



93RD GENERAL ASSEMBLY

State of Illinois

2003 and 2004

SB3390

Introduced 11/8/2004, by Sen. Larry K. Bomke

SYNOPSIS AS INTRODUCED:

820 ILCS 315/2 from Ch. 48, par. 282
820 ILCS 320/10
820 ILCS 320/15

Amends the Law Enforcement Officers, Civil Defense Workers, Civil Air Patrol Members, Paramedics, Firemen, Chaplains, and State Employees Compensation Act. Provides that the term "law enforcement officer" includes a person who is employed as a security guard by the State on a full-time, part-time, temporary, or contractual-payroll basis and whose death in the line of duty results from injury incurred on or after September 1, 2004. Also makes technical corrections. Amends the Public Safety Employee Benefits Act. Provides that if a person who is employed by the State as a security guard suffers a catastrophic injury or is killed in the line of duty on or after September 1, 2004, the security guard and his or her spouse and dependent children are eligible for health coverage benefits under the Act. Provides that if a person who is employed by the State as a security guard is accidentally or unlawfully and intentionally killed in the line of duty on or after September 1, 2004, the State shall waive certain educational expenses incurred by the security guard's children. Effective immediately.

LRB093 23507 LRD 53502 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning public employee benefits.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Law Enforcement Officers, Civil Defense
5 Workers, Civil Air Patrol Members, Paramedics, Firemen,
6 Chaplains, and State Employees Compensation Act is amended by
7 changing Sections 2 as follows:

8 (820 ILCS 315/2) (from Ch. 48, par. 282)

9 Sec. 2. As used in this Act, unless the context otherwise
10 requires:

11 (a) "Law enforcement officer" or "officer" means any person
12 employed by the State or a local governmental entity as a
13 policeman, peace officer, auxiliary policeman or in some like
14 position involving the enforcement of the law and protection of
15 the public interest at the risk of that person's life. "Law
16 enforcement officer" or "officer" includes, but is not limited
17 to, a person who is employed as a security guard by the State
18 on a full-time, part-time, temporary, or contractual-payroll
19 basis and whose death in the line of duty results from injury
20 incurred on or after September 1, 2004. "Law enforcement
21 officer" or "officer" also ~~This~~ includes supervisors, wardens,
22 superintendents and their assistants, guards and keepers,
23 correctional officers, youth supervisors, parole agents,
24 school teachers and correctional counsellors in all facilities
25 of both the Juvenile and Adult Divisions of the Department of
26 Corrections, while within the facilities under the control of
27 the Department of Corrections or in the act of transporting
28 inmates or wards from one location to another or while
29 performing their official duties, and all other Department of
30 Correction employees who have daily contact with inmates.

31 The death of the foregoing employees of the Department of
32 Corrections in order to be included herein must be by the

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

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

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

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

16 (e) "Killed in the line of duty" means losing one's life as
17 a result of injury received in the active performance of duties
18 as a law enforcement officer, civil defense worker, civil air
19 patrol member, paramedic, fireman, or chaplain if the death
20 occurs within one year from the date the injury was received
21 and if that injury arose from violence or other accidental
22 cause. In the case of a State employee to whom the immediately
23 preceding definition does not apply, "killed in the line of
24 duty" means losing one's life as a result of injury received in
25 the active performance of his or her ~~one's~~ duties as a State
26 employee, if the death occurs within one year from the date the
27 injury was received and if that injury arose from a willful act
28 of violence by another State employee committed during such
29 other employee's course of employment and after January 1,
30 1988.

31 The term excludes death resulting from the willful
32 misconduct or intoxication of the officer, civil defense
33 worker, civil air patrol member, paramedic, fireman, chaplain,
34 or State employee. However, the burden of proof of such willful
35 misconduct or intoxication of the officer, civil defense
36 worker, civil air patrol member, paramedic, fireman, chaplain,

1 or State employee is on the Attorney General.

2 Subject to the conditions set forth in subsection (a) with
3 respect to inclusion under this Act of Department of
4 Corrections employees described in that subsection, for the
5 purposes of this Act, instances in which a law enforcement
6 officer receives an injury in the active performance of duties
7 as a law enforcement officer include but are not limited to
8 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 (f) "Volunteer fireman" means a person having principal
27 employment other than as a fireman, but who is carried on the
28 rolls of a regularly constituted fire department either for the
29 purpose of the prevention or control of fire or the underwater
30 recovery of drowning victims, the members of which are under
31 the jurisdiction of the corporate authorities of a city,
32 village, incorporated town, or fire protection district, and
33 includes a volunteer member of a fire department organized
34 under the "General Not for Profit Corporation Act", approved
35 July 17, 1943, as now or hereafter amended, which is under
36 contract with any city, village, incorporated town, fire

1 protection district, or persons residing therein, for fire
2 fighting services. "Volunteer fireman" does not mean an
3 individual who volunteers assistance without being regularly
4 enrolled as a fireman.

5 (g) "Civil defense worker" means any person employed by the
6 State or a local governmental entity as, or otherwise serving
7 as, a member of a civil defense work force, including volunteer
8 civil defense work forces engaged in serving the public
9 interest during periods of disaster, whether natural or
10 man-made.

11 (h) "Civil air patrol member" means any person employed by
12 the State or a local governmental entity as, or otherwise
13 serving as, a member of the organization commonly known as the
14 "Civil Air Patrol", including volunteer members of the
15 organization commonly known as the "Civil Air Patrol".

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

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

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

29 (1) is a chaplain of (i) a fire department or (ii) a
30 police department or other agency consisting of law
31 enforcement officers; and

32 (2) has been designated a chaplain by (i) the fire
33 department, police department, or other agency or an
34 officer or body having jurisdiction over the department or
35 agency or (ii) a labor organization representing the
36 firemen or law enforcement officers.

1 (Source: P.A. 89-323, eff. 1-1-96.)

2 Section 10. The Public Safety Employee Benefits Act is
3 amended by changing Sections 10 and 15 as follows:

4 (820 ILCS 320/10)

5 Sec. 10. Required health coverage benefits.

6 (a) An employer who employs a full-time law enforcement,
7 correctional or correctional probation officer, or
8 firefighter, who, on or after the effective date of this Act
9 suffers a catastrophic injury or is killed in the line of duty
10 and a State employer who employs a security guard on a
11 full-time, part-time, temporary, or contractual-payroll basis
12 who, on or before September 1, 2004, suffers a catastrophic
13 injury or is killed in the line of duty shall pay the entire
14 premium of the employer's health insurance plan for the injured
15 employee, the injured employee's spouse, and for each dependent
16 child of the injured employee until the child reaches the age
17 of majority or until the end of the calendar year in which the
18 child reaches the age of 25 if the child continues to be
19 dependent for support or the child is a full-time or part-time
20 student and is dependent for support. The term "health
21 insurance plan" does not include supplemental benefits that are
22 not part of the basic group health insurance plan. If the
23 injured employee subsequently dies, the employer shall
24 continue to pay the entire health insurance premium for the
25 surviving spouse until remarried and for the dependent children
26 under the conditions established in this Section. However:

27 (1) Health insurance benefits payable from any other
28 source shall reduce benefits payable under this Section.

29 (2) It is unlawful for a person to willfully and
30 knowingly make, or cause to be made, or to assist, conspire
31 with, or urge another to make, or cause to be made, any
32 false, fraudulent, or misleading oral or written statement
33 to obtain health insurance coverage as provided under this
34 Section. A violation of this item is a Class A misdemeanor.

1 (3) Upon conviction for a violation described in item
2 (2), a law enforcement, correctional or correctional
3 probation officer, security guard, or other beneficiary
4 who receives or seeks to receive health insurance benefits
5 under this Section shall forfeit the right to receive
6 health insurance benefits and shall reimburse the employer
7 for all benefits paid due to the fraud or other prohibited
8 activity. For purposes of this item, "conviction" means a
9 determination of guilt that is the result of a plea or
10 trial, regardless of whether adjudication is withheld.

11 (b) In order for the law enforcement, correctional or
12 correctional probation officer, security guard, firefighter,
13 spouse, or dependent children to be eligible for insurance
14 coverage under this Act, the injury or death must have occurred
15 as the result of the officer's or security guard's response to
16 fresh pursuit, the officer's, security guard's, ~~officer~~ or
17 firefighter's response to what is reasonably believed to be an
18 emergency, an unlawful act perpetrated by another, or during
19 the investigation of a criminal act. Nothing in this Section
20 shall be construed to limit health insurance coverage or
21 pension benefits for which the officer, security guard,
22 firefighter, spouse, or dependent children may otherwise be
23 eligible.

24 (Source: P.A. 90-535, eff. 11-14-97.)

25 (820 ILCS 320/15)

26 Sec. 15. Required educational benefits. If a firefighter,
27 law enforcement, or correctional or correctional probation
28 officer is accidentally or unlawfully and intentionally killed
29 as specified in subsection (b) of Section 10 on or after July
30 1, 1980, and if a security guard employed by the State is
31 accidentally or unlawfully and intentionally killed as
32 specified in subsection (b) of Section 10 on or before
33 September 1, 2004, the State shall waive certain educational
34 expenses which children of the deceased incur while obtaining a
35 vocational-technical certificate or an undergraduate education

1 at a State supported institution. The amount waived by the
2 State shall be an amount equal to the cost of tuition and
3 matriculation and registration fees for a total of 120 credit
4 hours. The child may attend a State vocational-technical
5 school, a public community college, or a State university. The
6 child may attend any or all of the institutions specified in
7 this Section, on either a full-time or part-time basis. The
8 benefits provided under this Section shall continue to the
9 child until the child's 25th birthday.

10 (1) Upon failure of any child benefited by the
11 provisions of this Section to comply with the ordinary and
12 minimum requirements of the institution attended, both as
13 to discipline and scholarship, the benefits shall be
14 withdrawn as to the child and no further moneys may be
15 expended for the child's benefits so long as the failure or
16 delinquency continues.

17 (2) Only a student in good standing in his or her
18 respective institution may receive the benefits under this
19 Section.

20 (3) A child receiving benefits under this Section must
21 be enrolled according to the customary rules and
22 requirements of the institution attended.

23 (Source: P.A. 92-651, eff. 7-11-02.)

24 Section 99. Effective date. This Act takes effect upon
25 becoming law.