



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB2689

Introduced 2/22/2005, by Rep. Dan Brady

SYNOPSIS AS INTRODUCED:

55 ILCS 5/3-3034
765 ILCS 1025/17

from Ch. 34, par. 3-3034
from Ch. 141, par. 117

Amends the Uniform Disposition of Unclaimed Property Act. Provides that the State Treasurer shall deliver any unclaimed human remains to the coroner of the county in which the human remains were abandoned. The only human remains that may be delivered to and received by the Treasurer are those that are reported and delivered as contents of a safe deposit box. Amends the Counties Code. Provides that the coroner shall deliver the remains to the family of the deceased or, if none, then to the friends of the deceased. If that is not possible, the coroner shall arrange for a decent burial in the same manner as is done under current law. Effective immediately.

LRB094 06803 AJO 38017 b

1 AN ACT concerning counties.

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

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

6 (55 ILCS 5/3-3034) (from Ch. 34, par. 3-3034)

7 Sec. 3-3034. Disposition of body. After the inquest
8 ~~inquisition~~ the coroner may deliver the body or human remains
9 of the deceased to the family of the deceased or, if there are
10 no family members to accept the body or the remains, then to
11 his friends of the deceased, if there be any, but if not, the
12 coroner ~~he~~ shall cause the body or the remains ~~him~~ to be
13 decently buried, the expenses to be paid from the property of
14 the deceased, if there is sufficient, if not, by the county. If
15 the State Treasurer, pursuant to the Uniform Disposition of
16 Unclaimed Property Act, delivers human remains to the coroner,
17 the coroner shall cause the human remains to be disposed of as
18 provided in this Section.

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

20 Section 10. The Uniform Disposition of Unclaimed Property
21 Act is amended by changing Section 17 as follows:

22 (765 ILCS 1025/17) (from Ch. 141, par. 117)

23 Sec. 17. (a) All abandoned property, other than money and
24 that property exempted by paragraphs (1), (2), ~~and~~ (3), and (4)
25 of this subsection, delivered to the State Treasurer under this
26 Act shall be sold within a reasonable time to the highest
27 bidder at public sale in whatever city in the State affords in
28 his or her judgment the most favorable market for the property
29 involved. The State Treasurer may decline the highest bid and
30 reoffer the property for sale if he or she considers the price

1 bid insufficient. The State Treasurer may group items for
2 auction as "box lots" if the value of the individual items
3 makes it impracticable to sell the items individually. He or
4 she need not offer any property for sale, and may destroy or
5 otherwise dispose of the property, if, in his or her opinion,
6 the probable cost of sale exceeds the value of the property.
7 Securities or commodities received by the Office of the State
8 Treasurer may be sold by the State Treasurer through a broker
9 or sales agent suitable for the sale of the type of securities
10 or commodities being sold.

11 (1) Property which the State Treasurer determines may
12 have historical value may be, at his or her discretion,
13 loaned to a recognized exhibitor in the United States where
14 it will be kept until such time as the State Treasurer
15 orders it to be returned to his or her possession.

16 (2) Property returned to the State Treasurer shall be
17 released to the rightful owner or otherwise disposed of in
18 accordance with this Act. The State Treasurer shall keep
19 identifying records of the property so loaned, the name of
20 rightful owner and the owner's last known address, if
21 available.

22 (3) The Treasurer, in cooperation with the Department
23 of State Police, shall develop a procedure to determine
24 whether a firearm delivered to the Treasurer under this Act
25 has been stolen or used in the commission of a crime. The
26 Department of State Police shall determine the appropriate
27 disposition of a firearm that has been stolen or used in
28 the commission of a crime. The Treasurer shall attempt to
29 return a firearm that has not been stolen or used in the
30 commission of a crime to the rightful owner, provided that
31 the owner may lawfully possess the firearm as determined by
32 the Department of State Police.

33 If the Treasurer is unable to return a firearm to its
34 owner, the Treasurer shall transfer custody of the firearm
35 to the Department of State Police. Legal title to a firearm
36 transferred to the Department of State Police under this

1 paragraph (3) is vested in the Department of State Police
2 by operation of law:

3 (A) if the Treasurer cannot locate the owner of the
4 firearm;

5 (B) if the owner of the firearm may not lawfully
6 possess the firearm;

7 (C) if the owner does not respond to notice
8 published under Section 12 of this Act; or

9 (D) if the owner responds to notice published under
10 Section 12 and states that he or she no longer claims
11 an interest in the firearm.

12 With respect to a firearm whose title is transferred to
13 the Department of State Police under this paragraph (3),
14 that Department may:

15 (i) retain the firearm for use by the crime
16 laboratory system, for training purposes, or for any
17 other application as deemed appropriate by the
18 Department;

19 (ii) transfer the firearm to the Illinois
20 State Museum if the firearm has historical value; or

21 (iii) destroy the firearm if it is not retained
22 pursuant to subparagraph (i) or transferred pursuant
23 to subparagraph (ii).

24 (4) If human remains are delivered to the Treasurer
25 under this Act, the Treasurer shall deliver those human
26 remains to the coroner of the county in which the human
27 remains were abandoned for disposition under Section
28 3-3034 of the Counties Code. The only human remains that
29 may be delivered to the Treasurer under this Act and that
30 the Treasurer may receive are those that are reported and
31 delivered as contents of a safe deposit box.

32 (b) Any sale held under this Section, except a sale of
33 securities or commodities, shall be preceded by a single
34 publication of notice thereof, at least 3 weeks in advance of
35 sale in an English language newspaper of general circulation in
36 the county where the property is to be sold. When property

1 fails to sell and is offered again at a subsequent sale, no
2 additional notice is required for the subsequent sale.

3 (c) The purchaser at any sale conducted by the State
4 Treasurer pursuant to this Act shall receive title to the
5 property purchased, free from all claims of the owner or prior
6 holder thereof and of all persons claiming through or under
7 them. The State Treasurer shall execute all documents necessary
8 to complete the transfer of title.

9 (d) The Office of the State Treasurer is not liable for any
10 reduction in the value of property caused by changing market
11 conditions.

12 (Source: P.A. 91-16, eff. 7-1-99; 91-748, eff. 6-2-00.)

13 Section 99. Effective date. This Act takes effect upon
14 becoming law.