

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 Public Employee Disability Act is amended by
5 changing Section 1 as follows:

6 (5 ILCS 345/1) (from Ch. 70, par. 91)

7 Sec. 1. Disability benefit.

8 (a) For the purposes of this Section, "eligible employee"
9 means any part-time or full-time State correctional officer or
10 any other full or part-time employee of the Department of
11 Corrections, any full or part-time employee of the Prisoner
12 Review Board, any full or part-time employee of the Department
13 of Human Services working within a penal institution or a State
14 mental health or developmental disabilities facility operated
15 by the Department of Human Services, and any full-time law
16 enforcement officer or full-time firefighter, including a
17 full-time paramedic or a firefighter who performs paramedic
18 duties, who is employed by the State of Illinois, any unit of
19 local government (including any home rule unit), any State
20 supported college or university, or any other public entity
21 granted the power to employ persons for such purposes by law.

22 (b) Whenever an eligible employee suffers any injury in the
23 line of duty which causes him to be unable to perform his

1 duties, he shall continue to be paid by the employing public
2 entity on the same basis as he was paid before the injury, with
3 no deduction from his sick leave credits, compensatory time for
4 overtime accumulations or vacation, or service credits in a
5 public employee pension fund during the time he is unable to
6 perform his duties due to the result of the injury, but not
7 longer than one year in relation to the same injury, except as
8 otherwise provided under subsection (b-5). However, no injury
9 to an employee of the Department of Corrections or the Prisoner
10 Review Board working within a penal institution or an employee
11 of the Department of Human Services working within a
12 departmental mental health or developmental disabilities
13 facility shall qualify the employee for benefits under this
14 Section unless the injury is the direct or indirect result of
15 violence by inmates of the penal institution or residents of
16 the mental health or developmental disabilities facility.

17 (b-5) Upon the occurrence of circumstances, directly or
18 indirectly attributable to COVID-19, occurring on or after
19 March 9, 2020 and on or before December 31, 2020 which would
20 hinder the physical recovery from an injury of an eligible
21 employee within the one-year period as required under
22 subsection (b), the eligible employee shall be entitled to an
23 extension of no longer than 60 days by which he or she shall
24 continue to be paid by the employing public entity on the same
25 basis as he or she was paid before the injury. The employing
26 public entity may require proof of the circumstances hindering

1 an eligible employee's physical recovery before granting the
2 extension provided under this subsection (b-5).

3 (c) At any time during the period for which continuing
4 compensation is required by this Act, the employing public
5 entity may order at the expense of that entity physical or
6 medical examinations of the injured person to determine the
7 degree of disability.

8 (d) During this period of disability, the injured person
9 shall not be employed in any other manner, with or without
10 monetary compensation. Any person who is employed in violation
11 of this paragraph forfeits the continuing compensation
12 provided by this Act from the time such employment begins. Any
13 salary compensation due the injured person from workers'
14 compensation or any salary due him from any type of insurance
15 which may be carried by the employing public entity shall
16 revert to that entity during the time for which continuing
17 compensation is paid to him under this Act. Any person with a
18 disability receiving compensation under the provisions of this
19 Act shall not be entitled to any benefits for which he would
20 qualify because of his disability under the provisions of the
21 Illinois Pension Code.

22 (e) Any employee of the State of Illinois, as defined in
23 Section 14-103.05 of the Illinois Pension Code, who becomes
24 permanently unable to perform the duties of such employment due
25 to an injury received in the active performance of his duties
26 as a State employee as a result of a willful act of violence by

1 another employee of the State of Illinois, as so defined,
2 committed during such other employee's course of employment and
3 after January 1, 1988, shall be eligible for benefits pursuant
4 to the provisions of this Section. For purposes of this
5 Section, permanent disability is defined as a diagnosis or
6 prognosis of an inability to return to current job duties by a
7 physician licensed to practice medicine in all of its branches.

8 (f) The compensation and other benefits provided to
9 part-time employees covered by this Section shall be calculated
10 based on the percentage of time the part-time employee was
11 scheduled to work pursuant to his or her status as a part-time
12 employee.

13 (g) Pursuant to paragraphs (h) and (i) of Section 6 of
14 Article VII of the Illinois Constitution, this Act specifically
15 denies and limits the exercise by home rule units of any power
16 which is inconsistent herewith, and all existing laws and
17 ordinances which are inconsistent herewith are hereby
18 superseded. This Act does not preempt the concurrent exercise
19 by home rule units of powers consistent herewith.

20 This Act does not apply to any home rule unit with a
21 population of over 1,000,000.

22 (h) In those cases where the injury to a State employee for
23 which a benefit is payable under this Act was caused under
24 circumstances creating a legal liability for damages on the
25 part of some person other than the State employer, all of the
26 rights and privileges, including the right to notice of suit

1 brought against such other person and the right to commence or
2 join in such suit, as given the employer, together with the
3 conditions or obligations imposed under paragraph (b) of
4 Section 5 of the Workers' Compensation Act, are also given and
5 granted to the State, to the end that, with respect to State
6 employees only, the State may be paid or reimbursed for the
7 amount of benefit paid or to be paid by the State to the
8 injured employee or his or her personal representative out of
9 any judgment, settlement, or payment for such injury obtained
10 by such injured employee or his or her personal representative
11 from such other person by virtue of the injury.

12 (Source: P.A. 99-143, eff. 7-27-15; 100-1143, eff. 1-1-19.)

13 Section 10. The Illinois Horse Racing Act of 1975 is
14 amended by adding Section 15.5 as follows:

15 (230 ILCS 5/15.5 new)

16 Sec. 15.5. Labor agreements.

17 (a) This Section applies to each entity subject to this Act
18 that has at least 10 employees on average over the 12 months
19 preceding application for an organization gaming license.

20 (b) Before an organization gaming license may be granted or
21 renewed, the applicant or licensee seeking an organization
22 gaming license or renewal shall:

23 (1) Enter into, and observe, the terms of a collective
24 bargaining agreement with any labor organization seeking

1 to represent a majority of the licensee's employees in a
2 bargaining unit consisting of all non-supervisory and
3 non-management employees in the classifications identified
4 by the labor organization. Any new employees hired by the
5 licensee who perform work substantially similar to current
6 employees in an existing bargaining unit already
7 represented by a labor organization at the facility shall
8 be incorporated into that existing bargaining unit.

9 (2) Upon written notice by a labor organization of its
10 desire to represent employees in a designated bargaining
11 unit, the licensee shall:

12 (A) provide the names, classifications, and home
13 addresses of each and every employee in the identified
14 bargaining unit;

15 (B) refrain from expressing any views on the
16 question whether its employees should be represented
17 by a labor organization;

18 (C) refrain from restraining or coercing its
19 employees in choosing to be represented or not
20 represented by a labor organization; and

21 (D) allow designated representatives of the labor
22 organization access to its non-work areas for the
23 purpose of meeting privately with its employees during
24 non-working times.

25 (3) Upon a showing of majority interest, to be
26 certified through card check by the Federal Mediation and

1 Conciliation Service or from a designated arbitrator from a
2 permanent panel of arbitrators appointed by the Illinois
3 Racing Board, the licensee and the labor organization shall
4 immediately enter into negotiations for a collective
5 bargaining agreement.

6 (4) If the parties are unable to conclude a labor
7 agreement within 60 days following the date of
8 certification, the terms of the agreement shall be set by
9 an arbitrator jointly selected by the parties from a panel
10 of arbitrators designated by the Illinois Racing Board, who
11 shall issue a final and binding award within 120 days after
12 the date of certification, if the parties fail to conclude
13 an agreement by that date. Except with regard to the
14 minimum requirements in paragraph (5), the arbitrator
15 shall be guided by the terms of labor agreements covering
16 the same or similar classifications of employees within 100
17 miles of the facility or facilities for which the agreement
18 is negotiated. The arbitrator shall also resolve all
19 disputes regarding the scope and composition of the
20 bargaining unit covered under the labor agreement. The
21 licensee and the labor organization shall share equally the
22 expenses of the arbitrator. No labor agreement shall cover
23 employees in a bargaining unit for which another labor
24 organization has been certified as a bargaining
25 representative under this Act and that continues to
26 actively represent such employees.

1 (5) All labor agreements required under this Section
2 shall, at a minimum, include a:

3 (A) term of at least 3 years;

4 (B) prohibition on strikes or other work stoppages
5 by the labor organization and the represented
6 employees during the term of the labor agreement; and

7 (C) restriction on subcontracting any work
8 performed on or about the licensee's premises as part
9 of its normal operations except by mutual agreement
10 with the labor organization, and then only to a person
11 or firm that is signatory to a labor agreement with a
12 labor organization that has indicated its interest in
13 representing the employees of the subcontractor,
14 provided, the subcontractor's employees are not
15 lawfully represented by another labor organization.

16 (6) A copy of the fully executed labor agreement shall
17 be submitted to the Illinois Racing Board prior to the
18 issuance or renewal of any organization gaming license
19 required under this Act.

20 (c) Upon the expiration of a labor agreement required under
21 this Section, the parties shall negotiate a successor agreement
22 under the procedures set forth in paragraphs (4) and (5) of
23 subsection (b), except that the negotiation and arbitration
24 procedures shall commence upon the last effective day of the
25 expiring labor agreement.

26 (d) The provisions of this Section, except for paragraph

1 (2) of subsection (b), do not apply to any entity that is
2 covered, or subsequently becomes covered, under the National
3 Labor Relations Act, 29 U.S.C. 151 et seq. However, nothing in
4 this Act shall affect or diminish the validity and
5 enforceability of any collective bargaining agreement entered
6 into during the period that this Act applies.

7 Section 15. The Criminal Code of 2012 is amended by
8 changing Section 12-3.05 as follows:

9 (720 ILCS 5/12-3.05) (was 720 ILCS 5/12-4)

10 Sec. 12-3.05. Aggravated battery.

11 (a) Offense based on injury. A person commits aggravated
12 battery when, in committing a battery, other than by the
13 discharge of a firearm, he or she knowingly does any of the
14 following:

15 (1) Causes great bodily harm or permanent disability or
16 disfigurement.

17 (2) Causes severe and permanent disability, great
18 bodily harm, or disfigurement by means of a caustic or
19 flammable substance, a poisonous gas, a deadly biological
20 or chemical contaminant or agent, a radioactive substance,
21 or a bomb or explosive compound.

22 (3) Causes great bodily harm or permanent disability or
23 disfigurement to an individual whom the person knows to be
24 a peace officer, community policing volunteer, fireman,

1 private security officer, correctional institution
2 employee, or Department of Human Services employee
3 supervising or controlling sexually dangerous persons or
4 sexually violent persons:

5 (i) performing his or her official duties;

6 (ii) battered to prevent performance of his or her
7 official duties; or

8 (iii) battered in retaliation for performing his
9 or her official duties.

10 (4) Causes great bodily harm or permanent disability or
11 disfigurement to an individual 60 years of age or older.

12 (5) Strangles another individual.

13 (b) Offense based on injury to a child or person with an
14 intellectual disability. A person who is at least 18 years of
15 age commits aggravated battery when, in committing a battery,
16 he or she knowingly and without legal justification by any
17 means:

18 (1) causes great bodily harm or permanent disability or
19 disfigurement to any child under the age of 13 years, or to
20 any person with a severe or profound intellectual
21 disability; or

22 (2) causes bodily harm or disability or disfigurement
23 to any child under the age of 13 years or to any person
24 with a severe or profound intellectual disability.

25 (c) Offense based on location of conduct. A person commits
26 aggravated battery when, in committing a battery, other than by

1 the discharge of a firearm, he or she is or the person battered
2 is on or about a public way, public property, a public place of
3 accommodation or amusement, a sports venue, or a domestic
4 violence shelter, or in a church, synagogue, mosque, or other
5 building, structure, or place used for religious worship.

6 (d) Offense based on status of victim. A person commits
7 aggravated battery when, in committing a battery, other than by
8 discharge of a firearm, he or she knows the individual battered
9 to be any of the following:

10 (1) A person 60 years of age or older.

11 (2) A person who is pregnant or has a physical
12 disability.

13 (3) A teacher or school employee upon school grounds or
14 grounds adjacent to a school or in any part of a building
15 used for school purposes.

16 (4) A peace officer, community policing volunteer,
17 fireman, private security officer, correctional
18 institution employee, or Department of Human Services
19 employee supervising or controlling sexually dangerous
20 persons or sexually violent persons:

21 (i) performing his or her official duties;

22 (ii) battered to prevent performance of his or her
23 official duties; or

24 (iii) battered in retaliation for performing his
25 or her official duties.

26 (5) A judge, emergency management worker, emergency

1 medical services personnel, or utility worker:

2 (i) performing his or her official duties;

3 (ii) battered to prevent performance of his or her
4 official duties; or

5 (iii) battered in retaliation for performing his
6 or her official duties.

7 (6) An officer or employee of the State of Illinois, a
8 unit of local government, or a school district, while
9 performing his or her official duties.

10 (7) A transit employee performing his or her official
11 duties, or a transit passenger.

12 (8) A taxi driver on duty.

13 (9) A merchant who detains the person for an alleged
14 commission of retail theft under Section 16-26 of this Code
15 and the person without legal justification by any means
16 causes bodily harm to the merchant.

17 (10) A person authorized to serve process under Section
18 2-202 of the Code of Civil Procedure or a special process
19 server appointed by the circuit court while that individual
20 is in the performance of his or her duties as a process
21 server.

22 (11) A nurse while in the performance of his or her
23 duties as a nurse.

24 (12) A merchant: (i) while performing his or her
25 duties, including, but not limited to, relaying directions
26 for healthcare or safety from his or her supervisor or

1 employer or relaying health or safety guidelines,
2 recommendations, regulations, or rules from a federal,
3 State, or local public health agency; and (ii) during a
4 disaster declared by the Governor, or a state of emergency
5 declared by the mayor of the municipality in which the
6 merchant is located, due to a public health emergency and
7 for a period of 6 months after such declaration.

8 (e) Offense based on use of a firearm. A person commits
9 aggravated battery when, in committing a battery, he or she
10 knowingly does any of the following:

11 (1) Discharges a firearm, other than a machine gun or a
12 firearm equipped with a silencer, and causes any injury to
13 another person.

14 (2) Discharges a firearm, other than a machine gun or a
15 firearm equipped with a silencer, and causes any injury to
16 a person he or she knows to be a peace officer, community
17 policing volunteer, person summoned by a police officer,
18 fireman, private security officer, correctional
19 institution employee, or emergency management worker:

20 (i) performing his or her official duties;

21 (ii) battered to prevent performance of his or her
22 official duties; or

23 (iii) battered in retaliation for performing his
24 or her official duties.

25 (3) Discharges a firearm, other than a machine gun or a
26 firearm equipped with a silencer, and causes any injury to

1 a person he or she knows to be emergency medical services
2 personnel:

3 (i) performing his or her official duties;

4 (ii) battered to prevent performance of his or her
5 official duties; or

6 (iii) battered in retaliation for performing his
7 or her official duties.

8 (4) Discharges a firearm and causes any injury to a
9 person he or she knows to be a teacher, a student in a
10 school, or a school employee, and the teacher, student, or
11 employee is upon school grounds or grounds adjacent to a
12 school or in any part of a building used for school
13 purposes.

14 (5) Discharges a machine gun or a firearm equipped with
15 a silencer, and causes any injury to another person.

16 (6) Discharges a machine gun or a firearm equipped with
17 a silencer, and causes any injury to a person he or she
18 knows to be a peace officer, community policing volunteer,
19 person summoned by a police officer, fireman, private
20 security officer, correctional institution employee or
21 emergency management worker:

22 (i) performing his or her official duties;

23 (ii) battered to prevent performance of his or her
24 official duties; or

25 (iii) battered in retaliation for performing his
26 or her official duties.

1 (7) Discharges a machine gun or a firearm equipped with
2 a silencer, and causes any injury to a person he or she
3 knows to be emergency medical services personnel:

4 (i) performing his or her official duties;

5 (ii) battered to prevent performance of his or her
6 official duties; or

7 (iii) battered in retaliation for performing his
8 or her official duties.

9 (8) Discharges a machine gun or a firearm equipped with
10 a silencer, and causes any injury to a person he or she
11 knows to be a teacher, or a student in a school, or a
12 school employee, and the teacher, student, or employee is
13 upon school grounds or grounds adjacent to a school or in
14 any part of a building used for school purposes.

15 (f) Offense based on use of a weapon or device. A person
16 commits aggravated battery when, in committing a battery, he or
17 she does any of the following:

18 (1) Uses a deadly weapon other than by discharge of a
19 firearm, or uses an air rifle as defined in Section
20 24.8-0.1 of this Code.

21 (2) Wears a hood, robe, or mask to conceal his or her
22 identity.

23 (3) Knowingly and without lawful justification shines
24 or flashes a laser gunsight or other laser device attached
25 to a firearm, or used in concert with a firearm, so that
26 the laser beam strikes upon or against the person of

1 another.

2 (4) Knowingly video or audio records the offense with
3 the intent to disseminate the recording.

4 (g) Offense based on certain conduct. A person commits
5 aggravated battery when, other than by discharge of a firearm,
6 he or she does any of the following:

7 (1) Violates Section 401 of the Illinois Controlled
8 Substances Act by unlawfully delivering a controlled
9 substance to another and any user experiences great bodily
10 harm or permanent disability as a result of the injection,
11 inhalation, or ingestion of any amount of the controlled
12 substance.

13 (2) Knowingly administers to an individual or causes
14 him or her to take, without his or her consent or by threat
15 or deception, and for other than medical purposes, any
16 intoxicating, poisonous, stupefying, narcotic, anesthetic,
17 or controlled substance, or gives to another person any
18 food containing any substance or object intended to cause
19 physical injury if eaten.

20 (3) Knowingly causes or attempts to cause a
21 correctional institution employee or Department of Human
22 Services employee to come into contact with blood, seminal
23 fluid, urine, or feces by throwing, tossing, or expelling
24 the fluid or material, and the person is an inmate of a
25 penal institution or is a sexually dangerous person or
26 sexually violent person in the custody of the Department of

1 Human Services.

2 (h) Sentence. Unless otherwise provided, aggravated
3 battery is a Class 3 felony.

4 Aggravated battery as defined in subdivision (a)(4),
5 (d)(4), or (g)(3) is a Class 2 felony.

6 Aggravated battery as defined in subdivision (a)(3) or
7 (g)(1) is a Class 1 felony.

8 Aggravated battery as defined in subdivision (a)(1) is a
9 Class 1 felony when the aggravated battery was intentional and
10 involved the infliction of torture, as defined in paragraph
11 (14) of subsection (b) of Section 9-1 of this Code, as the
12 infliction of or subjection to extreme physical pain, motivated
13 by an intent to increase or prolong the pain, suffering, or
14 agony of the victim.

15 Aggravated battery as defined in subdivision (a)(1) is a
16 Class 2 felony when the person causes great bodily harm or
17 permanent disability to an individual whom the person knows to
18 be a member of a congregation engaged in prayer or other
19 religious activities at a church, synagogue, mosque, or other
20 building, structure, or place used for religious worship.

21 Aggravated battery under subdivision (a)(5) is a Class 1
22 felony if:

23 (A) the person used or attempted to use a dangerous
24 instrument while committing the offense; ~~or~~

25 (B) the person caused great bodily harm or permanent
26 disability or disfigurement to the other person while

1 committing the offense; or

2 (C) the person has been previously convicted of a
3 violation of subdivision (a)(5) under the laws of this
4 State or laws similar to subdivision (a)(5) of any other
5 state.

6 Aggravated battery as defined in subdivision (e)(1) is a
7 Class X felony.

8 Aggravated battery as defined in subdivision (a)(2) is a
9 Class X felony for which a person shall be sentenced to a term
10 of imprisonment of a minimum of 6 years and a maximum of 45
11 years.

12 Aggravated battery as defined in subdivision (e)(5) is a
13 Class X felony for which a person shall be sentenced to a term
14 of imprisonment of a minimum of 12 years and a maximum of 45
15 years.

16 Aggravated battery as defined in subdivision (e)(2),
17 (e)(3), or (e)(4) is a Class X felony for which a person shall
18 be sentenced to a term of imprisonment of a minimum of 15 years
19 and a maximum of 60 years.

20 Aggravated battery as defined in subdivision (e)(6),
21 (e)(7), or (e)(8) is a Class X felony for which a person shall
22 be sentenced to a term of imprisonment of a minimum of 20 years
23 and a maximum of 60 years.

24 Aggravated battery as defined in subdivision (b)(1) is a
25 Class X felony, except that:

26 (1) if the person committed the offense while armed

1 with a firearm, 15 years shall be added to the term of
2 imprisonment imposed by the court;

3 (2) if, during the commission of the offense, the
4 person personally discharged a firearm, 20 years shall be
5 added to the term of imprisonment imposed by the court;

6 (3) if, during the commission of the offense, the
7 person personally discharged a firearm that proximately
8 caused great bodily harm, permanent disability, permanent
9 disfigurement, or death to another person, 25 years or up
10 to a term of natural life shall be added to the term of
11 imprisonment imposed by the court.

12 (i) Definitions. In this Section:

13 "Building or other structure used to provide shelter" has
14 the meaning ascribed to "shelter" in Section 1 of the Domestic
15 Violence Shelters Act.

16 "Domestic violence" has the meaning ascribed to it in
17 Section 103 of the Illinois Domestic Violence Act of 1986.

18 "Domestic violence shelter" means any building or other
19 structure used to provide shelter or other services to victims
20 or to the dependent children of victims of domestic violence
21 pursuant to the Illinois Domestic Violence Act of 1986 or the
22 Domestic Violence Shelters Act, or any place within 500 feet of
23 such a building or other structure in the case of a person who
24 is going to or from such a building or other structure.

25 "Firearm" has the meaning provided under Section 1.1 of the
26 Firearm Owners Identification Card Act, and does not include an

1 air rifle as defined by Section 24.8-0.1 of this Code.

2 "Machine gun" has the meaning ascribed to it in Section
3 24-1 of this Code.

4 "Merchant" has the meaning ascribed to it in Section 16-0.1
5 of this Code.

6 "Strangle" means intentionally impeding the normal
7 breathing or circulation of the blood of an individual by
8 applying pressure on the throat or neck of that individual or
9 by blocking the nose or mouth of that individual.

10 (Source: P.A. 101-223, eff. 1-1-20; revised 9-24-19.)

11 Section 99. Effective date. This Act takes effect upon
12 becoming law.