

SB0860



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB0860

Introduced 2/7/2017, by Sen. Thomas Cullerton

SYNOPSIS AS INTRODUCED:

820 ILCS 315/2

from Ch. 48, par. 282

Amends the Line of Duty Compensation Act. Changes the definition of "killed in the line of duty" to include losing one's life while on active duty in connection with, among other operations, Operation Freedom's Sentinel, Operation New Dawn, and Operation Inherent Resolve. Effective immediately.

LRB100 07011 HEP 17065 b

A BILL FOR

1 AN ACT concerning employment.

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

4 Section 5. The Line of Duty Compensation Act is amended by
5 changing Section 2 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, aftercare specialists, school
17 teachers and correctional counsellors in all facilities of both
18 the Department of Corrections and the Department of Juvenile
19 Justice, while within the facilities under the control of the
20 Department of Corrections or the Department of Juvenile Justice
21 or in the act of transporting inmates or wards from one
22 location to another or while performing their official duties,
23 and all other Department of Correction or Department of

1 Juvenile Justice employees who have daily contact with inmates.

2 The death of the foregoing employees of the Department of
3 Corrections or the Department of Juvenile Justice in order to
4 be included herein must be by the direct or indirect willful
5 act of an inmate, ward, work-releasee, parolee, aftercare
6 releasee, parole violator, aftercare release violator, person
7 under conditional release, or any person sentenced or
8 committed, or otherwise subject to confinement in or to the
9 Department of Corrections or the Department of Juvenile
10 Justice.

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

16 (c) "Local governmental entity" includes counties,
17 municipalities and municipal corporations.

18 (d) "State" means the State of Illinois and its
19 departments, divisions, boards, bureaus, commissions,
20 authorities and colleges and universities.

21 (e) "Killed in the line of duty" means losing one's life as
22 a result of injury received in the active performance of duties
23 as a law enforcement officer, civil defense worker, civil air
24 patrol member, paramedic, fireman, or chaplain if the death
25 occurs within one year from the date the injury was received
26 and if that injury arose from violence or other accidental

1 cause. In the case of a State employee, "killed in the line of
2 duty" means losing one's life as a result of injury received in
3 the active performance of one's duties as a State employee, if
4 the death occurs within one year from the date the injury was
5 received and if that injury arose from a willful act of
6 violence by another State employee committed during such other
7 employee's course of employment and after January 1, 1988. The
8 term excludes death resulting from the willful misconduct or
9 intoxication of the officer, civil defense worker, civil air
10 patrol member, paramedic, fireman, chaplain, or State
11 employee. However, the burden of proof of such willful
12 misconduct or intoxication of the officer, civil defense
13 worker, civil air patrol member, paramedic, fireman, chaplain,
14 or State employee is on the Attorney General. Subject to the
15 conditions set forth in subsection (a) with respect to
16 inclusion under this Act of Department of Corrections and
17 Department of Juvenile Justice employees described in that
18 subsection, for the purposes of this Act, instances in which a
19 law enforcement officer receives an injury in the active
20 performance of duties as a law enforcement officer include but
21 are not limited to instances when:

22 (1) the injury is received as a result of a wilful act
23 of violence committed other than by the officer and a
24 relationship exists between the commission of such act and
25 the officer's performance of his duties as a law
26 enforcement officer, whether or not the injury is received

1 while the officer is on duty as a law enforcement officer;

2 (2) the injury is received by the officer while the
3 officer is attempting to prevent the commission of a
4 criminal act by another or attempting to apprehend an
5 individual the officer suspects has committed a crime,
6 whether or not the injury is received while the officer is
7 on duty as a law enforcement officer;

8 (3) the injury is received by the officer while the
9 officer is travelling to or from his employment as a law
10 enforcement officer or during any meal break, or other
11 break, which takes place during the period in which the
12 officer is on duty as a law enforcement officer.

13 In the case of an Armed Forces member, "killed in the line
14 of duty" means losing one's life while on active duty in
15 connection with the September 11, 2001 terrorist attacks on the
16 United States, Operation Enduring Freedom, Operation Freedom's
17 Sentinel, ~~or~~ Operation Iraqi Freedom, Operation New Dawn, or
18 Operation Inherent Resolve.

19 (f) "Volunteer fireman" means a person having principal
20 employment other than as a fireman, but who is carried on the
21 rolls of a regularly constituted fire department either for the
22 purpose of the prevention or control of fire or the underwater
23 recovery of drowning victims, the members of which are under
24 the jurisdiction of the corporate authorities of a city,
25 village, incorporated town, or fire protection district, and
26 includes a volunteer member of a fire department organized

1 under the "General Not for Profit Corporation Act", approved
2 July 17, 1943, as now or hereafter amended, which is under
3 contract with any city, village, incorporated town, fire
4 protection district, or persons residing therein, for fire
5 fighting services. "Volunteer fireman" does not mean an
6 individual who volunteers assistance without being regularly
7 enrolled as a fireman.

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

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

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

1 medical treatment to persons of a defined geographical area.

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

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

6 (1) is a chaplain of (i) a fire department or (ii) a
7 police department or other agency consisting of law
8 enforcement officers; and

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

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

21 (Source: P.A. 98-558, eff. 1-1-14.)

22 Section 99. Effective date. This Act takes effect upon
23 becoming law.