

HB3190



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB3190

Introduced 2/24/2011, by Rep. Patrick J. Verschoore

SYNOPSIS AS INTRODUCED:

820 ILCS 315/2

from Ch. 48, par. 282

Amends the Line of Duty Compensation Act. Includes court security officers in the definition of "law enforcement officer". Effective immediately.

LRB097 10546 AEK 50888 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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

9 (a) "Law enforcement officer" or "officer" means any person
10 employed by the State or a local governmental entity as a
11 policeman, peace officer, auxiliary policeman, court security
12 officer, or in some like position involving the enforcement of
13 the law and protection of the public interest at the risk of
14 that person's life. This includes supervisors, wardens,
15 superintendents and their assistants, guards and keepers,
16 correctional officers, youth supervisors, parole agents,
17 school teachers and correctional counsellors in all facilities
18 of both the Department of Corrections and the Department of
19 Juvenile Justice, while within the facilities under the control
20 of the Department of Corrections or the Department of Juvenile
21 Justice or in the act of transporting inmates or wards from one
22 location to another or while performing their official duties,
23 and all other Department of Correction or Department of

1 Juvenile Justice employees who have daily contact with inmates.

2 The death of the foregoing employees of the Department of
3 Corrections or the Department of Juvenile Justice in order to
4 be included herein must be by the direct or indirect willful
5 act of an inmate, ward, work-releasee, parolee, parole
6 violator, person under conditional release, or any person
7 sentenced or committed, or otherwise subject to confinement in
8 or to the Department of Corrections or the Department of
9 Juvenile Justice.

10 (b) "Fireman" means any person employed by the State or a
11 local governmental entity as, or otherwise serving as, a member
12 or officer of a fire department either for the purpose of the
13 prevention or control of fire or the underwater recovery of
14 drowning victims, including volunteer firemen.

15 (c) "Local governmental entity" includes counties,
16 municipalities and municipal corporations.

17 (d) "State" means the State of Illinois and its
18 departments, divisions, boards, bureaus, commissions,
19 authorities and colleges and universities.

20 (e) "Killed in the line of duty" means losing one's life as
21 a result of injury received in the active performance of duties
22 as a law enforcement officer, civil defense worker, civil air
23 patrol member, paramedic, fireman, or chaplain if the death
24 occurs within one year from the date the injury was received
25 and if that injury arose from violence or other accidental
26 cause. In the case of a State employee, "killed in the line of

1 duty" means losing one's life as a result of injury received in
2 the active performance of one's duties as a State employee, if
3 the death occurs within one year from the date the injury was
4 received and if that injury arose from a willful act of
5 violence by another State employee committed during such other
6 employee's course of employment and after January 1, 1988. The
7 term excludes death resulting from the willful misconduct or
8 intoxication of the officer, civil defense worker, civil air
9 patrol member, paramedic, fireman, chaplain, or State
10 employee. However, the burden of proof of such willful
11 misconduct or intoxication of the officer, civil defense
12 worker, civil air patrol member, paramedic, fireman, chaplain,
13 or State employee is on the Attorney General. Subject to the
14 conditions set forth in subsection (a) with respect to
15 inclusion under this Act of Department of Corrections and
16 Department of Juvenile Justice employees described in that
17 subsection, for the purposes of this Act, instances in which a
18 law enforcement officer receives an injury in the active
19 performance of duties as a law enforcement officer include but
20 are not limited to instances when:

21 (1) the injury is received as a result of a wilful act
22 of violence committed other than by the officer and a
23 relationship exists between the commission of such act and
24 the officer's performance of his duties as a law
25 enforcement officer, whether or not the injury is received
26 while the officer is on duty as a law enforcement officer;

1 (2) the injury is received by the officer while the
2 officer is attempting to prevent the commission of a
3 criminal act by another or attempting to apprehend an
4 individual the officer suspects has committed a crime,
5 whether or not the injury is received while the officer is
6 on duty as a law enforcement officer;

7 (3) the injury is received by the officer while the
8 officer is travelling to or from his employment as a law
9 enforcement officer or during any meal break, or other
10 break, which takes place during the period in which the
11 officer is on duty as a law enforcement officer.

12 In the case of an Armed Forces member, "killed in the line
13 of duty" means losing one's life while on active duty in
14 connection with the September 11, 2001 terrorist attacks on the
15 United States, Operation Enduring Freedom, or Operation Iraqi
16 Freedom.

17 (f) "Volunteer fireman" means a person having principal
18 employment other than as a fireman, but who is carried on the
19 rolls of a regularly constituted fire department either for the
20 purpose of the prevention or control of fire or the underwater
21 recovery of drowning victims, the members of which are under
22 the jurisdiction of the corporate authorities of a city,
23 village, incorporated town, or fire protection district, and
24 includes a volunteer member of a fire department organized
25 under the "General Not for Profit Corporation Act", approved
26 July 17, 1943, as now or hereafter amended, which is under

1 contract with any city, village, incorporated town, fire
2 protection district, or persons residing therein, for fire
3 fighting services. "Volunteer fireman" does not mean an
4 individual who volunteers assistance without being regularly
5 enrolled as a fireman.

6 (g) "Civil defense worker" means any person employed by the
7 State or a local governmental entity as, or otherwise serving
8 as, a member of a civil defense work force, including volunteer
9 civil defense work forces engaged in serving the public
10 interest during periods of disaster, whether natural or
11 man-made.

12 (h) "Civil air patrol member" means any person employed by
13 the State or a local governmental entity as, or otherwise
14 serving as, a member of the organization commonly known as the
15 "Civil Air Patrol", including volunteer members of the
16 organization commonly known as the "Civil Air Patrol".

17 (i) "Paramedic" means an Emergency Medical
18 Technician-Paramedic certified by the Illinois Department of
19 Public Health under the Emergency Medical Services (EMS)
20 Systems Act, and all other emergency medical personnel
21 certified by the Illinois Department of Public Health who are
22 members of an organized body or not-for-profit corporation
23 under the jurisdiction of a city, village, incorporated town,
24 fire protection district or county, that provides emergency
25 medical treatment to persons of a defined geographical area.

26 (j) "State employee" means any employee as defined in

1 Section 14-103.05 of the Illinois Pension Code, as now or
2 hereafter amended.

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

4 (1) is a chaplain of (i) a fire department or (ii) a
5 police department or other agency consisting of law
6 enforcement officers; and

7 (2) has been designated a chaplain by (i) the fire
8 department, police department, or other agency or an
9 officer or body having jurisdiction over the department or
10 agency or (ii) a labor organization representing the
11 firemen or law enforcement officers.

12 (l) "Armed Forces member" means an Illinois resident who
13 is: a member of the Armed Forces of the United States; a member
14 of the Illinois National Guard while on active military service
15 pursuant to an order of the President of the United States; or
16 a member of any reserve component of the Armed Forces of the
17 United States while on active military service pursuant to an
18 order of the President of the United States.

19 (Source: P.A. 93-1047, eff. 10-18-04; 93-1073, eff. 1-18-05;
20 94-696, eff. 6-1-06.)

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