

# SB1623



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

SB1623

Introduced 2/20/2015, by Sen. Terry Link

#### 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.

LRB099 08840 JLS 29012 b

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 aftercare specialists, school teachers and correctional  
18 counsellors in all facilities of both the Department of  
19 Corrections and the Department of Juvenile Justice, while  
20 within the facilities under the control of the Department of  
21 Corrections or the Department of Juvenile Justice or in the act  
22 of transporting inmates or wards from one location to another  
23 or while performing their official duties, and all other

1 Department of Correction or Department of Juvenile Justice  
2 employees who have daily contact with inmates.

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

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

17 (c) "Local governmental entity" includes counties,  
18 municipalities and municipal corporations.

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

22 (e) "Killed in the line of duty" means losing one's life as  
23 a result of injury received in the active performance of duties  
24 as a law enforcement officer, civil defense worker, civil air  
25 patrol member, paramedic, fireman, or chaplain if the death  
26 occurs within one year from the date the injury was received

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

23 (1) the injury is received as a result of a wilful act  
24 of violence committed other than by the officer and a  
25 relationship exists between the commission of such act and  
26 the officer's performance of his duties as a law

1 enforcement officer, whether or not the injury is received  
2 while the officer is on duty as a law enforcement officer;

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

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

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

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

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

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

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

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

1 medical treatment to persons of a defined geographical area.

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

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

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

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

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

21 (Source: P.A. 98-558, eff. 1-1-14.)

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