



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB4569

Introduced 1/31/2024, by Rep. Jay Hoffman

SYNOPSIS AS INTRODUCED:

5 ILCS 350/1

from Ch. 127, par. 1301

55 ILCS 5/3-3014.5 new

Amends the Counties Code. Provides that the State shall indemnify and hold harmless a board-certified forensic pathologist who has been appointed or designated by a county or a county coroner's office to perform autopsies for all of the pathologist's acts, omissions, decisions, or conduct arising out of the scope of the pathologist's duties of performing autopsies for the county, except those involving willful or wanton misconduct. Provides that indemnification shall be as provided under the State Employee Indemnification Act. Amends the State Employee Indemnification Act to make conforming changes.

LRB103 36830 AWJ 66941 b

1 AN ACT concerning local government.

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

4 Section 5. The State Employee Indemnification Act is
5 amended by changing Section 1 as follows:

6 (5 ILCS 350/1) (from Ch. 127, par. 1301)

7 Sec. 1. Definitions. For the purpose of this Act:

8 (a) The term "State" means the State of Illinois, the
9 General Assembly, the court, or any State office, department,
10 division, bureau, board, commission, or committee, the
11 governing boards of the public institutions of higher
12 education created by the State, the Illinois National Guard,
13 the Illinois State Guard, the Comprehensive Health Insurance
14 Board, any poison control center designated under the Poison
15 Control System Act that receives State funding, or any other
16 agency or instrumentality of the State. It does not mean any
17 local public entity as that term is defined in Section 1-206 of
18 the Local Governmental and Governmental Employees Tort
19 Immunity Act or a pension fund, except for a county or county
20 coroner's office as it relates to the appointment or
21 designation of a board-certified forensic pathologist to
22 conduct autopsies for a county or county coroner's office.

23 (b) The term "employee" means: any present or former

1 elected or appointed officer, trustee or employee of the
2 State, or of a pension fund; any present or former
3 commissioner or employee of the Executive Ethics Commission or
4 of the Legislative Ethics Commission; any present or former
5 Executive, Legislative, or Auditor General's Inspector
6 General; any present or former employee of an Office of an
7 Executive, Legislative, or Auditor General's Inspector
8 General; any present or former member of the Illinois National
9 Guard while on active duty; any present or former member of the
10 Illinois State Guard while on State active duty; individuals
11 or organizations who contract with the Department of
12 Corrections, the Department of Juvenile Justice, the
13 Comprehensive Health Insurance Board, or the Department of
14 Veterans' Affairs to provide services; individuals or
15 organizations who contract with the Department of Human
16 Services (as successor to the Department of Mental Health and
17 Developmental Disabilities) to provide services including but
18 not limited to treatment and other services for sexually
19 violent persons; individuals or organizations who contract
20 with the Department of Military Affairs for youth programs;
21 individuals or organizations who contract to perform carnival
22 and amusement ride safety inspections for the Department of
23 Labor; individuals who contract with the Office of the State's
24 Attorneys Appellate Prosecutor to provide legal services, but
25 only when performing duties within the scope of the Office's
26 prosecutorial activities; individual representatives of or

1 designated organizations authorized to represent the Office of
2 State Long-Term Ombudsman for the Department on Aging;
3 individual representatives of or organizations designated by
4 the Department on Aging in the performance of their duties as
5 adult protective services agencies or regional administrative
6 agencies under the Adult Protective Services Act; individuals
7 or organizations appointed as members of a review team or the
8 Advisory Council under the Adult Protective Services Act;
9 individuals or organizations who perform volunteer services
10 for the State where such volunteer relationship is reduced to
11 writing; individuals who serve on any public entity (whether
12 created by law or administrative action) described in
13 paragraph (a) of this Section; individuals or not for profit
14 organizations who, either as volunteers, where such volunteer
15 relationship is reduced to writing, or pursuant to contract,
16 furnish professional advice or consultation to any agency or
17 instrumentality of the State; individuals who serve as foster
18 parents for the Department of Children and Family Services
19 when caring for youth in care as defined in Section 4d of the
20 Children and Family Services Act; individuals who serve as
21 members of an independent team of experts under the
22 Developmental Disability and Mental Health Safety Act (also
23 known as Brian's Law); individuals who have been appointed or
24 designated by a county or a county coroner's office to perform
25 autopsies if the individuals are board-certified forensic
26 pathologists; and individuals who serve as arbitrators

1 pursuant to Part 10A of Article II of the Code of Civil
2 Procedure and the rules of the Supreme Court implementing Part
3 10A, each as now or hereafter amended; the members of the
4 Certification Review Panel under the Illinois Police Training
5 Act; the term "employee" does not mean an independent
6 contractor except as provided in this Section. The term
7 includes an individual appointed as an inspector by the
8 Director of the Illinois State Police when performing duties
9 within the scope of the activities of a Metropolitan
10 Enforcement Group or a law enforcement organization
11 established under the Intergovernmental Cooperation Act. An
12 individual who renders professional advice and consultation to
13 the State through an organization which qualifies as an
14 "employee" under the Act is also an employee. The term
15 includes the estate or personal representative of an employee.

16 (c) The term "pension fund" means a retirement system or
17 pension fund created under the Illinois Pension Code.

18 (Source: P.A. 101-81, eff. 7-12-19; 101-652, eff. 1-1-22;
19 102-538, eff. 8-20-21; 102-813, eff. 5-13-22.)

20 Section 10. The Counties Code is amended by adding Section
21 3-3014.5 as follows:

22 (55 ILCS 5/3-3014.5 new)

23 Sec. 3-3014.5. Indemnification for autopsies performed by
24 board-certified forensic pathologists. The State shall

1 indemnify and hold harmless a board-certified forensic
2 pathologist who has been appointed or designated by a county
3 or a coroner's office to perform autopsies for all of the
4 pathologist's acts, omissions, decisions, or conduct arising
5 out of the scope of the pathologist's duties of performing
6 autopsies for the county, except those involving willful or
7 wanton misconduct. The method of providing indemnification
8 shall be as provided in the State Employee Indemnification
9 Act.