



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

SB1313

Introduced 2/9/2007, by Sen. Ira I. Silverstein

#### SYNOPSIS AS INTRODUCED:

55 ILCS 5/3-3015  
55 ILCS 5/3-3034

from Ch. 34, par. 3-3015  
from Ch. 34, par. 3-3034

Amends the Counties Code. Provides that a dissection or autopsy shall not be performed, nor shall toxicology samples be drawn, if the coroner has reason to believe that the dissection or autopsy is contrary to the religious beliefs of the deceased person. Creates an exception for cases involving a compelling public necessity. Defines compelling public necessity. Provides that, after an inquest, the coroner must make a reasonable effort to (now, the coroner may) deliver the body of the deceased to the family within 48 hours after the inquest.

LRB095 10899 HLH 31184 b

1 AN ACT concerning local government.

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

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

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

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

9 (a) Where a death has occurred and the circumstances  
10 concerning the death are suspicious, obscure, mysterious, or  
11 otherwise unexplained and in the opinion of the examining  
12 physician or the coroner the cause of death cannot be  
13 established definitely except by autopsy, and where a death has  
14 occurred while being pursued, apprehended, or taken into  
15 custody by or while in the custody of any law enforcement  
16 agency, it is declared that the public interest requires that  
17 an autopsy be performed, and it shall be the duty and  
18 responsibility of the coroner to cause an autopsy to be  
19 performed, including the taking of x-rays and the performance  
20 of other medical tests as the coroner deems appropriate.

21 (b) Subject to the limitations set forth in subsection (d),  
22 the ~~The~~ coroner shall instruct involved parties that embalming  
23 of the body is not to be conducted until the toxicology samples

1 are drawn. If a child dies from suspicious or unexplained  
2 circumstances, the coroner shall secure the services of a  
3 pathologist. The Department of Public Health shall provide  
4 coroners and pathologists with a child death autopsy protocol.

5 (c) Subject to the limitations set forth in subsection (d)  
6 of this Section, if ~~If~~ the coroner determines it advisable to  
7 exhume a body for the purpose of investigation or autopsy or  
8 both, and the coroner would have been authorized under this  
9 Section to perform an investigation or autopsy on the body  
10 before it was interred, the coroner may exhume the body after  
11 consulting on the matter with the state's attorney and upon the  
12 order of the circuit court directing the exhumation upon the  
13 petition of the state's attorney.

14 (d) In the absence of a compelling public necessity, a  
15 dissection or autopsy shall not be conducted, nor shall  
16 toxicology samples be collected, if the coroner has reason to  
17 believe that the dissection, autopsy, or sample collection is  
18 contrary to the religious beliefs of the deceased person. It  
19 shall be presumed that the dissection, autopsy, or toxicology  
20 sample collection is contrary to the religious beliefs of the  
21 deceased person if an immediate family member or friend of the  
22 deceased informs the coroner that the dissection, autopsy, or  
23 sample collection is contrary to the religious beliefs of the  
24 deceased. It shall also be presumed that the dissection,  
25 autopsy, or sample collection is contrary to the religious  
26 beliefs of the deceased if a document signed by the deceased

1 stating a religious objection to the autopsy is found on his or  
2 her person or in his or her effects.

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

17 If the coroner has reason to believe that a dissection or  
18 autopsy is contrary to the religious beliefs of the deceased  
19 person, and the autopsy is performed because of a compelling  
20 public necessity, the autopsy shall be performed in the least  
21 intrusive manner possible and all organs, tissues, and parts,  
22 as defined in Section 1-10 of the Illinois Anatomical Gift Act,  
23 shall be released as soon as possible to the person who has  
24 custody of the body for burial.

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

1 (55 ILCS 5/3-3034) (from Ch. 34, par. 3-3034)

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

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