



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB1445

Introduced 2/7/2023, by Sen. Suzy Glowiak Hilton

SYNOPSIS AS INTRODUCED:

5 ILCS 140/7.5

55 ILCS 5/4-7001

30 ILCS 805/8.47 new

from Ch. 34, par. 4-7001

Amends the Counties Code. Provides that a coroner shall provide one copy of the deceased's autopsy report without charge to the deceased's physician after the physician attests to the physician-patient relationship in writing on a form provided by the coroner. Provides that a written physician attestation shall be maintained confidentially and is not subject to disclosure under the Freedom of Information Act. Amends the Freedom of information Act to make conforming changes. Amends the State Mandates Act to require implementation without reimbursement.

LRB103 05903 AWJ 50924 b

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

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 Freedom of Information Act is amended by
5 changing Section 7.5 as follows:

6 (5 ILCS 140/7.5)

7 Sec. 7.5. Statutory exemptions. To the extent provided for
8 by the statutes referenced below, the following shall be
9 exempt from inspection and copying:

10 (a) All information determined to be confidential
11 under Section 4002 of the Technology Advancement and
12 Development Act.

13 (b) Library circulation and order records identifying
14 library users with specific materials under the Library
15 Records Confidentiality Act.

16 (c) Applications, related documents, and medical
17 records received by the Experimental Organ Transplantation
18 Procedures Board and any and all documents or other
19 records prepared by the Experimental Organ Transplantation
20 Procedures Board or its staff relating to applications it
21 has received.

22 (d) Information and records held by the Department of
23 Public Health and its authorized representatives relating

1 to known or suspected cases of sexually transmissible
2 disease or any information the disclosure of which is
3 restricted under the Illinois Sexually Transmissible
4 Disease Control Act.

5 (e) Information the disclosure of which is exempted
6 under Section 30 of the Radon Industry Licensing Act.

7 (f) Firm performance evaluations under Section 55 of
8 the Architectural, Engineering, and Land Surveying
9 Qualifications Based Selection Act.

10 (g) Information the disclosure of which is restricted
11 and exempted under Section 50 of the Illinois Prepaid
12 Tuition Act.

13 (h) Information the disclosure of which is exempted
14 under the State Officials and Employees Ethics Act, and
15 records of any lawfully created State or local inspector
16 general's office that would be exempt if created or
17 obtained by an Executive Inspector General's office under
18 that Act.

19 (i) Information contained in a local emergency energy
20 plan submitted to a municipality in accordance with a
21 local emergency energy plan ordinance that is adopted
22 under Section 11-21.5-5 of the Illinois Municipal Code.

23 (j) Information and data concerning the distribution
24 of surcharge moneys collected and remitted by carriers
25 under the Emergency Telephone System Act.

26 (k) Law enforcement officer identification information

1 or driver identification information compiled by a law
2 enforcement agency or the Department of Transportation
3 under Section 11-212 of the Illinois Vehicle Code.

4 (l) Records and information provided to a residential
5 health care facility resident sexual assault and death
6 review team or the Executive Council under the Abuse
7 Prevention Review Team Act.

8 (m) Information provided to the predatory lending
9 database created pursuant to Article 3 of the Residential
10 Real Property Disclosure Act, except to the extent
11 authorized under that Article.

12 (n) Defense budgets and petitions for certification of
13 compensation and expenses for court appointed trial
14 counsel as provided under Sections 10 and 15 of the
15 Capital Crimes Litigation Act. This subsection (n) shall
16 apply until the conclusion of the trial of the case, even
17 if the prosecution chooses not to pursue the death penalty
18 prior to trial or sentencing.

19 (o) Information that is prohibited from being
20 disclosed under Section 4 of the Illinois Health and
21 Hazardous Substances Registry Act.

22 (p) Security portions of system safety program plans,
23 investigation reports, surveys, schedules, lists, data, or
24 information compiled, collected, or prepared by or for the
25 Department of Transportation under Sections 2705-300 and
26 2705-616 of the Department of Transportation Law of the

1 Civil Administrative Code of Illinois, the Regional
2 Transportation Authority under Section 2.11 of the
3 Regional Transportation Authority Act, or the St. Clair
4 County Transit District under the Bi-State Transit Safety
5 Act.

6 (q) Information prohibited from being disclosed by the
7 Personnel Record Review Act.

8 (r) Information prohibited from being disclosed by the
9 Illinois School Student Records Act.

10 (s) Information the disclosure of which is restricted
11 under Section 5-108 of the Public Utilities Act.

12 (t) All identified or deidentified health information
13 in the form of health data or medical records contained
14 in, stored in, submitted to, transferred by, or released
15 from the Illinois Health Information Exchange, and
16 identified or deidentified health information in the form
17 of health data and medical records of the Illinois Health
18 Information Exchange in the possession of the Illinois
19 Health Information Exchange Office due to its
20 administration of the Illinois Health Information
21 Exchange. The terms "identified" and "deidentified" shall
22 be given the same meaning as in the Health Insurance
23 Portability and Accountability Act of 1996, Public Law
24 104-191, or any subsequent amendments thereto, and any
25 regulations promulgated thereunder.

26 (u) Records and information provided to an independent

1 team of experts under the Developmental Disability and
2 Mental Health Safety Act (also known as Brian's Law).

3 (v) Names and information of people who have applied
4 for or received Firearm Owner's Identification Cards under
5 the Firearm Owners Identification Card Act or applied for
6 or received a concealed carry license under the Firearm
7 Concealed Carry Act, unless otherwise authorized by the
8 Firearm Concealed Carry Act; and databases under the
9 Firearm Concealed Carry Act, records of the Concealed
10 Carry Licensing Review Board under the Firearm Concealed
11 Carry Act, and law enforcement agency objections under the
12 Firearm Concealed Carry Act.

13 (v-5) Records of the Firearm Owner's Identification
14 Card Review Board that are exempted from disclosure under
15 Section 10 of the Firearm Owners Identification Card Act.

16 (w) Personally identifiable information which is
17 exempted from disclosure under subsection (g) of Section
18 19.1 of the Toll Highway Act.

19 (x) Information which is exempted from disclosure
20 under Section 5-1014.3 of the Counties Code or Section
21 8-11-21 of the Illinois Municipal Code.

22 (y) Confidential information under the Adult
23 Protective Services Act and its predecessor enabling
24 statute, the Elder Abuse and Neglect Act, including
25 information about the identity and administrative finding
26 against any caregiver of a verified and substantiated

1 decision of abuse, neglect, or financial exploitation of
2 an eligible adult maintained in the Registry established
3 under Section 7.5 of the Adult Protective Services Act.

4 (z) Records and information provided to a fatality
5 review team or the Illinois Fatality Review Team Advisory
6 Council under Section 15 of the Adult Protective Services
7 Act.

8 (aa) Information which is exempted from disclosure
9 under Section 2.37 of the Wildlife Code.

10 (bb) Information which is or was prohibited from
11 disclosure by the Juvenile Court Act of 1987.

12 (cc) Recordings made under the Law Enforcement
13 Officer-Worn Body Camera Act, except to the extent
14 authorized under that Act.

15 (dd) Information that is prohibited from being
16 disclosed under Section 45 of the Condominium and Common
17 Interest Community Ombudsperson Act.

18 (ee) Information that is exempted from disclosure
19 under Section 30.1 of the Pharmacy Practice Act.

20 (ff) Information that is exempted from disclosure
21 under the Revised Uniform Unclaimed Property Act.

22 (gg) Information that is prohibited from being
23 disclosed under Section 7-603.5 of the Illinois Vehicle
24 Code.

25 (hh) Records that are exempt from disclosure under
26 Section 1A-16.7 of the Election Code.

1 (ii) Information which is exempted from disclosure
2 under Section 2505-800 of the Department of Revenue Law of
3 the Civil Administrative Code of Illinois.

4 (jj) Information and reports that are required to be
5 submitted to the Department of Labor by registering day
6 and temporary labor service agencies but are exempt from
7 disclosure under subsection (a-1) of Section 45 of the Day
8 and Temporary Labor Services Act.

9 (kk) Information prohibited from disclosure under the
10 Seizure and Forfeiture Reporting Act.

11 (ll) Information the disclosure of which is restricted
12 and exempted under Section 5-30.8 of the Illinois Public
13 Aid Code.

14 (mm) Records that are exempt from disclosure under
15 Section 4.2 of the Crime Victims Compensation Act.

16 (nn) Information that is exempt from disclosure under
17 Section 70 of the Higher Education Student Assistance Act.

18 (oo) Communications, notes, records, and reports
19 arising out of a peer support counseling session
20 prohibited from disclosure under the First Responders
21 Suicide Prevention Act.

22 (pp) Names and all identifying information relating to
23 an employee of an emergency services provider or law
24 enforcement agency under the First Responders Suicide
25 Prevention Act.

26 (qq) Information and records held by the Department of

1 Public Health and its authorized representatives collected
2 under the Reproductive Health Act.

3 (rr) Information that is exempt from disclosure under
4 the Cannabis Regulation and Tax Act.

5 (ss) Data reported by an employer to the Department of
6 Human Rights pursuant to Section 2-108 of the Illinois
7 Human Rights Act.

8 (tt) Recordings made under the Children's Advocacy
9 Center Act, except to the extent authorized under that
10 Act.

11 (uu) Information that is exempt from disclosure under
12 Section 50 of the Sexual Assault Evidence Submission Act.

13 (vv) Information that is exempt from disclosure under
14 subsections (f) and (j) of Section 5-36 of the Illinois
15 Public Aid Code.

16 (ww) Information that is exempt from disclosure under
17 Section 16.8 of the State Treasurer Act.

18 (xx) Information that is exempt from disclosure or
19 information that shall not be made public under the
20 Illinois Insurance Code.

21 (yy) Information prohibited from being disclosed under
22 the Illinois Educational Labor Relations Act.

23 (zz) Information prohibited from being disclosed under
24 the Illinois Public Labor Relations Act.

25 (aaa) Information prohibited from being disclosed
26 under Section 1-167 of the Illinois Pension Code.

1 (bbb) Information that is prohibited from disclosure
2 by the Illinois Police Training Act and the Illinois State
3 Police Act.

4 (ccc) Records exempt from disclosure under Section
5 2605-304 of the Illinois State Police Law of the Civil
6 Administrative Code of Illinois.

7 (ddd) Information prohibited from being disclosed
8 under Section 35 of the Address Confidentiality for
9 Victims of Domestic Violence, Sexual Assault, Human
10 Trafficking, or Stalking Act.

11 (eee) Information prohibited from being disclosed
12 under subsection (b) of Section 75 of the Domestic
13 Violence Fatality Review Act.

14 (fff) Images from cameras under the Expressway Camera
15 Act. This subsection (fff) is inoperative on and after
16 July 1, 2023.

17 (ggg) ~~(fff)~~ Information prohibited from disclosure
18 under paragraph (3) of subsection (a) of Section 14 of the
19 Nurse Agency Licensing Act.

20 (hhh) Written physician attestations under Section
21 4-7001 of the Counties Code.

22 (Source: P.A. 101-13, eff. 6-12-19; 101-27, eff. 6-25-19;
23 101-81, eff. 7-12-19; 101-221, eff. 1-1-20; 101-236, eff.
24 1-1-20; 101-375, eff. 8-16-19; 101-377, eff. 8-16-19; 101-452,
25 eff. 1-1-20; 101-466, eff. 1-1-20; 101-600, eff. 12-6-19;
26 101-620, eff. 12-20-19; 101-649, eff. 7-7-20; 101-652, eff.

1 1-1-22; 101-656, eff. 3-23-21; 102-36, eff. 6-25-21; 102-237,
2 eff. 1-1-22; 102-292, eff. 1-1-22; 102-520, eff. 8-20-21;
3 102-559, eff. 8-20-21; 102-813, eff. 5-13-22; 102-946, eff.
4 7-1-22; 102-1042, eff. 6-3-22; revised 8-1-22.)

5 Section 10. The Counties Code is amended by changing
6 Section 4-7001 as follows:

7 (55 ILCS 5/4-7001) (from Ch. 34, par. 4-7001)

8 Sec. 4-7001. Coroner's fees. The fees of the coroner's
9 office shall be as follows:

10 1. For a copy of a transcript of sworn testimony:
11 \$5.00 per page.

12 2. For a copy of an autopsy report (if not included in
13 transcript): \$50.00.

14 3. For a copy of the verdict of a coroner's jury:
15 \$5.00.

16 4. For a copy of a toxicology report: \$25.00.

17 5. For a print of or an electronic file containing a
18 picture obtained by the coroner: actual cost or \$3.00,
19 whichever is greater.

20 6. For each copy of miscellaneous reports, including
21 artist's drawings but not including police reports: actual
22 cost or \$25.00, whichever is greater.

23 7. For a coroner's or medical examiner's permit to
24 cremate a dead human body: \$50.00. The coroner may waive,

1 at his or her discretion, the permit fee if the coroner
2 determines that the person is indigent and unable to pay
3 the permit fee or under other special circumstances.

4 All of which fees shall be certified by the court; in the
5 case of inmates of any State charitable or penal institution,
6 the fees shall be paid by the operating department or
7 commission, out of the State Treasury. Notwithstanding any
8 other law, a coroner shall provide one copy of the deceased's
9 autopsy report without charge to the deceased's physician
10 after the physician attests to the physician-patient
11 relationship in writing on a form provided by the coroner. A
12 written physician attestation shall be maintained
13 confidentially and is not subject to disclosure under the
14 Freedom of Information Act.

15 The coroner shall file his or her claim in probate for his
16 or her fees and he or she shall render assistance to the
17 State's attorney in the collection of such fees out of the
18 estate of the deceased. In counties of less than 1,000,000
19 population, the State's attorney shall collect such fees out
20 of the estate of the deceased.

21 Except as otherwise provided in this Section, whenever the
22 coroner is required by law to perform any of the duties of the
23 office of the sheriff, the coroner is entitled to the like fees
24 and compensation as are allowed by law to the sheriff for the
25 performance of similar services.

26 Except as otherwise provided in this Section, whenever the

1 coroner of any county is required to travel in the performance
2 of his or her duties, he or she shall receive the same mileage
3 fees as are authorized for the sheriff of such county.

4 All fees under this Section collected by or on behalf of
5 the coroner's office shall be paid over to the county
6 treasurer and deposited into a special account in the county
7 treasury. Moneys in the special account shall be used solely
8 for the purchase of electronic and forensic identification
9 equipment or other related supplies and the operating expenses
10 of the coroner's office.

11 (Source: P.A. 96-1161, eff. 7-21-10.)

12 Section 90. The State Mandates Act is amended by adding
13 Section 8.47 as follows:

14 (30 ILCS 805/8.47 new)

15 Sec. 8.47. Exempt mandate. Notwithstanding Sections 6 and
16 8 of this Act, no reimbursement by the State is required for
17 the implementation of any mandate created by this amendatory
18 Act of the 103rd General Assembly.