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1 AMENDMENT TO SENATE BILL 1641

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1641 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Line of Duty Compensation Act is amended by  
5 changing Sections 2 and 3 as follows:

6 (820 ILCS 315/2) (from Ch. 48, par. 282)

7 Sec. 2. As used in this Act, unless the context otherwise  
8 requires:

9 (a) "Law enforcement officer" or "officer" means any person  
10 employed by the State or a local governmental entity as a  
11 policeman, peace officer, auxiliary policeman or in some like  
12 position involving the enforcement of the law and protection of  
13 the public interest at the risk of that person's life. This  
14 includes supervisors, wardens, superintendents and their  
15 assistants, guards and keepers, correctional officers, youth  
16 supervisors, parole agents, school teachers and correctional  
17 counsellors in all facilities of both the Juvenile and Adult  
18 Divisions of the Department of Corrections, while within the  
19 facilities under the control of the Department of Corrections  
20 or in the act of transporting inmates or wards from one  
21 location to another or while performing their official duties,  
22 and all other Department of Correction employees who have daily  
23 contact with inmates.

24 The death of the foregoing employees of the Department of

1 Corrections in order to be included herein must be by the  
2 direct or indirect willful act of an inmate, ward,  
3 work-releasee, parolee, parole violator, person under  
4 conditional release, or any person sentenced or committed, or  
5 otherwise subject to confinement in or to the Department of  
6 Corrections.

7 (b) "Fireman" means any person employed by the State or a  
8 local governmental entity as, or otherwise serving as, a member  
9 or officer of a fire department either for the purpose of the  
10 prevention or control of fire or the underwater recovery of  
11 drowning victims, including volunteer firemen.

12 (c) "Local governmental entity" includes counties,  
13 municipalities and municipal corporations.

14 (d) "State" means the State of Illinois and its  
15 departments, divisions, boards, bureaus, commissions,  
16 authorities and colleges and universities.

17 (e) "Killed in the line of duty" means losing one's life as  
18 a result of injury received in the active performance of duties  
19 as a law enforcement officer, civil defense worker, civil air  
20 patrol member, paramedic, fireman, or chaplain if the death  
21 occurs within one year from the date the injury was received  
22 and if that injury arose from violence or other accidental  
23 cause. In the case of a State employee, "killed in the line of  
24 duty" means losing one's life as a result of injury received in  
25 the active performance of one's duties as a State employee, if  
26 the death occurs within one year from the date the injury was  
27 received and if that injury arose from a willful act of  
28 violence by another State employee committed during such other  
29 employee's course of employment and after January 1, 1988. The  
30 term excludes death resulting from the willful misconduct or  
31 intoxication of the officer, civil defense worker, civil air  
32 patrol member, paramedic, fireman, chaplain, or State  
33 employee. However, the burden of proof of such willful  
34 misconduct or intoxication of the officer, civil defense

1 worker, civil air patrol member, paramedic, fireman, chaplain,  
2 or State employee is on the Attorney General. Subject to the  
3 conditions set forth in subsection (a) with respect to  
4 inclusion under this Act of Department of Corrections employees  
5 described in that subsection, for the purposes of this Act,  
6 instances in which a law enforcement officer receives an injury  
7 in the active performance of duties as a law enforcement  
8 officer include but are not limited to instances when:

9 (1) the injury is received as a result of a wilful act  
10 of violence committed other than by the officer and a  
11 relationship exists between the commission of such act and  
12 the officer's performance of his duties as a law  
13 enforcement officer, whether or not the injury is received  
14 while the officer is on duty as a law enforcement officer;

15 (2) the injury is received by the officer while the  
16 officer is attempting to prevent the commission of a  
17 criminal act by another or attempting to apprehend an  
18 individual the officer suspects has committed a crime,  
19 whether or not the injury is received while the officer is  
20 on duty as a law enforcement officer;

21 (3) the injury is received by the officer while the  
22 officer is travelling to or from his employment as a law  
23 enforcement officer or during any meal break, or other  
24 break, which takes place during the period in which the  
25 officer is on duty as a law enforcement officer.

26 In the case of an Armed Forces member, "killed in the line  
27 of duty" means losing one's life while on active duty in  
28 connection with the September 11, 2001 terrorist attacks on the  
29 United States, Operation Enduring Freedom, or Operation Iraqi  
30 Freedom.

31 (f) "Volunteer fireman" means a person having principal  
32 employment other than as a fireman, but who is carried on the  
33 rolls of a regularly constituted fire department either for the  
34 purpose of the prevention or control of fire or the underwater

1 recovery of drowning victims, the members of which are under  
2 the jurisdiction of the corporate authorities of a city,  
3 village, incorporated town, or fire protection district, and  
4 includes a volunteer member of a fire department organized  
5 under the "General Not for Profit Corporation Act", approved  
6 July 17, 1943, as now or hereafter amended, which is under  
7 contract with any city, village, incorporated town, fire  
8 protection district, or persons residing therein, for fire  
9 fighting services. "Volunteer fireman" does not mean an  
10 individual who volunteers assistance without being regularly  
11 enrolled as a fireman.

12 (g) "Civil defense worker" means any person employed by the  
13 State or a local governmental entity as, or otherwise serving  
14 as, a member of a civil defense work force, including volunteer  
15 civil defense work forces engaged in serving the public  
16 interest during periods of disaster, whether natural or  
17 man-made.

18 (h) "Civil air patrol member" means any person employed by  
19 the State or a local governmental entity as, or otherwise  
20 serving as, a member of the organization commonly known as the  
21 "Civil Air Patrol", including volunteer members of the  
22 organization commonly known as the "Civil Air Patrol".

23 (i) "Paramedic" means an Emergency Medical  
24 Technician-Paramedic certified by the Illinois Department of  
25 Public Health under the Emergency Medical Services (EMS)  
26 Systems Act, and all other emergency medical personnel  
27 certified by the Illinois Department of Public Health who are  
28 members of an organized body or not-for-profit corporation  
29 under the jurisdiction of a city, village, incorporated town,  
30 fire protection district or county, that provides emergency  
31 medical treatment to persons of a defined geographical area.

32 (j) "State employee" means any employee as defined in  
33 Section 14-103.05 of the Illinois Pension Code, as now or  
34 hereafter amended.

1 (k) "Chaplain" means an individual who:

2 (1) is a chaplain of (i) a fire department or (ii) a  
3 police department or other agency consisting of law  
4 enforcement officers; and

5 (2) has been designated a chaplain by (i) the fire  
6 department, police department, or other agency or an  
7 officer or body having jurisdiction over the department or  
8 agency or (ii) a labor organization representing the  
9 firemen or law enforcement officers.

10 (l) "Armed Forces member" means an Illinois resident who  
11 is: a member of the Armed Forces of the United States; a member  
12 of the Illinois National Guard while on active military service  
13 pursuant to an order of the President of the United States; or  
14 a member of any reserve component of the Armed Forces of the  
15 United States while on active military service pursuant to an  
16 order of the President of the United States.

17 (Source: P.A. 93-1047, eff. 10-18-04.)

18 (820 ILCS 315/3) (from Ch. 48, par. 283)

19 Sec. 3. Duty death benefit.

20 (a) If a claim therefor is made within one year of the date  
21 of death of a law enforcement officer, civil defense worker,  
22 civil air patrol member, paramedic, fireman, chaplain, State  
23 employee, or Armed Forces member killed in the line of duty,  
24 compensation shall be paid to the person designated by the law  
25 enforcement officer, civil defense worker, civil air patrol  
26 member, paramedic, fireman, chaplain, State employee, or Armed  
27 Forces member. However, if the Armed Forces member was killed  
28 in the line of duty before October 18, 2004 ~~the effective date~~  
29 ~~of this amendatory Act of the 93rd General Assembly~~, the claim  
30 must be made within one year of October 18, 2004 ~~the effective~~  
31 ~~date of this amendatory Act of the 93rd General Assembly~~.

32 (b) The amount of compensation, except for an Armed Forces  
33 member, shall be \$10,000 if the death in the line of duty

1 occurred prior to January 1, 1974; \$20,000 if such death  
2 occurred after December 31, 1973 and before July 1, 1983;  
3 \$50,000 if such death occurred on or after July 1, 1983 and  
4 before January 1, 1996; \$100,000 if the death occurred on or  
5 after January 1, 1996 and before May 18, 2001; \$118,000 if the  
6 death occurred on or after May 18, 2001 and before July 1, 2002  
7 ~~the effective date of this amendatory Act of the 92nd General~~  
8 ~~Assembly~~; and \$259,038 if the death occurred ~~occurs~~ on or after  
9 July 1, 2002 ~~the effective date of this amendatory Act of the~~  
10 ~~92nd General Assembly~~ and before January 1, 2003. For an Armed  
11 Forces member killed in the line of duty (i) at any time before  
12 January 1, 2005, the compensation is \$259,038 plus amounts  
13 equal to the increases for 2003 and 2004 determined under  
14 subsection (c) and (ii) on or after January 1, 2005, the  
15 compensation is the amount determined under item (i) plus the  
16 applicable increases for 2005 and thereafter determined under  
17 subsection (c).

18 (c) Except as provided in subsection (b), for ~~For~~ deaths  
19 occurring on or after January 1, 2003, the death compensation  
20 rate for death in the line of duty occurring in a particular  
21 calendar year shall be the death compensation rate for death  
22 occurring in the previous calendar year (or in the case of  
23 deaths occurring in 2003, the rate in effect on December 31,  
24 2002) increased by a percentage thereof equal to the percentage  
25 increase, if any, in the index known as the Consumer Price  
26 Index for All Urban Consumers: U.S. city average, unadjusted,  
27 for all items, as published by the United States Department of  
28 Labor, Bureau of Labor Statistics, for the 12 months ending  
29 with the month of June of that previous calendar year.

30 (d) If no beneficiary is designated or surviving at the  
31 death of the law enforcement officer, civil defense worker,  
32 civil air patrol member, paramedic, fireman, chaplain, State  
33 employee, or Armed Forces member killed in the line of duty,  
34 the compensation shall be paid as follows:

1           (1) ~~(a)~~ when there is a surviving spouse, the entire  
2 sum shall be paid to the spouse;

3           (2) ~~(b)~~ when there is no surviving spouse, but a  
4 surviving descendant of the decedent, the entire sum shall  
5 be paid to the decedent's descendants per stirpes;

6           (3) ~~(c)~~ when there is neither a surviving spouse nor a  
7 surviving descendant, the entire sum shall be paid to the  
8 parents of the decedent in equal parts, allowing to the  
9 surviving parent, if one is dead, the entire sum; and

10           (4) ~~(d)~~ when there is no surviving spouse, descendant  
11 or parent of the decedent, but there are surviving brothers  
12 or sisters, or descendants of a brother or sister, who were  
13 receiving their principal support from the decedent at his  
14 death, the entire sum shall be paid, in equal parts, to the  
15 dependent brothers or sisters or dependent descendant of a  
16 brother or sister. Dependency shall be determined by the  
17 Court of Claims based upon the investigation and report of  
18 the Attorney General.

19           (e) When there is no beneficiary designated or surviving at  
20 the death of the law enforcement officer, civil defense worker,  
21 civil air patrol member, paramedic, fireman, chaplain, State  
22 employee, or Armed Forces member killed in the line of duty and  
23 no surviving spouse, descendant, parent, dependent brother or  
24 sister, or dependent descendant of a brother or sister, no  
25 compensation shall be payable under this Act.

26           (f) No part of such compensation may be paid to any other  
27 person for any efforts in securing such compensation.

28           (g) This amendatory Act of the 93rd General Assembly  
29 applies to claims made on or after October 18, 2004 with  
30 respect to an Armed Forces member killed in the line of duty.

31 (Source: P.A. 92-3, eff. 5-18-01; 92-609, eff. 7-1-02; 93-1047,  
32 eff. 10-18-04.)

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

1 becoming law.".