



Rep. Dwight Kay

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09700HB2607ham002

LRB097 07290 AEK 54389 a

1 AMENDMENT TO HOUSE BILL 2607

2 AMENDMENT NO. _____. Amend House Bill 2607, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Workers' Compensation Act is amended by
6 changing Section 11 as follows:

7 (820 ILCS 305/11) (from Ch. 48, par. 138.11)

8 Sec. 11. The compensation herein provided, together with
9 the provisions of this Act, shall be the measure of the
10 responsibility of any employer engaged in any of the
11 enterprises or businesses enumerated in Section 3 of this Act,
12 or of any employer who is not engaged in any such enterprises
13 or businesses, but who has elected to provide and pay
14 compensation for accidental injuries sustained by any employee
15 arising out of and in the course of the employment according to
16 the provisions of this Act, and whose election to continue

1 under this Act, has not been nullified by any action of his
2 employees as provided for in this Act.

3 Accidental injuries incurred while participating in
4 voluntary recreational programs including but not limited to
5 athletic events, parties and picnics do not arise out of and in
6 the course of the employment even though the employer pays some
7 or all of the cost thereof. This exclusion shall not apply in
8 the event that the injured employee was ordered or assigned by
9 his employer to participate in the program.

10 Notwithstanding any other defense, accidental injuries
11 incurred while the employee is engaged in the active commission
12 of and as a proximate result of the active commission of (a) a
13 forcible felony, (b) aggravated driving under the influence of
14 alcohol, other drug or drugs, or intoxicating compound or
15 compounds, or any combination thereof, or (c) reckless homicide
16 and for which the employee was convicted do not arise out of
17 and in the course of employment if the commission of that
18 forcible felony, aggravated driving under the influence, or
19 reckless homicide caused an accident resulting in the death or
20 severe injury of another person. If an employee is acquitted of
21 a forcible felony, aggravated driving under the influence, or
22 reckless homicide that caused an accident resulting in the
23 death or severe injury of another person or if these charges
24 are dismissed, there shall be no presumption that the employee
25 is eligible for benefits under this Act. No employee shall be
26 entitled to additional compensation under Sections 19(k) or

1 19(1) of this Act or attorney's fees under Section 16 of this
2 Act when the employee has been charged with a forcible felony,
3 aggravated driving under the influence, or reckless homicide
4 that caused an accident resulting in the death or severe injury
5 of another person and the employer terminates benefits or
6 refuses to pay benefits to the employee until the termination
7 of any pending criminal proceedings.

8 Accidental injuries incurred while participating as a
9 patient in a drug or alcohol rehabilitation program do not
10 arise out of and in the course of employment even though the
11 employer pays some or all of the costs thereof.

12 Any injury to or disease or death of an employee arising
13 from the administration of a vaccine, including without
14 limitation smallpox vaccine, to prepare for, or as a response
15 to, a threatened or potential bioterrorist incident to the
16 employee as part of a voluntary inoculation program in
17 connection with the person's employment or in connection with
18 any governmental program or recommendation for the inoculation
19 of workers in the employee's occupation, geographical area, or
20 other category that includes the employee is deemed to arise
21 out of and in the course of the employment for all purposes
22 under this Act. This paragraph added by this amendatory Act of
23 the 93rd General Assembly is declarative of existing law and is
24 not a new enactment.

25 (Source: P.A. 93-829, eff. 7-28-04.)

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.".