

# HB2688



## 98TH GENERAL ASSEMBLY

### State of Illinois

2013 and 2014

**HB2688**

Introduced 2/21/2013, by Rep. Ann Williams

#### SYNOPSIS AS INTRODUCED:

820 ILCS 315/2

from Ch. 48, par. 282

Amends the Line of Duty Compensation Act. Provides that with respect to a law enforcement officer an injury in the active performance of duty includes a self-inflicted injury when a mental health professional establishes that the injury was a result of the officer's active duty service. Effective immediately.

LRB098 09394 JLS 39535 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 or in some like  
12 position involving the enforcement of the law and protection of  
13 the public interest at the risk of that person's life. This  
14 includes supervisors, wardens, superintendents and their  
15 assistants, guards and keepers, correctional officers, youth  
16 supervisors, parole agents, school teachers and correctional  
17 counsellors in all facilities of both the Department of  
18 Corrections and the Department of Juvenile Justice, while  
19 within the facilities under the control of the Department of  
20 Corrections or the Department of Juvenile Justice or in the act  
21 of transporting inmates or wards from one location to another  
22 or while performing their official duties, and all other  
23 Department of Correction or Department of Juvenile Justice

1 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 (4) the injury received by the officer is  
13 self-inflicted and a mental health professional  
14 establishes that the injury was a result of the officer's  
15 active duty service.

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

21 (f) "Volunteer fireman" means a person having principal  
22 employment other than as a fireman, but who is carried on the  
23 rolls of a regularly constituted fire department either for the  
24 purpose of the prevention or control of fire or the underwater  
25 recovery of drowning victims, the members of which are under  
26 the jurisdiction of the corporate authorities of a city,

1 village, incorporated town, or fire protection district, and  
2 includes a volunteer member of a fire department organized  
3 under the "General Not for Profit Corporation Act", approved  
4 July 17, 1943, as now or hereafter amended, which is under  
5 contract with any city, village, incorporated town, fire  
6 protection district, or persons residing therein, for fire  
7 fighting services. "Volunteer fireman" does not mean an  
8 individual who volunteers assistance without being regularly  
9 enrolled as a fireman.

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

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

21 (i) "Paramedic" means an Emergency Medical  
22 Technician-Paramedic certified by the Illinois Department of  
23 Public Health under the Emergency Medical Services (EMS)  
24 Systems Act, and all other emergency medical personnel  
25 certified by the Illinois Department of Public Health who are  
26 members of an organized body or not-for-profit corporation

1 under the jurisdiction of a city, village, incorporated town,  
2 fire protection district or county, that provides emergency  
3 medical treatment to persons of a defined geographical area.

4 (j) "State employee" means any employee as defined in  
5 Section 14-103.05 of the Illinois Pension Code, as now or  
6 hereafter amended.

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

8 (1) is a chaplain of (i) a fire department or (ii) a  
9 police department or other agency consisting of law  
10 enforcement officers; and

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

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

23 (Source: P.A. 93-1047, eff. 10-18-04; 93-1073, eff. 1-18-05;  
24 94-696, eff. 6-1-06.)

25 Section 99. Effective date. This Act takes effect upon  
26 becoming law.