



## 93RD GENERAL ASSEMBLY

### State of Illinois

2003 and 2004

HB7329

Introduced 9/23/2004, by Rep. Rich Brauer - Dan Brady

#### SYNOPSIS AS INTRODUCED:

820 ILCS 315/2

from Ch. 48, par. 282

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. Effective immediately.

LRB093 23470 LRD 53463 b

FISCAL NOTE ACT  
MAY APPLY

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