

SB1653



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SB1653

Introduced 2/13/2013, by Sen. Michael E. Hastings

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 09393 JLS 39534 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.