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09500HB4326ham001

LRB095 16428 RLC 47263 a

1 AMENDMENT TO HOUSE BILL 4326

2 AMENDMENT NO. _____. Amend House Bill 4326 by replacing
3 everything after the enacting clause with the following:

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

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

7 Sec. 115-5.1. In any civil or criminal action the records
8 of the coroner's medical or laboratory examiner summarizing and
9 detailing the performance of his or her official duties in
10 performing medical examinations upon deceased persons or
11 autopsies, or both, and kept in the ordinary course of business
12 of the coroner's office, duly certified by the county coroner
13 or chief supervisory coroner's pathologist or medical
14 examiner, shall be received as competent evidence in any court
15 of this State, to the extent permitted by this Section. These
16 reports, specifically including but not limited to the

1 pathologist's protocol, autopsy reports, photographs, and
2 toxicological reports, shall be public documents and thereby
3 may be admissible as prima facie evidence of the facts,
4 findings, opinions, diagnoses and conditions stated therein.

5 A duly certified coroner's protocol or autopsy report, or
6 both, complying with the requirements of this Section may be
7 duly admitted into evidence as an exception to the hearsay rule
8 as prima facie proof of the cause of death of the person to
9 whom it relates. The records referred to in this Section shall
10 be limited to the records of the results of post-mortem
11 examinations of the findings of autopsy, including
12 photographs, and toxicological laboratory examinations.

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

1 ordinary and usual course of the preparer's ~~deceased person's~~
2 duty or employment in conformity with the provisions of this
3 Section.
4 (Source: P.A. 82-783.)"