



WILLIAM J. SCOTT
ATTORNEY GENERAL
STATE OF ILLINOIS
SPRINGFIELD

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OFFICERS: (Coroners)
May the Coroner's Jury
Make Recommendations

Honorable Glen L. Bower
State's Attorney
Effingham County
Effingham, Illinois 62401

Dear Mr. Bower:

I have your letter wherein you ask:

"* * * Does a Coroner's Jury have the legal right to make recommendations and what is the effect of these recommendations? * * *"

Section 14 of "AN ACT to revise the law in relation to coroners" (Ill. Rev. Stat. 1975, ch. 31, par. 15) gives the following duties of jurors in a coroner's inquest:

"It shall be the duty of the jurors, as sworn aforesaid, to inquire how, in what manner, and by whom or what, the said dead body came to its

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death, and of all other facts of and concerning the same, together with all material circumstances in anywise related to or connected with the said death, and make up and sign a verdict, and deliver the same to the coroner."

It is my opinion that the jury's power is limited only to what is set forth in the statute. The statute does not include recommendations as part of the duty of jurors. Therefore, the coroner's jury does not have a legal right to make recommendations.

It is well established that the question to be determined by a coroner's inquest is one of fact - how the deceased came to his death. (Railway Officials and E.A. Association v. Coady (1899), 80 Ill. App. 563.) It is beyond the powers of a coroner's jury to express an opinion in its verdict as to whom is liable for the death of a person killed by accident. (Albaugh-Dover Co. v. Industrial Board (1917), 278 Ill. 179.) Section 14 gives the jury no power to make a finding as to the responsibility for a decedent's death. (Cox v. Chicago and N.W. Ry. Co. (1901), 92 Ill. App. 15.) In summary, it is the jury's duty to inquire diligently as to how, in what manner, and by whom or what the body which lies

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dead came to its death, enter all material circumstances connected with the death, and to make up and sign a verdict and deliver it to the coroner. Morris v. Industrial Board (1918), 284 Ill. 67.

In your letter you state that:

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* * *

The Coroner's Handbook, which is published by the Department of Public Health, Office of Vital Records, lists at page 37, the duties of the coroner's jury, and lists 'recommendations' as one of those duties.

However, the statute is silent on the question.

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The Handbook is referring to recommendations made by the coroner to the jury and not recommendations made by the jury. Also, the Coroner's Handbook was written as an aid to coroners and is merely a suggestion to them for the most efficient way to carry out their duties under the law. It does not bestow any legal duties on either the coroner or the coroner's jury. For these reasons, it cannot be construed as giving the coroner's jury the legal right to make recommendations. Because the coroner's jury is not authorized

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to make recommendations, these recommendations are not
legally binding on the officials to whom they are made.

Very truly yours,

A T T O R N E Y G E N E R A L