



Rep. Michael J. Kelly

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10400HB5595ham001

LRB104 15262 SPS 35185 a

1 AMENDMENT TO HOUSE BILL 5595

2 AMENDMENT NO. _____. Amend House Bill 5595 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Line of Duty Compensation Act is amended
5 by 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
10 person employed by the State or a local governmental entity as
11 a policeman, peace officer, auxiliary policeman or in some
12 like position involving the enforcement of the law and
13 protection of the public interest at the risk of that person's
14 life. This includes supervisors, wardens, superintendents and
15 their assistants, guards and keepers, correctional officers,
16 youth supervisors, parole agents, aftercare specialists,

1 school teachers, and correctional counselors in all facilities
2 of both the Department of Corrections and the Department of
3 Juvenile Justice, while within the facilities under the
4 control of the Department of Corrections or the Department of
5 Juvenile Justice or in the act of transporting inmates or
6 wards from one location to another or while performing their
7 official duties, and all other Department of Corrections or
8 Department of Juvenile Justice employees who have daily
9 contact with inmates. For the purposes of this Act, "law
10 enforcement officer" or "officer" also means a probation
11 officer, as defined in Section 9b of the Probation and
12 Probation Officers Act.

13 The death of the foregoing employees of the Department of
14 Corrections or the Department of Juvenile Justice in order to
15 be included herein must be by the direct or indirect willful
16 act of an inmate, ward, work-releasee, parolee, aftercare
17 releasee, parole violator, aftercare release violator, person
18 under conditional release, or any person sentenced or
19 committed, or otherwise subject to confinement in or to the
20 Department of Corrections or the Department of Juvenile
21 Justice.

22 (b) "Fireman" means any person employed by the State or a
23 local governmental entity as, or otherwise serving as, a
24 member or officer of a fire department either for the purpose
25 of the prevention or control of fire or the underwater
26 recovery of drowning victims, including volunteer firemen.

1 (c) "Local governmental entity" includes counties,
2 municipalities, and municipal corporations.

3 (d) "State" means the State of Illinois and its
4 departments, divisions, boards, bureaus, commissions,
5 authorities, and colleges and universities.

6 (e) "Killed in the line of duty" means losing one's life as
7 a result of injury received in the active performance of
8 duties as a law enforcement officer, civil defense worker,
9 civil air patrol member, paramedic, fireman, or chaplain if
10 the death occurs within one year from the date the injury was
11 received and if that injury arose from violence or other
12 accidental cause. In the case of a State employee, "killed in
13 the line of duty" means losing one's life as a result of injury
14 received in the active performance of one's duties as a State
15 employee, if the death occurs within one year from the date the
16 injury was received and if that injury arose from a willful act
17 of violence by another State employee committed during such
18 other employee's course of employment and after January 1,
19 1988. The term excludes death resulting from the willful
20 misconduct or intoxication of the officer, civil defense
21 worker, civil air patrol member, paramedic, fireman, chaplain,
22 or State employee. However, the burden of proof of such
23 willful misconduct or intoxication of the officer, civil
24 defense worker, civil air patrol member, paramedic, fireman,
25 chaplain, or State employee is on the Attorney General.
26 Subject to the conditions set forth in subsection (a) with

1 respect to inclusion under this Act of Department of
2 Corrections and Department of Juvenile Justice employees
3 described in that subsection, for the purposes of this Act,
4 instances in which a law enforcement officer receives an
5 injury in the active performance of duties as a law
6 enforcement officer include, but are not limited to, instances
7 when:

8 (1) the injury is received as a result of a willful act
9 of violence committed other than by the officer and a
10 relationship exists between the commission of such act and
11 the officer's performance of his duties as a law
12 enforcement officer, whether or not the injury is received
13 while the officer is on duty as a law enforcement officer;

14 (2) the injury is received by the officer while the
15 officer is attempting to prevent the commission of a
16 criminal act by another or attempting to apprehend an
17 individual the officer suspects has committed a crime,
18 whether or not the injury is received while the officer is
19 on duty as a law enforcement officer;

20 (3) the injury is received by the officer while the
21 officer is traveling to or from his employment as a law
22 enforcement officer or during any meal break, or other
23 break, which takes place during the period in which the
24 officer is on duty as a law enforcement officer.

25 In the case of an Armed Forces member, "killed in the line
26 of duty" means losing one's life while on active duty in

1 connection with the September 11, 2001 terrorist attacks on
2 the United States, Operation Enduring Freedom, Operation
3 Freedom's Sentinel, Operation Iraqi Freedom, Operation New
4 Dawn, or Operation Inherent Resolve.

5 (f) "Volunteer fireman" means a person having principal
6 employment other than as a fireman, but who is carried on the
7 rolls of a regularly constituted fire department either for
8 the purpose of the prevention or control of fire or the
9 underwater recovery of drowning victims, the members of which
10 are under the jurisdiction of the corporate authorities of a
11 city, village, incorporated town, or fire protection district,
12 and includes a volunteer member of a fire department organized
13 under the General Not for Profit Corporation Act, which is
14 under contract with any city, village, incorporated town, fire
15 protection district, or persons residing therein, for fire
16 fighting services. "Volunteer fireman" does not mean an
17 individual who volunteers assistance without being regularly
18 enrolled as a fireman.

19 (g) "Civil defense worker" means any person employed by
20 the State or a local governmental entity as, or otherwise
21 serving as, a member of a civil defense work force, including
22 volunteer civil defense work forces engaged in serving the
23 public interest during periods of disaster, whether natural or
24 man-made.

25 (h) "Civil air patrol member" means any person employed by
26 the State or a local governmental entity as, or otherwise

1 serving as, a member of the organization commonly known as the
2 "Civil Air Patrol", including volunteer members of the
3 organization commonly known as the "Civil Air Patrol".

4 (i) "Paramedic" means an Emergency Medical
5 Technician-Paramedic certified by the Illinois Department of
6 Public Health under the Emergency Medical Services (EMS)
7 Systems Act, and all other emergency medical personnel
8 certified by the Illinois Department of Public Health who are
9 members of an organized body or not-for-profit corporation
10 under the jurisdiction of a city, village, incorporated town,
11 fire protection district, or county, that provides emergency
12 medical treatment to persons of a defined geographical area.

13 (j) "State employee" means any employee as defined in
14 Section 14-103.05 of the Illinois Pension Code.

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

16 (1) is a chaplain of (i) a fire department or (ii) a
17 police department or other agency consisting of law
18 enforcement officers; and

19 (2) has been designated a chaplain by (i) the fire
20 department, police department, or other agency or an
21 officer or body having jurisdiction over the department or
22 agency or (ii) a labor organization representing the
23 firemen or law enforcement officers.

24 (l) "Armed Forces member" means an Illinois resident who
25 is: a member of the Armed Forces of the United States; a member
26 of the Illinois National Guard while on active military

1 service pursuant to an order of the President of the United
2 States; or a member of any reserve component of the Armed
3 Forces of the United States while on active military service
4 pursuant to an order of the President of the United States.

5 (m) "Descendant" has the meaning given to the term "child"
6 in Section 7 of the Workers' Compensation Act.

7 (Source: P.A. 102-221, eff. 1-1-22; 103-605, eff. 7-1-24.)

8 Section 10. The Public Safety Employee Benefits Act is
9 amended by changing Section 3 and by adding Section 16 as
10 follows:

11 (820 ILCS 320/3)

12 Sec. 3. Definition. For the purposes of this Act, the term
13 "firefighter" includes, without limitation, a licensed
14 emergency medical technician (EMT) who is a sworn member of a
15 public fire department, a paramedic employed by a unit of
16 local government, or an EMT, emergency medical
17 technician-intermediate (EMT-I), or advanced emergency medical
18 technician (A-EMT) employed by a unit of local government.

19 For the purposes of this Act, the term "health insurance
20 plan" is limited to the insurance plan options that are
21 codified in the employee's collective bargaining agreement. If
22 the collective bargaining agreement is silent on plan options,
23 the available plans for the employee shall be negotiated with
24 the authorized representative and subject to the grievance

1 process.

2 For the purposes of this Act, the term "child" has the
3 meaning set forth in Section 7 of the Workers' Compensation
4 Act.

5 (Source: P.A. 102-439, eff. 1-1-22.)

6 (820 ILCS 320/16 new)

7 Sec. 16. Non-designated beneficiaries. A child or
8 posthumous child of a firefighter, law enforcement, or
9 correctional or correctional probation officer shall not be
10 denied benefits under this Act on the basis that the child had
11 not been born or had not been designated as a beneficiary on
12 the date the firefighter, law enforcement, or correctional or
13 correctional probation officer was killed. This Section
14 applies to actions not brought to final and unappealable
15 judgment on or before the effective date of this amendatory
16 Act of the 104th General Assembly as well as actions commenced
17 on or after its effective date.

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