and be liable to the same penalty
20 for non-performance of his or her duty, as though he or she
21 were sheriff.

22 (Source: P.A. 83-707.)

23 (735 ILCS 5/11-106) (from Ch. 110, par. 11-106)

1 Sec. 11-106. Injunctive relief on Saturday, Sunday or
2 legal holiday. When an application is made on a Saturday,
3 Sunday, legal holiday or on a day when courts are not in
4 session for injunctive relief and there is filed with the
5 complaint an affidavit of the plaintiff, or his, her or their
6 agent or attorney, stating that the benefits of injunctive
7 relief will be lost or endangered, or irreparable damage
8 occasioned unless such injunctive relief is immediately
9 granted, and stating the bases for such alleged consequence,
10 and if it appears to the court from such affidavit that the
11 benefits of injunctive relief will be lost or endangered, or
12 irreparable damage occasioned unless such injunctive relief
13 is immediately granted, and if the plaintiff otherwise is
14 entitled to such relief under the law, the court may grant
15 injunctive relief on a Saturday, Sunday, legal holiday, or on
16 a day when courts are not in session; and it shall be lawful
17 for the clerk to certify, and for the sheriff or medical
18 examiner ~~coroner~~ to serve such order for injunctive relief on
19 a Saturday, Sunday, legal holiday or on a day when courts are
20 not in session as on any other day, and all affidavits and
21 bonds made and proceedings had in such case shall have the same
22 force and effect as if made or had on any other day.

23 (Source: P.A. 98-756, eff. 7-16-14.)

24 (735 ILCS 5/12-201) (from Ch. 110, par. 12-201)

25 Sec. 12-201. Procedure. (a) Whenever a judgment or order

1 of attachment, entered by any court, shall be levied by any
2 sheriff or medical examiner ~~coroner~~ upon any personal
3 property, and such property is claimed by any person other
4 than the judgment debtor or defendant in such attachment, or
5 is claimed by the judgment debtor or defendant in attachment
6 as exempt from levy or attachment by virtue of the exemption
7 laws of the State, by giving to the sheriff or medical examiner
8 ~~coroner~~ notice, in writing, of his or her claim, and intention
9 to prosecute the same, it shall be the duty of such sheriff or
10 medical examiner ~~coroner~~ to notify the circuit court of such
11 claim.

12 (b) The court shall thereupon cause the proceeding to be
13 entered of record, and the claimant shall be made plaintiff in
14 the proceeding, and the judgment creditor or plaintiff in
15 attachment shall be made defendant in such proceeding.

16 (c) The clerk of the circuit court shall thereupon issue a
17 notice, directed to the judgment creditor or plaintiff in
18 attachment, notifying him or her of such claim, and of the time
19 and place of trial, which time shall be not more than 10 days
20 nor less than 5 days from the date of such notice.

21 (d) Such notice shall be served in the same manner as
22 provided for the service of summons in other civil cases, at
23 least 5 days before the day of trial; and if such notice is
24 served less than 5 days before the day of trial, the trial
25 shall, on demand of either party, be continued for a period not
26 exceeding 10 days.

1 (e) In case return is made on such notice that the judgment
2 creditor or plaintiff in attachment cannot be found, the
3 proceeding shall be continued for a period not exceeding 90
4 days, and the judgment creditor or plaintiff in attachment
5 shall be notified of such proceeding by publication as in
6 other civil cases.

7 (f) If the judgment creditor or plaintiff in attachment,
8 or his or her attorney, shall at least 5 days before the day of
9 trial, file with the clerk of the circuit court his or her
10 appearance in such proceeding, then it shall not be necessary
11 to notify such person as above provided.

12 (Source: P.A. 82-280.)

13 (735 ILCS 5/12-204) (from Ch. 110, par. 12-204)

14 Sec. 12-204. Trial and judgment. The court or the jury
15 shall determine the rights of the parties and the court shall
16 enter judgment accordingly, and the court shall direct the
17 sheriff or medical examiner ~~coroner~~ as to the disposition of
18 the property in the possession of the sheriff or medical
19 examiner ~~coroner~~. In case the property appears to belong to
20 the claimant, when the claimant is any person other than the
21 judgment debtor or the defendant in the attachment, or in case
22 the property is found to be exempt from enforcement of a
23 judgment thereon or attachment, when the claimant is the
24 judgment debtor or the defendant in the attachment, judgment
25 shall be entered against the judgment creditor or plaintiff in

1 the attachment for the costs, and the property levied on shall
2 be released, and in case it further appears that such claimant
3 is entitled to the immediate possession of such property, the
4 court shall order that such property be delivered to such
5 claimant. If it appears that the property does not belong to
6 the claimant, or is not exempt from the enforcement of a
7 judgment thereon or attachment, as the case may be, judgment
8 shall be entered against the claimant for costs, and an order
9 shall be entered that the sheriff or medical examiner ~~coroner~~
10 proceed to sell the property levied on. The judgment in such
11 cases shall be a complete indemnity to the sheriff or medical
12 examiner ~~coroner~~ in selling or restoring any such property, as
13 the case may be.

14 (Source: P.A. 82-280.)

15 (735 ILCS 5/12-205) (from Ch. 110, par. 12-205)

16 Sec. 12-205. Costs. If the judgment is entered in favor of
17 the claimant as to part of the property, and in favor of
18 another party as to part, then the court shall in its
19 discretion apportion the costs; and the sheriff, medical
20 examiner ~~coroner~~ and clerk of the court shall be entitled to
21 the same fees as are allowed by law for similar services.

22 (Source: P.A. 82-280.)

23 Section 285. The Mental Health and Developmental
24 Disabilities Confidentiality Act is amended by changing

1 Section 10 as follows:

2 (740 ILCS 110/10) (from Ch. 91 1/2, par. 810)

3 Sec. 10. (a) Except as provided herein, in any civil,
4 criminal, administrative, or legislative proceeding, or in any
5 proceeding preliminary thereto, a recipient, and a therapist
6 on behalf and in the interest of a recipient, has the privilege
7 to refuse to disclose and to prevent the disclosure of the
8 recipient's record or communications.

9 (1) Records and communications may be disclosed in a
10 civil, criminal or administrative proceeding in which the
11 recipient introduces his mental condition or any aspect of
12 his services received for such condition as an element of
13 his claim or defense, if and only to the extent the court
14 in which the proceedings have been brought, or, in the
15 case of an administrative proceeding, the court to which
16 an appeal or other action for review of an administrative
17 determination may be taken, finds, after in camera
18 examination of testimony or other evidence, that it is
19 relevant, probative, not unduly prejudicial or
20 inflammatory, and otherwise clearly admissible; that other
21 satisfactory evidence is demonstrably unsatisfactory as
22 evidence of the facts sought to be established by such
23 evidence; and that disclosure is more important to the
24 interests of substantial justice than protection from
25 injury to the therapist-recipient relationship or to the

1 recipient or other whom disclosure is likely to harm.
2 Except in a criminal proceeding in which the recipient,
3 who is accused in that proceeding, raises the defense of
4 insanity, no record or communication between a therapist
5 and a recipient shall be deemed relevant for purposes of
6 this subsection, except the fact of treatment, the cost of
7 services and the ultimate diagnosis unless the party
8 seeking disclosure of the communication clearly
9 establishes in the trial court a compelling need for its
10 production. However, for purposes of this Act, in any
11 action brought or defended under the Illinois Marriage and
12 Dissolution of Marriage Act, or in any action in which
13 pain and suffering is an element of the claim, mental
14 condition shall not be deemed to be introduced merely by
15 making such claim and shall be deemed to be introduced
16 only if the recipient or a witness on his behalf first
17 testifies concerning the record or communication.

18 (2) Records or communications may be disclosed in a
19 civil proceeding after the recipient's death when the
20 recipient's physical or mental condition has been
21 introduced as an element of a claim or defense by any party
22 claiming or defending through or as a beneficiary of the
23 recipient, provided the court finds, after in camera
24 examination of the evidence, that it is relevant,
25 probative, and otherwise clearly admissible; that other
26 satisfactory evidence is not available regarding the facts

1 sought to be established by such evidence; and that
2 disclosure is more important to the interests of
3 substantial justice than protection from any injury which
4 disclosure is likely to cause.

5 (3) In the event of a claim made or an action filed by
6 a recipient, or, following the recipient's death, by any
7 party claiming as a beneficiary of the recipient for
8 injury caused in the course of providing services to such
9 recipient, the therapist and other persons whose actions
10 are alleged to have been the cause of injury may disclose
11 pertinent records and communications to an attorney or
12 attorneys engaged to render advice about and to provide
13 representation in connection with such matter and to
14 persons working under the supervision of such attorney or
15 attorneys, and may testify as to such records or
16 communication in any administrative, judicial or discovery
17 proceeding for the purpose of preparing and presenting a
18 defense against such claim or action.

19 (4) Records and communications made to or by a
20 therapist in the course of examination ordered by a court
21 for good cause shown may, if otherwise relevant and
22 admissible, be disclosed in a civil, criminal, or
23 administrative proceeding in which the recipient is a
24 party or in appropriate pretrial proceedings, provided
25 such court has found that the recipient has been as
26 adequately and as effectively as possible informed before

1 submitting to such examination that such records and
2 communications would not be considered confidential or
3 privileged. Such records and communications shall be
4 admissible only as to issues involving the recipient's
5 physical or mental condition and only to the extent that
6 these are germane to such proceedings.

7 (5) Records and communications may be disclosed in a
8 proceeding under the Probate Act of 1975, to determine a
9 recipient's competency or need for guardianship, provided
10 that the disclosure is made only with respect to that
11 issue.

12 (6) Records and communications may be disclosed to a
13 court-appointed therapist, psychologist, or psychiatrist
14 for use in determining a person's fitness to stand trial
15 if the records were made within the 180-day period
16 immediately preceding the date of the therapist's,
17 psychologist's or psychiatrist's court appointment. These
18 records and communications shall be admissible only as to
19 the issue of the person's fitness to stand trial. Records
20 and communications may be disclosed when such are made
21 during treatment which the recipient is ordered to undergo
22 to render him fit to stand trial on a criminal charge,
23 provided that the disclosure is made only with respect to
24 the issue of fitness to stand trial.

25 (7) Records and communications of the recipient may be
26 disclosed in any civil or administrative proceeding

1 involving the validity of or benefits under a life,
2 accident, health or disability insurance policy or
3 certificate, or Health Care Service Plan Contract,
4 insuring the recipient, but only if and to the extent that
5 the recipient's mental condition, or treatment or services
6 in connection therewith, is a material element of any
7 claim or defense of any party, provided that information
8 sought or disclosed shall not be redisclosed except in
9 connection with the proceeding in which disclosure is
10 made.

11 (8) Records or communications may be disclosed when
12 such are relevant to a matter in issue in any action
13 brought under this Act and proceedings preliminary
14 thereto, provided that any information so disclosed shall
15 not be utilized for any other purpose nor be redisclosed
16 except in connection with such action or preliminary
17 proceedings.

18 (9) Records and communications of the recipient may be
19 disclosed in investigations of and trials for homicide
20 when the disclosure relates directly to the fact or
21 immediate circumstances of the homicide.

22 (10) Records and communications of a deceased
23 recipient shall be disclosed to a medical examiner ~~coroner~~
24 conducting a preliminary investigation into the
25 recipient's death under Section 3-3013 of the Counties
26 Code.

1 (11) Records and communications of a recipient shall
2 be disclosed in a proceeding where a petition or motion is
3 filed under the Juvenile Court Act of 1987 and the
4 recipient is named as a parent, guardian, or legal
5 custodian of a minor who is the subject of a petition for
6 wardship as described in Section 2-3 of that Act or a minor
7 who is the subject of a petition for wardship as described
8 in Section 2-4 of that Act alleging the minor is abused,
9 neglected, or dependent or the recipient is named as a
10 parent of a child who is the subject of a petition,
11 supplemental petition, or motion to appoint a guardian
12 with the power to consent to adoption under Section 2-29
13 of the Juvenile Court Act of 1987.

14 (12) Records and communications of a recipient may be
15 disclosed when disclosure is necessary to collect sums or
16 receive third party payment representing charges for
17 mental health or developmental disabilities services
18 provided by a therapist or agency to a recipient; however,
19 disclosure shall be limited to information needed to
20 pursue collection, and the information so disclosed may
21 not be used for any other purposes nor may it be
22 rediscovered except in connection with collection
23 activities. Whenever records are disclosed pursuant to
24 this subdivision (12), the recipient of the records shall
25 be advised in writing that any person who discloses mental
26 health records and communications in violation of this Act

1 may be subject to civil liability pursuant to Section 15
2 of this Act or to criminal penalties pursuant to Section
3 16 of this Act or both.

4 (b) Before a disclosure is made under subsection (a), any
5 party to the proceeding or any other interested person may
6 request an in camera review of the record or communications to
7 be disclosed. The court or agency conducting the proceeding
8 may hold an in camera review on its own motion. When, contrary
9 to the express wish of the recipient, the therapist asserts a
10 privilege on behalf and in the interest of a recipient, the
11 court may require that the therapist, in an in camera hearing,
12 establish that disclosure is not in the best interest of the
13 recipient. The court or agency may prevent disclosure or limit
14 disclosure to the extent that other admissible evidence is
15 sufficient to establish the facts in issue. The court or
16 agency may enter such orders as may be necessary in order to
17 protect the confidentiality, privacy, and safety of the
18 recipient or of other persons. Any order to disclose or to not
19 disclose shall be considered a final order for purposes of
20 appeal and shall be subject to interlocutory appeal.

21 (c) A recipient's records and communications may be
22 disclosed to a duly authorized committee, commission or
23 subcommittee of the General Assembly which possesses subpoena
24 and hearing powers, upon a written request approved by a
25 majority vote of the committee, commission or subcommittee
26 members. The committee, commission or subcommittee may request

1 records only for the purposes of investigating or studying
2 possible violations of recipient rights. The request shall
3 state the purpose for which disclosure is sought.

4 The facility shall notify the recipient, or his guardian,
5 and therapist in writing of any disclosure request under this
6 subsection within 5 business days after such request. Such
7 notification shall also inform the recipient, or guardian, and
8 therapist of their right to object to the disclosure within 10
9 business days after receipt of the notification and shall
10 include the name, address and telephone number of the
11 committee, commission or subcommittee member or staff person
12 with whom an objection shall be filed. If no objection has been
13 filed within 15 business days after the request for
14 disclosure, the facility shall disclose the records and
15 communications to the committee, commission or subcommittee.
16 If an objection has been filed within 15 business days after
17 the request for disclosure, the facility shall disclose the
18 records and communications only after the committee,
19 commission or subcommittee has permitted the recipient,
20 guardian or therapist to present his objection in person
21 before it and has renewed its request for disclosure by a
22 majority vote of its members.

23 Disclosure under this subsection shall not occur until all
24 personally identifiable data of the recipient and provider are
25 removed from the records and communications. Disclosure under
26 this subsection shall not occur in any public proceeding.

1 (d) No party to any proceeding described under paragraphs
2 (1), (2), (3), (4), (7), or (8) of subsection (a) of this
3 Section, nor his or her attorney, shall serve a subpoena
4 seeking to obtain access to records or communications under
5 this Act unless the subpoena is accompanied by a written order
6 issued by a judge or by the written consent under Section 5 of
7 this Act of the person whose records are being sought,
8 authorizing the disclosure of the records or the issuance of
9 the subpoena. No such written order shall be issued without
10 written notice of the motion to the recipient and the
11 treatment provider. Prior to issuance of the order, each party
12 or other person entitled to notice shall be permitted an
13 opportunity to be heard pursuant to subsection (b) of this
14 Section. In the absence of the written consent under Section 5
15 of this Act of the person whose records are being sought, no
16 person shall comply with a subpoena for records or
17 communications under this Act, unless the subpoena is
18 accompanied by a written order authorizing the issuance of the
19 subpoena or the disclosure of the records. Each subpoena
20 issued by a court or administrative agency or served on any
21 person pursuant to this subsection (d) shall include the
22 following language: "No person shall comply with a subpoena
23 for mental health records or communications pursuant to
24 Section 10 of the Mental Health and Developmental Disabilities
25 Confidentiality Act, 740 ILCS 110/10, unless the subpoena is
26 accompanied by a written order that authorizes the issuance of

1 the subpoena and the disclosure of records or communications
2 or by the written consent under Section 5 of that Act of the
3 person whose records are being sought."

4 (e) When a person has been transported by a peace officer
5 to a mental health facility, then upon the request of a peace
6 officer, if the person is allowed to leave the mental health
7 facility within 48 hours of arrival, excluding Saturdays,
8 Sundays, and holidays, the facility director shall notify the
9 local law enforcement authority prior to the release of the
10 person. The local law enforcement authority may re-disclose
11 the information as necessary to alert the appropriate
12 enforcement or prosecuting authority.

13 (f) A recipient's records and communications shall be
14 disclosed to the Inspector General of the Department of Human
15 Services within 10 business days of a request by the Inspector
16 General (i) in the course of an investigation authorized by
17 the Department of Human Services Act and applicable rule or
18 (ii) during the course of an assessment authorized by the
19 Abuse of Adults with Disabilities Intervention Act and
20 applicable rule. The request shall be in writing and signed by
21 the Inspector General or his or her designee. The request
22 shall state the purpose for which disclosure is sought. Any
23 person who knowingly and willfully refuses to comply with such
24 a request is guilty of a Class A misdemeanor. A recipient's
25 records and communications shall also be disclosed pursuant to
26 subsection (s) of Section 1-17 of the Department of Human

1 Services Act in testimony at Health Care Worker Registry
2 hearings or preliminary proceedings when such are relevant to
3 the matter in issue, provided that any information so
4 disclosed shall not be utilized for any other purpose nor be
5 redisclosed except in connection with such action or
6 preliminary proceedings.

7 (Source: P.A. 99-78, eff. 7-20-15; 100-432, eff. 8-25-17.)

8 Section 290. The Domestic Violence Fatality Review Act is
9 amended by changing Section 50 as follows:

10 (750 ILCS 62/50)

11 Sec. 50. Membership of regional domestic violence fatality
12 review teams. Each regional review team shall, at a minimum,
13 include the following members from within the boundaries of
14 the judicial circuit:

15 (1) a State's Attorney or Assistant State's Attorney;

16 (2) a public defender or other criminal defense lawyer;

17 (3) a ~~coroner or~~ medical examiner;

18 (4) a Sheriff, Deputy Sheriff, Chief of Police, or other
19 law enforcement officer with experience in domestic violence
20 cases;

21 (5) a social service provider whose significant role is to
22 provide services to survivors of domestic violence;

23 (6) a social service provider who has significant
24 experience working with domestic violence offenders, if

1 available in the region;

2 (7) a civil legal services lawyer or pro bono lawyer
3 connected with a civil legal services program; and

4 (8) at least 2 of the following members: a public health
5 official; a physician licensed by the State who specializes in
6 emergency medicine; an advanced practice registered nurse; a
7 licensed mental health professional such as a psychiatrist,
8 clinical psychologist, licensed clinical professional
9 counselor, or licensed clinical social worker; a circuit judge
10 or associate judge; a clerk of the circuit court or other
11 elected or appointed court official; an administrative law
12 judge; an emergency medical technician, paramedic, or other
13 first responder; a local or regional elected official or State
14 legislator; a representative from the private business sector;
15 a member of the clergy or other representative of the faith
16 community; a public housing authority administrator or
17 manager; an alcohol and substance abuse treatment
18 professional; a probation or parole officer; a child welfare
19 administrator, caseworker, or investigator; a public school
20 administrator, teacher, or school support staff person
21 licensed and endorsed by the Illinois State Board of
22 Education; a representative of a State university or community
23 college; a social science researcher or data analyst; a
24 survivor or a family member or friend of a survivor or victim;
25 a supervised child visitation or child exchange staff person;
26 or a member of the public at-large who has the education,

1 training, or experience to carry out the purposes of the
2 regional review team.

3 (Source: P.A. 102-520, eff. 8-20-21.)

4 Section 295. The Illinois Anatomical Gift Act is amended
5 by changing Sections 5-20 and 5-45 as follows:

6 (755 ILCS 50/5-20) (was 755 ILCS 50/5)

7 Sec. 5-20. Manner of executing anatomical gifts.

8 (a) A donor may make an anatomical gift:

9 (1) by authorizing a statement or symbol indicating
10 that the donor has made an anatomical gift to be imprinted
11 on the donor's driver's license or identification card;

12 (2) in a will;

13 (3) during a terminal illness or injury of the donor,
14 by any form of communication addressed to at least 2
15 adults, at least one of whom is a disinterested witness;
16 or

17 (4) as provided in subsection (b) and (b-1) of this
18 Section.

19 (b) A donor or other person authorized to make an
20 anatomical gift under subsection (a) of Section 5-5 may make a
21 gift by a donor card or other record signed by the donor or
22 other person making the gift or by authorizing that a
23 statement or symbol indicating that the donor has made an
24 anatomical gift be included on a donor registry. If the donor

1 or other person is physically unable to sign a record, the
2 record may be signed by another individual at the direction of
3 the donor or other person and must:

4 (1) be witnessed by at least 2 adults, at least one of
5 whom is a disinterested witness, who have signed at the
6 request of the donor or the other person; and

7 (2) state that it has been signed and witnessed as
8 provided in paragraph (1) of this subsection (b).

9 (b-1) A gift under Section 5-5 (a) may also be made by an
10 individual consenting to have his or her name included in the
11 First Person Consent organ and tissue donor registry
12 maintained by the Secretary of State under Section 6-117 of
13 the Illinois Vehicle Code. An individual's consent to have his
14 or her name included in the First Person Consent organ and
15 tissue donor registry constitutes full legal authority for the
16 donation of any of his or her organs or tissue for purposes of
17 transplantation, therapy, or research. Consenting to be
18 included in the First Person Consent organ and tissue donor
19 registry is effective without regard to the presence or
20 signature of witnesses.

21 (b-5) Revocation, suspension, expiration, or cancellation
22 of a driver's license or identification card upon which an
23 anatomical gift is indicated does not invalidate the gift.

24 (b-10) An anatomical gift made by will takes effect upon
25 the donor's death whether or not the will is probated.
26 Invalidation of the will after the donor's death does not

1 invalidate the gift.

2 (c) The anatomical gift may be made to a specified donee or
3 without specifying a donee. If the gift is made to a specified
4 donee who is not available at the time and place of death, then
5 if made for the purpose of transplantation, it shall be
6 effectuated in accordance with Section 5-25.

7 (d) The donee or other person authorized to accept the
8 gift pursuant to Section 5-12 may employ or authorize any
9 qualified technician, surgeon, or physician to perform the
10 recovery.

11 (e) A person authorized to make an anatomical gift under
12 subsection (b) of Section 5-5 may make an anatomical gift by a
13 document of gift signed by the person making the gift or by
14 that person's oral communication that is electronically
15 recorded or is contemporaneously reduced to a record and
16 signed by the individual receiving the oral communication.

17 (e-5) An anatomical gift by a person authorized under
18 subsection (b) of Section 5-5 may be amended or revoked orally
19 or in a record by a member of a prior class who is reasonably
20 available for the giving of authorization or refusal. If more
21 than one member of the prior class is reasonably available for
22 the giving of authorization or refusal, the gift made by a
23 person authorized under subsection (b) of Section 5-5 may be:

24 (1) amended only if a majority of the class members
25 reasonably available for the giving of authorization or
26 refusal agree to the amending of the gift; or

1 (2) revoked only if a majority of the class members
2 reasonably available for the giving of authorization or
3 refusal agree to the revoking of the gift or if they are
4 equally divided as to whether to revoke the gift.

5 (e-10) A revocation under subsection (e-5) is effective
6 only if, before an incision has been made to remove a part from
7 the donor's body or before invasive procedures have been
8 commenced to prepare the recipient, the procurement
9 organization, non-transplant anatomic bank, transplant
10 hospital, or physician or technician knows of the revocation.

11 (f) When there is a suitable candidate for organ donation
12 and a donation or consent to donate has not yet been given,
13 procedures to preserve the decedent's body for possible organ
14 and tissue donation may be implemented under the authorization
15 of the applicable organ procurement organization, at its own
16 expense, prior to making a donation request pursuant to
17 Section 5-25. If the organ procurement organization does not
18 locate a person authorized to consent to donation or consent
19 to donation is denied, then procedures to preserve the
20 decedent's body shall be ceased and no donation shall be made.
21 The organ procurement organization shall respect the religious
22 tenets of the decedent, if known, such as a pause after death,
23 before initiating preservation services. Nothing in this
24 Section shall be construed to authorize interference with the
25 medical examiner ~~coroner~~ in carrying out an investigation or
26 autopsy.

1 (Source: P.A. 100-41, eff. 1-1-18.)

2 (755 ILCS 50/5-45) (was 755 ILCS 50/8)

3 Sec. 5-45. Rights and Duties at Death.

4 (a) The donee may accept or reject the anatomical gift. If
5 the donee accepts a gift of the entire body, he may, subject to
6 the terms of the gift, authorize embalming and the use of the
7 body in funeral services, unless a person named in subsection
8 (b) of Section 5-5 has requested, prior to the final
9 disposition by the donee, that the remains of said body be
10 returned to his or her custody for the purpose of final
11 disposition. Such request shall be honored by the donee if the
12 terms of the gift are silent on how final disposition is to
13 take place. If the gift is of a part of the body, the donee or
14 technician designated by him upon the death of the donor and
15 prior to embalming, shall cause the part to be removed without
16 unnecessary mutilation and without undue delay in the release
17 of the body for the purposes of final disposition. After
18 removal of the part, custody of the remainder of the body vests
19 in the surviving spouse, next of kin, or other persons under
20 obligation to dispose of the body, in the order of priority
21 listed in subsection (b) of Section 5-5.

22 (b) The time of death shall be determined by a physician
23 who attends the donor at his death, or, if none, the physician
24 who certifies the death. The physician shall not participate
25 in the procedures for removing or transplanting a part.

1 (c) A person who acts or attempts in good faith to act in
2 accordance with this Act, the Illinois Vehicle Code, the AIDS
3 Confidentiality Act, or the applicable anatomical gift law of
4 another state is not liable for the act in a civil action,
5 criminal prosecution, or administrative proceeding. Neither
6 the person making an anatomical gift nor the donor's estate is
7 liable for any injury or damage that results from the making or
8 use of the gift. In determining whether an anatomical gift has
9 been made, amended, or revoked under this Act, a person may
10 rely upon representations of an individual listed in item (2),
11 (3), (4), (5), (6), (7), or (8) of subsection (b) of Section
12 5-5 relating to the individual's relationship to the donor or
13 prospective donor unless the person knows that the
14 representation is untrue. Any person that participates in good
15 faith and according to the usual and customary standards of
16 medical practice in the preservation, removal, or
17 transplantation of any part of a decedent's body pursuant to
18 an anatomical gift made by the decedent under Section 5-20 or
19 pursuant to an anatomical gift made by an individual as
20 authorized by subsection (b) of Section 5-5 shall have
21 immunity from liability, civil, criminal, or otherwise, that
22 might result by reason of such actions. For the purpose of any
23 proceedings, civil or criminal, the validity of an anatomical
24 gift executed pursuant to Section 5-20 shall be presumed and
25 the good faith of any person participating in the removal or
26 transplantation of any part of a decedent's body pursuant to

1 an anatomical gift made by the decedent or by another
2 individual authorized by the Act shall be presumed.

3 (d) This Act is subject to the provisions of Division 3-3
4 of the Counties Code ~~"An Act to revise the law in relation to~~
5 ~~coroners", approved February 6, 1874, as now or hereafter~~
6 ~~amended~~, to the laws of this State prescribing powers and
7 duties with respect to autopsies, and to the statutes, rules,
8 and regulations of this State with respect to the
9 transportation and disposition of deceased human bodies.

10 (e) If the donee is provided information, or determines
11 through independent examination, that there is evidence that
12 the anatomical gift was exposed to the human immunodeficiency
13 virus (HIV) or any other identified causative agent of
14 acquired immunodeficiency syndrome (AIDS), the donee may
15 reject the gift and shall treat the information and
16 examination results as a confidential medical record; the
17 donee may disclose only the results confirming HIV exposure,
18 and only to the physician of the deceased donor. The donor's
19 physician shall determine whether the person who executed the
20 gift should be notified of the confirmed positive test result.

21 (Source: P.A. 98-172, eff. 1-1-14.)

22 Section 300. The Disposition of Remains Act is amended by
23 changing Section 5 as follows:

24 (755 ILCS 65/5)

1 Sec. 5. Right to control disposition; priority. Unless a
2 decedent has left directions in writing for the disposition or
3 designated an agent to direct the disposition of the
4 decedent's remains as provided in Section 65 of the Crematory
5 Regulation Act or in subsection (a) of Section 40 of this Act,
6 the following persons, in the priority listed, have the right
7 to control the disposition, including cremation, of the
8 decedent's remains and are liable for the reasonable costs of
9 the disposition:

10 (1) the person designated in a written instrument that
11 satisfies the provisions of Sections 10 and 15 of this
12 Act;

13 (2) any person serving as executor or legal
14 representative of the decedent's estate and acting
15 according to the decedent's written instructions contained
16 in the decedent's will;

17 (3) the individual who was the spouse of the decedent
18 at the time of the decedent's death;

19 (4) the sole surviving competent adult child of the
20 decedent, or if there is more than one surviving competent
21 adult child of the decedent, the majority of the surviving
22 competent adult children; however, less than one-half of
23 the surviving adult children shall be vested with the
24 rights and duties of this Section if they have used
25 reasonable efforts to notify all other surviving competent
26 adult children of their instructions and are not aware of

1 any opposition to those instructions on the part of more
2 than one-half of all surviving competent adult children;

3 (5) the surviving competent parents of the decedent;
4 if one of the surviving competent parents is absent, the
5 remaining competent parent shall be vested with the rights
6 and duties of this Act after reasonable efforts have been
7 unsuccessful in locating the absent surviving competent
8 parent;

9 (6) the surviving competent adult person or persons
10 respectively in the next degrees of kindred or, if there
11 is more than one surviving competent adult person of the
12 same degree of kindred, the majority of those persons;
13 less than the majority of surviving competent adult
14 persons of the same degree of kindred shall be vested with
15 the rights and duties of this Act if those persons have
16 used reasonable efforts to notify all other surviving
17 competent adult persons of the same degree of kindred of
18 their instructions and are not aware of any opposition to
19 those instructions on the part of one-half or more of all
20 surviving competent adult persons of the same degree of
21 kindred;

22 (6.5) any recognized religious, civic, community, or
23 fraternal organization willing to assume legal and
24 financial responsibility;

25 (7) in the case of indigents or any other individuals
26 whose final disposition is the responsibility of the State

1 or any of its instrumentalities, a public administrator,
2 medical examiner, ~~coroner~~, State appointed guardian, or
3 any other public official charged with arranging the final
4 disposition of the decedent;

5 (8) in the case of individuals who have donated their
6 bodies to science, or whose death occurred in a nursing
7 home or other private institution and the institution is
8 charged with making arrangements for the final disposition
9 of the decedent, a representative of the institution; or

10 (9) any other person or organization that is willing
11 to assume legal and financial responsibility.

12 As used in Section, "adult" means any individual who has
13 reached his or her eighteenth birthday.

14 Notwithstanding provisions to the contrary, in the case of
15 decedents who die while serving as members of the United
16 States Armed Forces, the Illinois National Guard, or the
17 United States Reserve Forces, as defined in Section 1481 of
18 Title 10 of the United States Code, and who have executed the
19 required U.S. Department of Defense Record of Emergency Data
20 Form (DD Form 93), or successor form, the person designated in
21 such form to direct disposition of the decedent's remains
22 shall have the right to control the disposition, including
23 cremation, of the decedent's remains.

24 (Source: P.A. 100-526, eff. 6-1-18.)

25 Section 305. The Disposition of Remains of the Indigent

1 Act is amended by changing Sections 5 and 10 as follows:

2 (755 ILCS 66/5)

3 (Section scheduled to be repealed on December 31, 2027)

4 Sec. 5. Purpose. The General Assembly recognizes:

5 (1) that each individual in the State regardless of
6 his or her economic situation is entitled to a dignified
7 disposition of his or her remains;

8 (2) that it is a matter of public concern and interest
9 that the preparation, care, and final disposition of a
10 deceased human body be attended to with appropriate
11 observance and understanding;

12 (3) that it is a matter of public concern and interest
13 that there is a due regard and respect for the reverent
14 care of the human body, for those bereaved, and the
15 overall spiritual dignity of every person;

16 (4) that the provision of cadavers and other human
17 materials is a much-needed service for the advancement of
18 medical, mortuary, and other sciences;

19 (5) that there is a critical shortage of cadavers
20 necessary for the advancement of medical, mortuary, and
21 other sciences;

22 (6) that the State has, in the past, paid for the
23 burial and funeral of indigent individuals;

24 (7) that payment for such services is not now
25 consistent with the needs or demands of the current State

1 budget;

2 (8) that the State has had a long-standing policy that
3 government officials who have custody of a body of any
4 deceased person shall transfer such custody to any State
5 medical college, school, or other institution of higher
6 science education or school of mortuary science for
7 advancement of medical, anatomical, biological, or
8 mortuary science; and

9 (9) that current law provides that any county medical
10 examiner ~~coroner~~ may donate bodies not claimed by family
11 members or friends.

12 (Source: P.A. 100-526, eff. 6-1-18.)

13 (755 ILCS 66/10)

14 (Section scheduled to be repealed on December 31, 2027)

15 Sec. 10. Indigent funeral and burial.

16 (a) If private funds are not available to pay funeral and
17 burial costs and a request is made for those costs to an
18 official of State or local government by an appropriate family
19 member, executor, or agent empowered to direct the disposition
20 of the decedent's remains, the official shall inform the
21 appropriate family member, executor, or agent empowered to
22 direct the disposition of the decedent's remains of the option
23 to donate the remains for use in the advancement of medical
24 science subject to any written directive of a will or other
25 written instrument identified in Section 65 of the Crematory

1 Regulation Act or in subsection (a) of Section 40 of the
2 Disposition of Remains Act.

3 (b) The appropriate family member, executor, or agent
4 empowered to direct the disposition of the decedent's remains
5 is responsible for authorizing the use of such remains in
6 accordance with the process of the specific qualified medical
7 science institution.

8 (c) If funds are not otherwise available for burial or the
9 cadaver has not been claimed by a family member or other
10 responsible person, the medical examiner ~~coroner~~ with custody
11 may donate the cadaver for medical science purposes pursuant
12 to Section 3-3034 of the Counties Code.

13 (Source: P.A. 100-526, eff. 6-1-18.)

14 Section 310. The Revised Uniform Unclaimed Property Act is
15 amended by changing Section 15-705 as follows:

16 (765 ILCS 1026/15-705)

17 Sec. 15-705. Exceptions to the sale of tangible property.
18 The administrator shall dispose of tangible property
19 identified by this Section in accordance with this Section.

20 (a) Military medals or decorations. The administrator may
21 not sell a medal or decoration awarded for military service in
22 the armed forces of the United States. Instead, the
23 administrator, with the consent of the respective organization
24 under paragraph (1), agency under paragraph (2), or entity

1 under paragraph (3), may deliver a medal or decoration to be
2 held in custody for the owner, to:

3 (1) a military veterans organization qualified under
4 Section 501(c)(19) of the Internal Revenue Code;

5 (2) the agency that awarded the medal or decoration;
6 or

7 (3) a governmental entity.

8 After delivery, the administrator is not responsible for
9 the safekeeping of the medal or decoration.

10 (b) Property with historical value. Property that the
11 administrator reasonably believes may have historical value
12 may be, at his or her discretion, loaned to an accredited
13 museum in the United States where it will be kept until such
14 time as the administrator orders it to be returned to his or
15 her custody.

16 (c) Human remains. If human remains are delivered to the
17 administrator under this Act, the administrator shall deliver
18 those human remains to the medical examiner ~~coroner~~ of the
19 county in which the human remains were abandoned for
20 disposition under Section 3-3034 of the Counties Code. The
21 only human remains that may be delivered to the administrator
22 under this Act and that the administrator may receive are
23 those that are reported and delivered as contents of a safe
24 deposit box.

25 (d) Evidence in a criminal investigation. Property that
26 may have been used in the commission of a crime or that may

1 assist in the investigation of a crime, as determined after
2 consulting with the Illinois State Police, shall be delivered
3 to the Illinois State Police or other appropriate law
4 enforcement authority to allow law enforcement to determine
5 whether a criminal investigation should take place. Any such
6 property delivered to a law enforcement authority shall be
7 held in accordance with existing statutes and rules related to
8 the gathering, retention, and release of evidence.

9 (e) Firearms.

10 (1) The administrator, in cooperation with the
11 Illinois State Police, shall develop a procedure to
12 determine whether a firearm delivered to the administrator
13 under this Act has been stolen or used in the commission of
14 a crime. The Illinois State Police shall determine the
15 appropriate disposition of a firearm that has been stolen
16 or used in the commission of a crime. The administrator
17 shall attempt to return a firearm that has not been stolen
18 or used in the commission of a crime to the rightful owner
19 if the Illinois State Police determines that the owner may
20 lawfully possess the firearm.

21 (2) If the administrator is unable to return a firearm
22 to its owner, the administrator shall transfer custody of
23 the firearm to the Illinois State Police. Legal title to a
24 firearm transferred to the Illinois State Police under
25 this subsection (e) is vested in the Illinois State Police
26 by operation of law if:

1 (i) the administrator cannot locate the owner of
2 the firearm;

3 (ii) the owner of the firearm may not lawfully
4 possess the firearm;

5 (iii) the apparent owner does not respond to
6 notice published under Section 15-503 of this Act; or

7 (iv) the apparent owner responds to notice
8 published under Section 15-502 and states that he or
9 she no longer claims an interest in the firearm.

10 (3) With respect to a firearm whose title is
11 transferred to the Illinois State Police under this
12 subsection (e), the Illinois State Police may:

13 (i) retain the firearm for use by the crime
14 laboratory system, for training purposes, or for any
15 other application as deemed appropriate by the
16 Department;

17 (ii) transfer the firearm to the Illinois State
18 Museum if the firearm has historical value; or

19 (iii) destroy the firearm if it is not retained
20 pursuant to subparagraph (i) or transferred pursuant
21 to subparagraph (ii).

22 As used in this subsection, "firearm" has the meaning
23 provided in the Firearm Owners Identification Card Act.

24 (Source: P.A. 102-538, eff. 8-20-21.)

25 Section 315. The Employee Arbitration Act is amended by

1 changing Section 8 as follows:

2 (820 ILCS 35/8) (from Ch. 10, par. 30)

3 Sec. 8. Any notice or process issued by the Department of
4 Labor shall be served by any sheriff or medical examiner
5 ~~coroner~~ to whom it is directed or in whose hands it is placed
6 for service.

7 (Source: Laws 1967, p. 3673.)

8 Section 320. The Workers' Occupational Diseases Act is
9 amended by changing Section 12 as follows:

10 (820 ILCS 310/12) (from Ch. 48, par. 172.47)

11 Sec. 12. (a) An employee entitled to receive disability
12 payments shall be required, if requested by the employer, to
13 submit himself, at the expense of the employer, for
14 examination to a duly qualified medical practitioner or
15 surgeon selected by the employer, at any time and place
16 reasonably convenient for the employee, either within or
17 without the State of Illinois, for the purpose of determining
18 the nature, extent and probable duration of the occupational
19 disease and the disability therefrom suffered by the employee,
20 and for the purpose of ascertaining the amount of compensation
21 which may be due the employee from time to time for disability
22 according to the provisions of this Act. An employee may also
23 be required to submit himself for examination by medical

1 experts under subsection (c) of Section 19.

2 An employer requesting such an examination, of an employee
3 residing within the State of Illinois, shall deliver to the
4 employee with the notice of the time and place of examination
5 sufficient money to defray the necessary expense of travel by
6 the most convenient means to and from the place of
7 examination, and the cost of meals necessary during the trip,
8 and if the examination or travel to and from the place of
9 examination causes any loss of working time on the part of the
10 employee, the employer shall reimburse him for such loss of
11 wages upon the basis of his average daily wage. Such
12 examination shall be made in the presence of a duly qualified
13 medical practitioner or surgeon provided and paid for by the
14 employee, if such employee so desires.

15 In all cases where the examination is made by a physician
16 or surgeon engaged by the employer, and the employee has no
17 physician or surgeon present at such examination, it shall be
18 the duty of the physician or surgeon making the examination at
19 the instance of the employer to deliver to the employee, or his
20 representative, a statement in writing of the examination and
21 findings to the same extent that said physician or surgeon
22 reports to the employer and the same shall be an exact copy of
23 that furnished to the employer, said copy to be furnished the
24 employee, or his representative as soon as practicable but not
25 later than the time the case is set for hearing. Such delivery
26 shall be made in person either to the employee or his

1 representative, or by registered mail to either, and the
2 receipt of either shall be proof of such delivery. If such
3 physician or surgeon refuses to furnish the employee with such
4 statement to the same extent as that furnished the employer
5 said physician or surgeon shall not be permitted to testify at
6 the hearing next following said examination.

7 If the employee refuses so to submit himself to
8 examination or unnecessarily obstructs the same, his right to
9 compensation payment shall be temporarily suspended until such
10 examination shall have taken place, and no compensation shall
11 be payable under this Act for such period.

12 It shall be the duty of physicians or surgeons treating an
13 employee who is likely to die, and treating him at the instance
14 of the employer, to have called in another physician or
15 surgeon to be designated and paid for by either the employee or
16 by the person or persons who would become his beneficiary or
17 beneficiaries, to make an examination before the death of such
18 employee.

19 In all cases where the examination is made by a physician
20 or surgeon engaged by the employee, and the employer has no
21 physician or surgeon present at such examination, it shall be
22 the duty of the physician or surgeon making the examination at
23 the instance of the employee, to deliver to the employer, or
24 his representative, a statement in writing of the condition
25 and extent of the examination and findings to the same extent
26 that said physician or surgeon reports to the employee and the

1 same shall be an exact copy of that furnished to the employee,
2 said copy to be furnished the employer, or his representative,
3 as soon as practicable but not later than the time the case is
4 set for hearing. Such delivery shall be made in person either
5 to the employer, or his representative, or by registered mail
6 to either, and the receipt of either shall be proof of such
7 delivery. If such physician or surgeon refuses to furnish the
8 employer with such statement to the same extent as that
9 furnished the employee, said physician or surgeon shall not be
10 permitted to testify at the hearing next following said
11 examination.

12 (b) Whenever, after the death of an employee, any party in
13 interest files an application for adjustment of claim under
14 this Act, and it appears that an autopsy may disclose material
15 evidence as to whether or not such death was due to the
16 inhalation of silica or asbestos dust, the commission, upon
17 petition of either party, may order an autopsy at the expense
18 of the party requesting same, and if such autopsy is so
19 ordered, the commission shall designate a competent
20 pathologist to perform the same, and shall give the parties in
21 interest such reasonable notice of the time and place thereof
22 as will afford a reasonable opportunity to witness such
23 autopsy in person or by a representative.

24 It shall be the duty of such pathologist to perform such
25 autopsy as, in his best judgment, is required to ascertain the
26 cause of death. Such pathologist shall make a complete written

1 report of all his findings to the commission (including
2 laboratory results described as such, if any). The said report
3 of the pathologist shall contain his findings on post-mortem
4 examination and said report shall not contain any conclusion
5 of the said pathologist based upon the findings so reported.

6 Said report shall be placed on file with the commission,
7 and shall be a public record. Said report, or a certified copy
8 thereof, may be introduced by either party on any hearing as
9 evidence of the findings therein stated, but shall not be
10 conclusive evidence of such findings, and either party may
11 rebut any part thereof.

12 Where an autopsy has been performed at any time with the
13 express or implied consent of any interested party, and
14 without some opposing party, if known or reasonably
15 ascertainable, having reasonable notice of and reasonable
16 opportunity of witnessing the same, all evidence obtained by
17 such autopsy shall be barred upon objection at any hearing.
18 This paragraph shall not apply to autopsies by a medical
19 examiner, deputy medical examiner, or, as directed by a
20 medical examiner, a physician duly licensed to practice
21 medicine in all of its branches ~~coroner's physician~~ in the
22 discharge of his official duties.

23 (Source: P.A. 94-277, eff. 7-20-05.)

24 Section 325. The Unemployment Insurance Act is amended by
25 changing Section 2500 as follows:

1 (820 ILCS 405/2500) (from Ch. 48, par. 740)

2 Sec. 2500. Director not required to pay costs. Neither the
3 Director nor the State of Illinois shall be required to
4 furnish any bond, or to make a deposit for or pay any costs of
5 any court or the fees of any of its officers in any judicial
6 proceedings in pursuance to the provisions of this Act;
7 provided, further, that whenever enforcement or collection of
8 any judgment liability created by this Act, is levied by any
9 sheriff or medical examiner ~~coroner~~ upon any personal
10 property, and such property is claimed by any person other
11 than the defendant or is claimed by the defendant as exempt
12 from levy by virtue of the exemption laws of this State, then
13 it shall be the duty of the person making such claim to give
14 notice in writing of his or her claim and of his or her
15 intention to prosecute the same, to the sheriff or medical
16 examiner ~~coroner~~ within 10 days after the making of the levy;
17 on receiving such notice the sheriff or medical examiner
18 ~~coroner~~ shall proceed in accordance with the provisions of
19 Part 2 of Article XII of the Code of Civil Procedure, as
20 amended; the giving of such notice within the 10 day period
21 shall be a condition precedent to any judicial action against
22 the sheriff or medical examiner ~~coroner~~ for wrongfully
23 levying, seizing or selling the property and any such person
24 who fails to give such notice within the time shall be forever
25 barred from bringing any judicial action against such sheriff

1 or medical examiner ~~coroner~~ for injury or damages to or
2 conversion of the property.

3 (Source: P.A. 83-1362.)

4 Section 900. The State Mandates Act is amended by adding
5 Section 8.47 as follows:

6 (30 ILCS 805/8.47 new)

7 Sec. 8.47. Exempt mandate. Notwithstanding Sections 6 and
8 8 of this Act, no reimbursement by the State is required for
9 the implementation of any mandate created by this amendatory
10 Act of the 103rd General Assembly.

11 Section 995. No acceleration or delay. Where this Act
12 makes changes in a statute that is represented in this Act by
13 text that is not yet or no longer in effect (for example, a
14 Section represented by multiple versions), the use of that
15 text does not accelerate or delay the taking effect of (i) the
16 changes made by this Act or (ii) provisions derived from any
17 other Public Act.

18 Section 999. Effective date. This Act takes effect on
19 December 1, 2024, except that Section 5-566 of the Civil
20 Administrative Code of Illinois, Section 3-3000 of the
21 Counties Code, Section 37 of the Coroner Training Board Act,
22 and this Section take effect upon becoming law.

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