



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB4406

Introduced 1/21/2022, by Rep. Chris Bos

SYNOPSIS AS INTRODUCED:

820 ILCS 315/2

from Ch. 48, par. 282

Amends the Line of Duty Compensation Act. Expands the definition of "law enforcement officer" or "officer" to include any person working as a volunteer for the State or a local governmental entity in some position involving the enforcement of the law and protection of the public interest at the risk of that person's life, including, but not limited to, volunteers assisting with parking and traffic.

LRB102 21827 KTG 30947 b

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 (Text of Section after amendment by P.A. 102-221)

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

10 (a) "Law enforcement officer" or "officer" means any
11 person employed by, or working as a volunteer for, the State or
12 a local governmental entity as a policeman, peace officer,
13 auxiliary policeman or in some like position involving the
14 enforcement of the law and protection of the public interest
15 at the risk of that person's life, and includes, but is not
16 limited to, volunteers assisting with parking and traffic.
17 This includes supervisors, wardens, superintendents and their
18 assistants, guards and keepers, correctional officers, youth
19 supervisors, parole agents, aftercare specialists, school
20 teachers and correctional counsellors in all facilities of
21 both the Department of Corrections and the Department of
22 Juvenile Justice, while within the facilities under the
23 control of the Department of Corrections or the Department of

1 Juvenile Justice or in the act of transporting inmates or
2 wards from one location to another or while performing their
3 official duties, and all other Department of Correction or
4 Department of Juvenile Justice employees who have daily
5 contact with inmates. For the purposes of this Act, "law
6 enforcement officer" or "officer" also means a probation
7 officer, as defined in Section 9b of the Probation and
8 Probation Officers Act.

9 The death of the foregoing employees of the Department of
10 Corrections or the Department of Juvenile Justice in order to
11 be included herein must be by the direct or indirect willful
12 act of an inmate, ward, work-releasee, parolee, aftercare
13 releasee, parole violator, aftercare release violator, person
14 under conditional release, or any person sentenced or
15 committed, or otherwise subject to confinement in or to the
16 Department of Corrections or the Department of Juvenile
17 Justice.

18 (b) "Fireman" means any person employed by the State or a
19 local governmental entity as, or otherwise serving as, a
20 member or officer of a fire department either for the purpose
21 of the prevention or control of fire or the underwater
22 recovery of drowning victims, including volunteer firemen.

23 (c) "Local governmental entity" includes counties,
24 municipalities and municipal corporations.

25 (d) "State" means the State of Illinois and its
26 departments, divisions, boards, bureaus, commissions,

1 authorities and colleges and universities.

2 (e) "Killed in the line of duty" means losing one's life as
3 a result of injury received in the active performance of
4 duties as a law enforcement officer, civil defense worker,
5 civil air patrol member, paramedic, fireman, or chaplain if
6 the death occurs within one year from the date the injury was
7 received and if that injury arose from violence or other
8 accidental cause. In the case of a State employee, "killed in
9 the line of duty" means losing one's life as a result of injury
10 received in the active performance of one's duties as a State
11 employee, if the death occurs within one year from the date the
12 injury was received and if that injury arose from a willful act
13 of violence by another State employee committed during such
14 other employee's course of employment and after January 1,
15 1988. The term excludes death resulting from the willful
16 misconduct or intoxication of the officer, civil defense
17 worker, civil air patrol member, paramedic, fireman, chaplain,
18 or State employee. However, the burden of proof of such
19 willful misconduct or intoxication of the officer, civil
20 defense worker, civil air patrol member, paramedic, fireman,
21 chaplain, or State employee is on the Attorney General.
22 Subject to the conditions set forth in subsection (a) with
23 respect to inclusion under this Act of Department of
24 Corrections and Department of Juvenile Justice employees
25 described in that subsection, for the purposes of this Act,
26 instances in which a law enforcement officer receives an

1 injury in the active performance of duties as a law
2 enforcement officer include but are not limited to instances
3 when:

4 (1) the injury is received as a result of a wilful act
5 of violence committed other than by the officer and a
6 relationship exists between the commission of such act and
7 the officer's performance of his duties as a law
8 enforcement officer, whether or not the injury is received
9 while the officer is on duty as a law enforcement officer;

10 (2) the injury is received by the officer while the
11 officer is attempting to prevent the commission of a
12 criminal act by another or attempting to apprehend an
13 individual the officer suspects has committed a crime,
14 whether or not the injury is received while the officer is
15 on duty as a law enforcement officer;

16 (3) the injury is received by the officer while the
17 officer is travelling to or from his employment as a law
18 enforcement officer or during any meal break, or other
19 break, which takes place during the period in which the
20 officer is on duty as a law enforcement officer.

21 In the case of an Armed Forces member, "killed in the line
22 of duty" means losing one's life while on active duty in
23 connection with the September 11, 2001 terrorist attacks on
24 the United States, Operation Enduring Freedom, Operation
25 Freedom's Sentinel, Operation Iraqi Freedom, Operation New
26 Dawn, or Operation Inherent Resolve.

1 (f) "Volunteer fireman" means a person having principal
2 employment other than as a fireman, but who is carried on the
3 rolls of a regularly constituted fire department either for
4 the purpose of the prevention or control of fire or the
5 underwater recovery of drowning victims, the members of which
6 are under the jurisdiction of the corporate authorities of a
7 city, village, incorporated town, or fire protection district,
8 and includes a volunteer member of a fire department organized
9 under the "General Not for Profit Corporation Act", approved
10 July 17, 1943, as now or hereafter amended, which is under
11 contract with any city, village, incorporated town, fire
12 protection district, or persons residing therein, for fire
13 fighting services. "Volunteer fireman" does not mean an
14 individual who volunteers assistance without being regularly
15 enrolled as a fireman.

16 (g) "Civil defense worker" means any person employed by
17 the State or a local governmental entity as, or otherwise
18 serving as, a member of a civil defense work force, including
19 volunteer civil defense work forces engaged in serving the
20 public interest during periods of disaster, whether natural or
21 man-made.

22 (h) "Civil air patrol member" means any person employed by
23 the State or a local governmental entity as, or otherwise
24 serving as, a member of the organization commonly known as the
25 "Civil Air Patrol", including volunteer members of the
26 organization commonly known as the "Civil Air Patrol".

1 (i) "Paramedic" means an Emergency Medical
2 Technician-Paramedic certified by the Illinois Department of
3 Public Health under the Emergency Medical Services (EMS)
4 Systems Act, and all other emergency medical personnel
5 certified by the Illinois Department of Public Health who are
6 members of an organized body or not-for-profit corporation
7 under the jurisdiction of a city, village, incorporated town,
8 fire protection district or county, that provides emergency
9 medical treatment to persons of a defined geographical area.

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

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

14 (1) is a chaplain of (i) a fire department or (ii) a
15 police department or other agency consisting of law
16 enforcement officers; and

17 (2) has been designated a chaplain by (i) the fire
18 department, police department, or other agency or an
19 officer or body having jurisdiction over the department or
20 agency or (ii) a labor organization representing the
21 firemen or law enforcement officers.

22 (l) "Armed Forces member" means an Illinois resident who
23 is: a member of the Armed Forces of the United States; a member
24 of the Illinois National Guard while on active military
25 service pursuant to an order of the President of the United
26 States; or a member of any reserve component of the Armed

1 Forces of the United States while on active military service
2 pursuant to an order of the President of the United States.

3 (Source: P.A. 102-221, eff. 1-1-22.)