



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

SB0760

Introduced 2/18/2005, by Sen. John J. Cullerton

SYNOPSIS AS INTRODUCED:

New Act
110 ILCS 947/62 new

Creates the Security Employee Benefits Act. Requires public entities that use a security guard's services to pay premiums for the employer's health insurance plan for a security guard employee injured or killed on duty, the security guard's spouse, and any dependent children. Provides that if a person makes any false or fraudulent statement to obtain the health coverage, the person is guilty of a class A misdemeanor and if convicted, the person must reimburse the public entity for all benefits paid. Limits the concurrent exercise of home rule powers. Amends the Higher Education Student Assistance Act to require a grant to be provided to a child of a security officer accidentally or unlawfully killed, entitling the person to full payment of tuition and fees at a State university, public community college, or State vocational-technical school. Effective immediately.

LRB094 10802 LJB 41276 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

HOME RULE NOTE
ACT MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

1 AN ACT concerning employee benefits.

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

4 Section 1. Short title. This Act may be cited as the
5 Security Employee Benefits Act.

6 Section 5. Definitions. As used in this Act and unless the
7 context otherwise requires:

8 "Catastrophic injury" means an injury or disability that
9 (i) is so severe that the injured individual is unemployable in
10 any capacity or (ii) when taken into account in combination
11 with the injured individual's age, skills, training, and work
12 history, makes the injured individual unable to perform any
13 services for which there is a reasonably stable job market.

14 "Employer" means any public entity or any individual,
15 partnership, association, corporation, or business trust, or
16 any person or group of persons acting directly or indirectly in
17 the interest of an employer in relation to an employee for
18 which one or more persons are gainfully employed on some day
19 within a calendar year.

20 "Killed in the line of duty" means losing one's life as a
21 result of injuries received in the active performance of duties
22 as a security guard if the death occurs within one year from
23 the date the injury was received and if that injury arose from
24 violence or other accidental cause.

25 "Public entity" means the State of Illinois and its
26 departments, divisions, boards, bureaus, commissions,
27 authorities, and colleges and universities, any unit of local
28 government (including any home rule unit), and any school
29 district.

30 "Security guard" or "guard" means any person who is paid a
31 fee, wage, or salary by an employer to perform one or more of
32 the following functions on the property of a public entity:

1 (1) prevent or detect intrusion, unauthorized entry or
2 activity, vandalism, or trespass;

3 (2) prevent or detect theft, loss, embezzlement,
4 misappropriation, or concealment of merchandise, money,
5 bonds, stocks, notes, or other valuable documents or
6 papers;

7 (3) control, regulate, or direct the flow of or
8 movements of the public, whether by vehicle or otherwise,
9 to assure protection of public property;

10 (4) protect individuals from bodily harm; or

11 (5) enforce the policies and rules of the public entity
12 related to crime reduction.

13 This definition shall not include individuals who meet the
14 definition of "law enforcement officer" or "officer" in Section
15 2 of the Law Enforcement Officers, Civil Defense Workers, Civil
16 Air Patrol Members, Paramedics, Firemen, Chaplains, and State
17 Employees Compensation Act.

18 Section 10. Declaration of State interest. The General
19 Assembly determines and declares that the provisions of this
20 Act fulfill an important State interest.

21 Section 15. Required health coverage benefits.

22 (a) A public entity that utilizes the services of a
23 security guard who, on or after the effective date of this Act,
24 suffers a catastrophic injury or is killed in the line of duty
25 shall pay the entire premium of the employer's health insurance
26 plan for the injured security guard, the injured security
27 guard's spouse, and each dependent child of the injured
28 security guard until the child reaches the age of majority or
29 until the end of the calendar year in which the child reaches
30 the age of 25 years if the child continues to be dependent for
31 support or the child is a full-time or part-time student and is
32 dependent for support. The term "health insurance plan" does
33 not include supplemental benefits that are not part of the
34 basic group health insurance plan. If the injured security

1 guard subsequently dies, whether as a result of injuries in the
2 line of duty or any other cause, the public entity shall
3 continue to pay the entire health insurance premium for the
4 surviving spouse until he or she is remarried and for the
5 dependent children as required by this Section. However, health
6 insurance benefits payable from any other source shall reduce
7 benefits payable under this Section.

8 (b) It is unlawful for a person to wilfully and knowingly
9 make or cause to be made or to assist, conspire with, or urge
10 another to make or cause to be made any false, fraudulent, or
11 misleading oral or written statement to obtain health insurance
12 coverage as provided in this Section. Any person who violates
13 this subsection (b) is guilty of a Class A misdemeanor.

14 Upon conviction of a violation of this subsection (b), a
15 security guard or other beneficiary who receives or seeks to
16 receive health insurance benefits under this Section shall
17 forfeit the right to receive health insurance benefits and
18 shall reimburse the public entity for all benefits paid due to
19 the fraud or other prohibited activity. For the purposes of
20 this subsection (b), "conviction" means a determination of
21 guilt that is the result of a plea or trial, regardless of
22 whether adjudication is withheld.

23 (c) In order for the security guard, spouse, or dependent
24 children to be eligible for insurance coverage under this Act,
25 the injury or death must have occurred as the result of the
26 security guard's authorized activities. Nothing in this
27 Section shall be construed to limit health insurance coverage
28 or pension benefits for which the security guard, spouse, or
29 dependent children may otherwise be eligible.

30 Section 20. Home rule. A public entity, including a home
31 rule unit, may not provide benefits to persons covered under
32 this Act in a manner inconsistent with the requirements of this
33 Act. This Act is a limitation under subsection (i) of Section 6
34 of Article VII of the Illinois Constitution on the concurrent
35 exercise by home rule units of powers and functions exercised

1 by the State.

2 Section 90. The Higher Education Student Assistance Act is
3 amended by adding Section 62 as follows:

4 (110 ILCS 947/62 new)

5 Sec. 62. Security guard survivor grant. A grant shall be
6 provided for any natural child, legally adopted child, or child
7 in the legal custody of a security officer accidentally or
8 unlawfully killed, as specified in subsection (a) of Section 15
9 of the Security Employee Benefits Act, on or after the
10 effective date of this amendatory Act of the 94th General
11 Assembly. Beneficiaries are entitled to full payment of tuition
12 and mandatory fees at a State university, public community
13 college in this State, or State vocational-technical school,
14 for either full or part-time study, up to a maximum of 120
15 credit hours, provided that the recipient possesses the
16 necessary entrance requirements, is under 25 years of age, is
17 and remains a resident of this State while attending the
18 institution, complies with all academic and disciplinary
19 requirements of the institution, and is a student in good
20 standing. The benefits of this Section shall be administered by
21 and paid out of funds available to the Commission and shall
22 accrue to the bona fide applicant without the requirement of
23 demonstrating financial need to qualify for those benefits.

24 Section 999. Effective date. This Act takes effect upon
25 becoming law.