



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB5788

Introduced 2/10/2010, by Rep. Michael K. Smith

SYNOPSIS AS INTRODUCED:

55 ILCS 5/3-3013
425 ILCS 25/6

from Ch. 34, par. 3-3013
from Ch. 127 1/2, par. 6

Amends the Counties Code and the Fire Investigation Act. Provides that in every case in which a fire is determined to be a contributing factor in a death, the coroner shall report the death to the Office of the State Fire Marshal. Provides that the coroner shall make the report in writing (i) within 7 days after the determination that a fire was a contributing factor in the death and (ii) in the form and manner prescribed by the State Fire Marshal. Effective immediately.

LRB096 16648 DRJ 31929 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning safety.

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

4 Section 5. The Counties Code is amended by changing Section
5 3-3013 as follows:

6 (55 ILCS 5/3-3013) (from Ch. 34, par. 3-3013)

7 Sec. 3-3013. Preliminary investigations; blood and urine
8 analysis; summoning jury; reports. Every coroner, whenever, as
9 soon as he knows or is informed that the dead body of any
10 person is found, or lying within his county, whose death is
11 suspected of being:

12 (a) A sudden or violent death, whether apparently
13 suicidal, homicidal or accidental, including but not
14 limited to deaths apparently caused or contributed to by
15 thermal, traumatic, chemical, electrical or radiational
16 injury, or a complication of any of them, or by drowning or
17 suffocation, or as a result of domestic violence as defined
18 in the Illinois Domestic Violence Act of 1986;

19 (b) A maternal or fetal death due to abortion, or any
20 death due to a sex crime or a crime against nature;

21 (c) A death where the circumstances are suspicious,
22 obscure, mysterious or otherwise unexplained or where, in
23 the written opinion of the attending physician, the cause

1 of death is not determined;

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

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

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

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

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

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

26 When the coroner or medical examiner finds that the cause

1 of death is due to homicidal means, the coroner or medical
2 examiner shall cause blood and buccal specimens (tissue may be
3 submitted if no uncontaminated blood or buccal specimen can be
4 obtained), whenever possible, to be withdrawn from the body of
5 the decedent in a timely fashion. Within 45 days after the
6 collection of the specimens, the coroner or medical examiner
7 shall deliver those specimens, dried, to the Illinois
8 Department of State Police, Division of Forensic Services, for
9 analysis and categorizing into genetic marker groupings to be
10 maintained by the Illinois Department of State Police in the
11 State central repository in the same manner, and subject to the
12 same conditions, as provided in Section 5-4-3 of the Unified
13 Code of Corrections. The requirements of this paragraph are in
14 addition to any other findings, specimens, or information that
15 the coroner or medical examiner is required to provide during
16 the conduct of a criminal investigation.

17 In all counties, in cases of apparent suicide, homicide, or
18 accidental death or in other cases, within the discretion of
19 the coroner, the coroner may summon 8 persons of lawful age
20 from those persons drawn for petit jurors in the county. The
21 summons shall command these persons to present themselves
22 personally at such a place and time as the coroner shall
23 determine, and may be in any form which the coroner shall
24 determine and may incorporate any reasonable form of request
25 for acknowledgement which the coroner deems practical and
26 provides a reliable proof of service. The summons may be served

1 by first class mail. From the 8 persons so summoned, the
2 coroner shall select 6 to serve as the jury for the inquest.
3 Inquests may be continued from time to time, as the coroner may
4 deem necessary. The 6 jurors selected in a given case may view
5 the body of the deceased. If at any continuation of an inquest
6 one or more of the original jurors shall be unable to continue
7 to serve, the coroner shall fill the vacancy or vacancies. A
8 juror serving pursuant to this paragraph shall receive
9 compensation from the county at the same rate as the rate of
10 compensation that is paid to petit or grand jurors in the
11 county. The coroner shall furnish to each juror without fee at
12 the time of his discharge a certificate of the number of days
13 in attendance at an inquest, and, upon being presented with
14 such certificate, the county treasurer shall pay to the juror
15 the sum provided for his services.

16 In counties which have a jury commission, in cases of
17 apparent suicide or homicide or of accidental death, the
18 coroner may conduct an inquest. The jury commission shall
19 provide at least 8 jurors to the coroner, from whom the coroner
20 shall select any 6 to serve as the jury for the inquest.
21 Inquests may be continued from time to time as the coroner may
22 deem necessary. The 6 jurors originally chosen in a given case
23 may view the body of the deceased. If at any continuation of an
24 inquest one or more of the 6 jurors originally chosen shall be
25 unable to continue to serve, the coroner shall fill the vacancy
26 or vacancies. At the coroner's discretion, additional jurors to

1 fill such vacancies shall be supplied by the jury commission. A
2 juror serving pursuant to this paragraph in such county shall
3 receive compensation from the county at the same rate as the
4 rate of compensation that is paid to petit or grand jurors in
5 the county.

6 In every case in which a fire is determined to be a
7 contributing factor in a death, the coroner shall report the
8 death to the Office of the State Fire Marshal. The coroner
9 shall make the report in writing (i) within 7 days after the
10 determination that a fire was a contributing factor in the
11 death and (ii) in the form and manner prescribed by the State
12 Fire Marshal.

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 Department of State Police.

16 All deaths in State institutions and all deaths of wards of
17 the State in private care facilities or in programs funded by
18 the Department of Human Services under its powers relating to
19 mental health and developmental disabilities or alcoholism and
20 substance abuse or funded by the Department of Children and
21 Family Services shall be reported to the coroner of the county
22 in which the facility is located. If the coroner has reason to
23 believe that an investigation is needed to determine whether
24 the death was caused by maltreatment or negligent care of the
25 ward of the State, the coroner may conduct a preliminary
26 investigation of the circumstances of such death as in cases of

1 death under circumstances set forth in paragraphs (a) through
2 (e) of this Section.

3 (Source: P.A. 94-924, eff. 1-1-07; 95-484, eff. 6-1-08.)

4 Section 10. The Fire Investigation Act is amended by
5 changing Section 6 as follows:

6 (425 ILCS 25/6) (from Ch. 127 1/2, par. 6)

7 Sec. 6. Investigation and record of fires; Office of the
8 State Fire Marshal.

9 (a) The chief of the fire department of every municipality
10 in which a fire department is established and the fire chief of
11 every legally organized fire protection district shall
12 investigate the cause, origin and circumstances of every fire
13 occurring in such municipality or fire protection district, or
14 in any area or on any property which is furnished fire
15 protection by the fire department of such municipality or fire
16 protection district, by which property has been destroyed or
17 damaged, and shall especially make investigation as to whether
18 such fire was the result of carelessness or design. Such
19 investigation shall be begun within two days, not including
20 Sunday, of the occurrence of such fire, and the Office of the
21 State Fire Marshal shall have the right to supervise and direct
22 such investigation whenever it deems it expedient or necessary.
23 The officer making investigation of fires occurring in cities,
24 villages, towns, fire protection districts or townships shall

1 forthwith notify the Office of the State Fire Marshal and shall
2 by the 15th of the month following the occurrence of the fire,
3 furnish to the Office a statement of all facts relating to the
4 cause and origin of the fire, and such other information as may
5 be called for in a format approved or on forms provided by the
6 Office.

7 (b) In every case in which a fire is determined to be a
8 contributing factor in a death, the coroner of the county where
9 the death occurred shall report the death to the Office of the
10 State Fire Marshal as provided in Section 3-3013 of the
11 Counties Code.

12 (c) The Office of the State Fire Marshal shall keep a
13 record of all fires occurring in the State, together with all
14 facts, statistics and circumstances, including the origin of
15 the fires, which may be determined by the investigations
16 provided by this act; such record shall at all times be open to
17 the public inspection, and such portions of it as the State
18 Director of Insurance may deem necessary shall be transcribed
19 and forwarded to him within fifteen days from the first of
20 January of each year.

21 (d) In addition to the reporting of fires, the chief of the
22 fire department shall furnish to the Office such other
23 information as the State Fire Marshal deems of importance to
24 the fire services.

25 (Source: P.A. 95-224, eff. 1-1-08.)

26 Section 99. Effective date. This Act takes effect upon

1 becoming law.