

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 Workers' Compensation Act is amended by  
5 changing Section 11 as follows:

6 (820 ILCS 305/11) (from Ch. 48, par. 138.11)

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

18 Accidental injuries incurred while participating in  
19 voluntary recreational programs including but not limited to  
20 athletic events, parties and picnics do not arise out of and in  
21 the course of the employment even though the employer pays some  
22 or all of the cost thereof. This exclusion shall not apply in  
23 the event that the injured employee was ordered or assigned by

1 his employer to participate in the program.

2 Notwithstanding any other defense, accidental injuries  
3 incurred while the employee is engaged in the active commission  
4 of and as a proximate result of the active commission of (a) a  
5 forcible felony, (b) aggravated driving under the influence of  
6 alcohol, other drug or drugs, or intoxicating compound or  
7 compounds, or any combination thereof, or (c) reckless homicide  
8 and for which the employee was convicted do not arise out of  
9 and in the course of employment if the commission of that  
10 forcible felony, aggravated driving under the influence, or  
11 reckless homicide caused an accident resulting in the death or  
12 severe injury of another person. If an employee is acquitted of  
13 a forcible felony, aggravated driving under the influence, or  
14 reckless homicide that caused an accident resulting in the  
15 death or severe injury of another person or if these charges  
16 are dismissed, there shall be no presumption that the employee  
17 is eligible for benefits under this Act. No employee shall be  
18 entitled to additional compensation under Sections 19(k) or  
19 19(l) of this Act or attorney's fees under Section 16 of this  
20 Act when the employee has been charged with a forcible felony,  
21 aggravated driving under the influence, or reckless homicide  
22 that caused an accident resulting in the death or severe injury  
23 of another person and the employer terminates benefits or  
24 refuses to pay benefits to the employee until the termination  
25 of any pending criminal proceedings.

26 Accidental injuries incurred while participating as a

1 patient in a drug or alcohol rehabilitation program do not  
2 arise out of and in the course of employment even though the  
3 employer pays some or all of the costs thereof.

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

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

18 Section 99. Effective date. This Act takes effect upon  
19 becoming law.