



Sen. John J. Millner

**Filed: 4/22/2010**

09600SB2850sam003

LRB096 16951 RLJ 40318 a

1 AMENDMENT TO SENATE BILL 2850

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2850 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Municipal Code is amended by  
5 changing Sections 1-4-8 and 11-1-2.1 as follows:

6 (65 ILCS 5/1-4-8) (from Ch. 24, par. 1-4-8)

7 Sec. 1-4-8. Police assistance from other municipalities;  
8 liability. In addition to the powers of the police of any  
9 municipality under Section 7-4-8 of this Act, the corporate  
10 authorities of any municipality under 500,000 population may  
11 request of any other such municipality or municipalities its  
12 police and police department equipment, and any such requested  
13 municipality may furnish its policemen and police department  
14 equipment, to aid the requesting municipality in suppressing or  
15 attempting to suppress, any mob action, riot or civil  
16 disturbance occurring within the requesting municipality, to

1 preserve the peace, and to protect the lives, rights and  
2 property of citizens, ~~regardless of whether any mutual~~  
3 ~~assistance agreement exists under Section 11-1-2.1 of this Act.~~

4 If a mutual assistance agreement between the  
5 municipalities exists, then the provisions of that agreement in  
6 relation to any liability shall apply, including any liability  
7 to indemnify under Sections 1-4-5 or 1-4-6. If the mutual  
8 assistance agreement is silent as to liability, then this  
9 Section shall apply. If there is no mutual assistance agreement  
10 between the municipalities, then the provisions of this Section  
11 apply.

12 Any municipality requesting and receiving such assistance  
13 from another jurisdiction shall be liable or obligated to  
14 indemnify the furnishing police department for any of its  
15 equipment damaged or destroyed, and the individual policemen so  
16 furnished for any material damage to property, injury to his or  
17 her person or on account of his or her death, resulting from  
18 the unlawful activities performed or caused by the mob action,  
19 riot or civil disturbance, being or attempted to be suppressed  
20 by the requesting municipality.

21 Municipalities requesting police assistance under this  
22 Section shall also be liable for any liability or obligation to  
23 indemnify the furnished policeman, their legal representatives  
24 in case of death, or the furnishing municipality or police  
25 department, as the case may be, for any liability or obligation  
26 to indemnify created by Section 1-4-5 and 1-4-6 which may occur

1 as a result of any police assistance furnished under this  
2 Section.

3 Policemen furnished to other municipalities under this  
4 Section have all the powers of the police officers of the  
5 requesting municipality and are subject to the direction of the  
6 chief of police of the requesting municipality; however, they  
7 shall retain all their pension and disability rights while so  
8 furnished and working outside of their police district or  
9 territory.

10 The corporate authorities of any municipality included in  
11 this Section may contract to procure necessary liability  
12 insurance to cover any liability created or imposed by this  
13 Section.

14 (Source: Laws 1968, p. 26.)

15 (65 ILCS 5/11-1-2.1) (from Ch. 24, par. 11-1-2.1)

16 Sec. 11-1-2.1. Mutual assistance agreements. In addition  
17 to the powers of the police of any municipality under Section  
18 7-4-8 of this Act, the corporate authorities of each  
19 municipality having a population of less than 500,000 may enter  
20 into agreements with any other such municipality or  
21 municipalities to furnish police assistance on request. Such  
22 agreements shall contain provisions in relation to any  
23 liability, including any liability or obligation to indemnify  
24 created by Sections 1-4-5, 1-4-6, or 1-4-8 ~~Section 1-4-5 or~~  
25 ~~Section 1-4-6~~, which may occur as a result of any police

1 assistance furnished under such agreements.

2 Police officers furnishing assistance under such  
3 agreements have all of the powers of police officers of any  
4 requesting municipality and are subject to the direction of the  
5 chief of police of a requesting municipality.

6 (Source: Laws 1967, p. 3284.)

7 Section 99. Effective date. This Act takes effect upon  
8 becoming law.".