

**HB5528**



**98TH GENERAL ASSEMBLY**

**State of Illinois**

**2013 and 2014**

**HB5528**

by Rep. Dennis M. Reboletti - Jim Durkin

**SYNOPSIS AS INTRODUCED:**

55 ILCS 5/3-3013

from Ch. 34, par. 3-3013

Amends the Counties Code. Provides that in every case in which a coroner determines that a drug overdose is a contributing factor in death, the coroner shall report the death to the Department of Public Health.

LRB098 18215 JLK 53346 b

**A BILL FOR**

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 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 provide a copy of the death certificate (i) within 30  
10 days after filing the permanent death certificate and (ii) in a  
11 manner that is agreed upon by the coroner and the State Fire  
12 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 In addition, in every case in which a drug overdose is  
17 determined to be a contributing factor in a death, the coroner  
18 shall report the death to the Department of Public Health. As  
19 used in this Section, the term "overdose" shall have the same  
20 meaning as provided in Section 414 of the Illinois Controlled  
21 Substances Act.

22 All deaths in State institutions and all deaths of wards of  
23 the State in private care facilities or in programs funded by  
24 the Department of Human Services under its powers relating to  
25 mental health and developmental disabilities or alcoholism and  
26 substance abuse or funded by the Department of Children and

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

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