



Rep. Silvana Tabares

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LRB098 09076 OMW 43202 a

1 AMENDMENT TO HOUSE BILL 2627

2 AMENDMENT NO. _____. Amend House Bill 2627 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Counties Code is amended by changing
5 Section 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

1 suffocation, or as a result of domestic violence as defined
2 in the Illinois Domestic Violence Act of 1986;

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

5 (c) A death where the circumstances are suspicious,
6 obscure, mysterious or otherwise unexplained or where, in
7 the written opinion of the attending physician, the cause
8 of death is not determined;

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

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

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

22 In cases of accidental death involving a motor vehicle in
23 which the decedent was (1) the operator or a suspected operator
24 of a motor vehicle, or (2) a pedestrian 16 years of age or
25 older, the coroner shall require that a blood specimen of at
26 least 30 cc., and if medically possible a urine specimen of at

1 least 30 cc. or as much as possible up to 30 cc., be withdrawn
2 from the body of the decedent in a timely fashion after the
3 accident causing his death, by such physician as has been
4 designated in accordance with Section 3-3014, or by the coroner
5 or deputy coroner or a qualified person designated by such
6 physician, coroner, or deputy coroner. If the county does not
7 maintain laboratory facilities for making such analysis, the
8 blood and urine so drawn shall be sent to the Department of
9 State Police or any other accredited or State-certified
10 laboratory for analysis of the alcohol, carbon monoxide, and
11 dangerous or narcotic drug content of such blood and urine
12 specimens. Each specimen submitted shall be accompanied by
13 pertinent information concerning the decedent upon a form
14 prescribed by such laboratory. Any person drawing blood and
15 urine and any person making any examination of the blood and
16 urine under the terms of this Division shall be immune from all
17 liability, civil or criminal, that might otherwise be incurred
18 or imposed.

19 In all other cases coming within the jurisdiction of the
20 coroner and referred to in subparagraphs (a) through (e) above,
21 blood, and whenever possible, urine samples shall be analyzed
22 for the presence of alcohol and other drugs. When the coroner
23 suspects that drugs may have been involved in the death, either
24 directly or indirectly, a toxicological examination shall be
25 performed which may include analyses of blood, urine, bile,
26 gastric contents and other tissues. When the coroner suspects a

1 death is due to toxic substances, other than drugs, the coroner
2 shall consult with the toxicologist prior to collection of
3 samples. Information submitted to the toxicologist shall
4 include information as to height, weight, age, sex and race of
5 the decedent as well as medical history, medications used by
6 and the manner of death of decedent.

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

24 In all counties, in cases of apparent suicide, homicide, or
25 accidental death or in other cases, within the discretion of
26 the coroner, the coroner may summon 8 persons of lawful age

1 from those persons drawn for petit jurors in the county. The
2 summons shall command these persons to present themselves
3 personally at such a place and time as the coroner shall
4 determine, and may be in any form which the coroner shall
5 determine and may incorporate any reasonable form of request
6 for acknowledgement which the coroner deems practical and
7 provides a reliable proof of service. The summons may be served
8 by first class mail. From the 8 persons so summoned, the
9 coroner shall select 6 to serve as the jury for the inquest.
10 Inquests may be continued from time to time, as the coroner may
11 deem necessary. The 6 jurors selected in a given case may view
12 the body of the deceased. If at any continuation of an inquest
13 one or more of the original jurors shall be unable to continue
14 to serve, the coroner shall fill the vacancy or vacancies. A
15 juror serving pursuant to this paragraph shall receive
16 compensation from the county at the same rate as the rate of
17 compensation that is paid to petit or grand jurors in the
18 county. The coroner shall furnish to each juror without fee at
19 the time of his discharge a certificate of the number of days
20 in attendance at an inquest, and, upon being presented with
21 such certificate, the county treasurer shall pay to the juror
22 the sum provided for his services.

23 In counties which have a jury commission, in cases of
24 apparent suicide or homicide or of accidental death, the
25 coroner may conduct an inquest. The jury commission shall
26 provide at least 8 jurors to the coroner, from whom the coroner

1 shall select any 6 to serve as the jury for the inquest.
2 Inquests may be continued from time to time as the coroner may
3 deem necessary. The 6 jurors originally chosen in a given case
4 may view the body of the deceased. If at any continuation of an
5 inquest one or more of the 6 jurors originally chosen shall be
6 unable to continue to serve, the coroner shall fill the vacancy
7 or vacancies. At the coroner's discretion, additional jurors to
8 fill such vacancies shall be supplied by the jury commission. A
9 juror serving pursuant to this paragraph in such county shall
10 receive compensation from the county at the same rate as the
11 rate of compensation that is paid to petit or grand jurors in
12 the county.

13 In every case in which a fire is determined to be a
14 contributing factor in a death, the coroner shall report the
15 death to the Office of the State Fire Marshal. The coroner
16 shall provide a copy of the death certificate (i) within 30
17 days after filing the permanent death certificate and (ii) in a
18 manner that is agreed upon by the coroner and the State Fire
19 Marshal.

20 In addition, in every case in which domestic violence is
21 determined to be a contributing factor in a death, the coroner
22 shall report the death to the Department of State Police.

23 All deaths in State institutions or in facilities
24 registered under the Nursing Home Care Act and all deaths of
25 wards of the State in private care facilities or in programs
26 funded by the Department of Human Services under its powers

1 relating to mental health and developmental disabilities or
2 alcoholism and substance abuse or funded by the Department of
3 Children and Family Services shall be reported to the coroner
4 of the county in which the facility is located. If the coroner
5 has reason to believe that an investigation is needed to
6 determine whether the death was caused by maltreatment or
7 negligent care of the ward of the State, the coroner may
8 conduct a preliminary investigation of the circumstances of
9 such death as in cases of death under circumstances set forth
10 in paragraphs (a) through (e) of this Section.

11 (Source: P.A. 95-484, eff. 6-1-08; 96-1059, eff. 7-14-10.)

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