



Rep. Jay Hoffman

Filed: 5/22/2020

10100SB0471ham003

LRB101 04232 JLS 72383 a

1 AMENDMENT TO SENATE BILL 471

2 AMENDMENT NO. _____. Amend Senate Bill 471 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Public Employee Disability Act is amended
5 by changing Section 1 as follows:

6 (5 ILCS 345/1) (from Ch. 70, par. 91)

7 Sec. 1. Disability benefit.

8 (a) For the purposes of this Section, "eligible employee"
9 means any part-time or full-time State correctional officer or
10 any other full or part-time employee of the Department of
11 Corrections, any full or part-time employee of the Prisoner
12 Review Board, any full or part-time employee of the Department
13 of Human Services working within a penal institution or a State
14 mental health or developmental disabilities facility operated
15 by the Department of Human Services, and any full-time law
16 enforcement officer or full-time firefighter, including a

1 full-time paramedic or a firefighter who performs paramedic
2 duties, who is employed by the State of Illinois, any unit of
3 local government (including any home rule unit), any State
4 supported college or university, or any other public entity
5 granted the power to employ persons for such purposes by law.

6 (b) Whenever an eligible employee suffers any injury in the
7 line of duty which causes him to be unable to perform his
8 duties, he shall continue to be paid by the employing public
9 entity on the same basis as he was paid before the injury, with
10 no deduction from his sick leave credits, compensatory time for
11 overtime accumulations or vacation, or service credits in a
12 public employee pension fund during the time he is unable to
13 perform his duties due to the result of the injury, but not
14 longer than one year in relation to the same injury, except as
15 otherwise provided under subsection (b-5). However, no injury
16 to an employee of the Department of Corrections or the Prisoner
17 Review Board working within a penal institution or an employee
18 of the Department of Human Services working within a
19 departmental mental health or developmental disabilities
20 facility shall qualify the employee for benefits under this
21 Section unless the injury is the direct or indirect result of
22 violence by inmates of the penal institution or residents of
23 the mental health or developmental disabilities facility.

24 (b-5) Upon the occurrence of circumstances, directly or
25 indirectly attributable to COVID-19, occurring on or after
26 March 9, 2020 and on or before December 31, 2020 which would

1 hinder the physical recovery from an injury of an eligible
2 employee within the one-year period as required under
3 subsection (b), the eligible employee shall be entitled to an
4 extension of no longer than 60 days by which he or she shall
5 continue to be paid by the employing public entity on the same
6 basis as he or she was paid before the injury. The employing
7 public entity may require proof of the circumstances hindering
8 an eligible employee's physical recovery before granting the
9 extension provided under this subsection (b-5).

10 (c) At any time during the period for which continuing
11 compensation is required by this Act, the employing public
12 entity may order at the expense of that entity physical or
13 medical examinations of the injured person to determine the
14 degree of disability.

15 (d) During this period of disability, the injured person
16 shall not be employed in any other manner, with or without
17 monetary compensation. Any person who is employed in violation
18 of this paragraph forfeits the continuing compensation
19 provided by this Act from the time such employment begins. Any
20 salary compensation due the injured person from workers'
21 compensation or any salary due him from any type of insurance
22 which may be carried by the employing public entity shall
23 revert to that entity during the time for which continuing
24 compensation is paid to him under this Act. Any person with a
25 disability receiving compensation under the provisions of this
26 Act shall not be entitled to any benefits for which he would

1 qualify because of his disability under the provisions of the
2 Illinois Pension Code.

3 (e) Any employee of the State of Illinois, as defined in
4 Section 14-103.05 of the Illinois Pension Code, who becomes
5 permanently unable to perform the duties of such employment due
6 to an injury received in the active performance of his duties
7 as a State employee as a result of a willful act of violence by
8 another employee of the State of Illinois, as so defined,
9 committed during such other employee's course of employment and
10 after January 1, 1988, shall be eligible for benefits pursuant
11 to the provisions of this Section. For purposes of this
12 Section, permanent disability is defined as a diagnosis or
13 prognosis of an inability to return to current job duties by a
14 physician licensed to practice medicine in all of its branches.

15 (f) The compensation and other benefits provided to
16 part-time employees covered by this Section shall be calculated
17 based on the percentage of time the part-time employee was
18 scheduled to work pursuant to his or her status as a part-time
19 employee.

20 (g) Pursuant to paragraphs (h) and (i) of Section 6 of
21 Article VII of the Illinois Constitution, this Act specifically
22 denies and limits the exercise by home rule units of any power
23 which is inconsistent herewith, and all existing laws and
24 ordinances which are inconsistent herewith are hereby
25 superseded. This Act does not preempt the concurrent exercise
26 by home rule units of powers consistent herewith.

1 This Act does not apply to any home rule unit with a
2 population of over 1,000,000.

3 (h) In those cases where the injury to a State employee for
4 which a benefit is payable under this Act was caused under
5 circumstances creating a legal liability for damages on the
6 part of some person other than the State employer, all of the
7 rights and privileges, including the right to notice of suit
8 brought against such other person and the right to commence or
9 join in such suit, as given the employer, together with the
10 conditions or obligations imposed under paragraph (b) of
11 Section 5 of the Workers' Compensation Act, are also given and
12 granted to the State, to the end that, with respect to State
13 employees only, the State may be paid or reimbursed for the
14 amount of benefit paid or to be paid by the State to the
15 injured employee or his or her personal representative out of
16 any judgment, settlement, or payment for such injury obtained
17 by such injured employee or his or her personal representative
18 from such other person by virtue of the injury.

19 (Source: P.A. 99-143, eff. 7-27-15; 100-1143, eff. 1-1-19.)

20 Section 10. The Illinois Horse Racing Act of 1975 is
21 amended by adding Section 15.5 as follows:

22 (230 ILCS 5/15.5 new)

23 Sec. 15.5. Labor agreements.

24 (a) This Section applies to each entity subject to this Act

1 that has at least 10 employees on average over the 12 months
2 preceding application for an organization gaming license.

3 (b) Before an organization gaming license may be granted or
4 renewed, the applicant or licensee seeking an organization
5 gaming license or renewal shall:

6 (1) Enter into, and observe, the terms of a collective
7 bargaining agreement with any labor organization seeking
8 to represent a majority of the licensee's employees in a
9 bargaining unit consisting of all non-supervisory and
10 non-management employees in the classifications identified
11 by the labor organization. Any new employees hired by the
12 licensee who perform work substantially similar to current
13 employees in an existing bargaining unit already
14 represented by a labor organization at the facility shall
15 be incorporated into that existing bargaining unit.

16 (2) Upon written notice by a labor organization of its
17 desire to represent employees in a designated bargaining
18 unit, the licensee shall:

19 (A) provide the names, classifications, and home
20 addresses of each and every employee in the identified
21 bargaining unit;

22 (B) refrain from expressing any views on the
23 question whether its employees should be represented
24 by a labor organization;

25 (C) refrain from restraining or coercing its
26 employees in choosing to be represented or not

1 represented by a labor organization; and

2 (D) allow designated representatives of the labor
3 organization access to its non-work areas for the
4 purpose of meeting privately with its employees during
5 non-working times.

6 (3) Upon a showing of majority interest, to be
7 certified through card check by the Federal Mediation and
8 Conciliation Service or from a designated arbitrator from a
9 permanent panel of arbitrators appointed by the Illinois
10 Racing Board, the licensee and the labor organization shall
11 immediately enter into negotiations for a collective
12 bargaining agreement.

13 (4) If the parties are unable to conclude a labor
14 agreement within 60 days following the date of
15 certification, the terms of the agreement shall be set by
16 an arbitrator jointly selected by the parties from a panel
17 of arbitrators designated by the Illinois Racing Board, who
18 shall issue a final and binding award within 120 days after
19 the date of certification, if the parties fail to conclude
20 an agreement by that date. Except with regard to the
21 minimum requirements in paragraph (5), the arbitrator
22 shall be guided by the terms of labor agreements covering
23 the same or similar classifications of employees within 100
24 miles of the facility or facilities for which the agreement
25 is negotiated. The arbitrator shall also resolve all
26 disputes regarding the scope and composition of the

1 bargaining unit covered under the labor agreement. The
2 licensee and the labor organization shall share equally the
3 expenses of the arbitrator. No labor agreement shall cover
4 employees in a bargaining unit for which another labor
5 organization has been certified as a bargaining
6 representative under this Act and that continues to
7 actively represent such employees.

8 (5) All labor agreements required under this Section
9 shall, at a minimum, include a:

10 (A) term of at least 3 years;

11 (B) prohibition on strikes or other work stoppages
12 by the labor organization and the represented
13 employees during the term of the labor agreement; and

14 (C) restriction on subcontracting any work
15 performed on or about the licensee's premises as part
16 of its normal operations except by mutual agreement
17 with the labor organization, and then only to a person
18 or firm that is signatory to a labor agreement with a
19 labor organization that has indicated its interest in
20 representing the employees of the subcontractor,
21 provided, the subcontractor's employees are not
22 lawfully represented by another labor organization.

23 (6) A copy of the fully executed labor agreement shall
24 be submitted to the Illinois Racing Board prior to the
25 issuance or renewal of any organization gaming license
26 required under this Act.

1 (c) Upon the expiration of a labor agreement required under
2 this Section, the parties shall negotiate a successor agreement
3 under the procedures set forth in paragraphs (4) and (5) of
4 subsection (b), except that the negotiation and arbitration
5 procedures shall commence upon the last effective day of the
6 expiring labor agreement.

7 (d) The provisions of this Section, except for paragraph
8 (2) of subsection (b), do not apply to any entity that is
9 covered, or subsequently becomes covered, under the National
10 Labor Relations Act, 29 U.S.C. 151 et seq. However, nothing in
11 this Act shall affect or diminish the validity and
12 enforceability of any collective bargaining agreement entered
13 into during the period that this Act applies.

14 Section 15. The Criminal Code of 2012 is amended by
15 changing Section 12-3.05 as follows:

16 (720 ILCS 5/12-3.05) (was 720 ILCS 5/12-4)

17 Sec. 12-3.05. Aggravated battery.

18 (a) Offense based on injury. A person commits aggravated
19 battery when, in committing a battery, other than by the
20 discharge of a firearm, he or she knowingly does any of the
21 following:

22 (1) Causes great bodily harm or permanent disability or
23 disfigurement.

24 (2) Causes severe and permanent disability, great

1 bodily harm, or disfigurement by means of a caustic or
2 flammable substance, a poisonous gas, a deadly biological
3 or chemical contaminant or agent, a radioactive substance,
4 or a bomb or explosive compound.

5 (3) Causes great bodily harm or permanent disability or
6 disfigurement to an individual whom the person knows to be
7 a peace officer, community policing volunteer, fireman,
8 private security officer, correctional institution
9 employee, or Department of Human Services employee
10 supervising or controlling sexually dangerous persons or
11 sexually violent persons:

12 (i) performing his or her official duties;

13 (ii) battered to prevent performance of his or her
14 official duties; or

15 (iii) battered in retaliation for performing his
16 or her official duties.

17 (4) Causes great bodily harm or permanent disability or
18 disfigurement to an individual 60 years of age or older.

19 (5) Strangles another individual.

20 (b) Offense based on injury to a child or person with an
21 intellectual disability. A person who is at least 18 years of
22 age commits aggravated battery when, in committing a battery,
23 he or she knowingly and without legal justification by any
24 means:

25 (1) causes great bodily harm or permanent disability or
26 disfigurement to any child under the age of 13 years, or to

1 any person with a severe or profound intellectual
2 disability; or

3 (2) causes bodily harm or disability or disfigurement
4 to any child under the age of 13 years or to any person
5 with a severe or profound intellectual disability.

6 (c) Offense based on location of conduct. A person commits
7 aggravated battery when, in committing a battery, other than by
8 the discharge of a firearm, he or she is or the person battered
9 is on or about a public way, public property, a public place of
10 accommodation or amusement, a sports venue, or a domestic
11 violence shelter, or in a church, synagogue, mosque, or other
12 building, structure, or place used for religious worship.

13 (d) Offense based on status of victim. A person commits
14 aggravated battery when, in committing a battery, other than by
15 discharge of a firearm, he or she knows the individual battered
16 to be any of the following:

17 (1) A person 60 years of age or older.

18 (2) A person who is pregnant or has a physical
19 disability.

20 (3) A teacher or school employee upon school grounds or
21 grounds adjacent to a school or in any part of a building
22 used for school purposes.

23 (4) A peace officer, community policing volunteer,
24 fireman, private security officer, correctional
25 institution employee, or Department of Human Services
26 employee supervising or controlling sexually dangerous

1 persons or sexually violent persons:

2 (i) performing his or her official duties;

3 (ii) battered to prevent performance of his or her
4 official duties; or

5 (iii) battered in retaliation for performing his
6 or her official duties.

7 (5) A judge, emergency management worker, emergency
8 medical services personnel, or utility worker:

9 (i) performing his or her official duties;

10 (ii) battered to prevent performance of his or her
11 official duties; or

12 (iii) battered in retaliation for performing his
13 or her official duties.

14 (6) An officer or employee of the State of Illinois, a
15 unit of local government, or a school district, while
16 performing his or her official duties.

17 (7) A transit employee performing his or her official
18 duties, or a transit passenger.

19 (8) A taxi driver on duty.

20 (9) A merchant who detains the person for an alleged
21 commission of retail theft under Section 16-26 of this Code
22 and the person without legal justification by any means
23 causes bodily harm to the merchant.

24 (10) A person authorized to serve process under Section
25 2-202 of the Code of Civil Procedure or a special process
26 server appointed by the circuit court while that individual

1 is in the performance of his or her duties as a process
2 server.

3 (11) A nurse while in the performance of his or her
4 duties as a nurse.

5 (12) A merchant: (i) while performing his or her
6 duties, including, but not limited to, relaying directions
7 for healthcare or safety from his or her supervisor or
8 employer or relaying health or safety guidelines,
9 recommendations, regulations, or rules from a federal,
10 State, or local public health agency; and (ii) during a
11 disaster declared by the Governor, or a state of emergency
12 declared by the mayor of the municipality in which the
13 merchant is located, due to a public health emergency and
14 for a period of 6 months after such declaration.

15 (e) Offense based on use of a firearm. A person commits
16 aggravated battery when, in committing a battery, he or she
17 knowingly does any of the following:

18 (1) Discharges a firearm, other than a machine gun or a
19 firearm equipped with a silencer, and causes any injury to
20 another person.

21 (2) Discharges a firearm, other than a machine gun or a
22 firearm equipped with a silencer, and causes any injury to
23 a person he or she knows to be a peace officer, community
24 policing volunteer, person summoned by a police officer,
25 fireman, private security officer, correctional
26 institution employee, or emergency management worker:

1 (i) performing his or her official duties;

2 (ii) battered to prevent performance of his or her
3 official duties; or

4 (iii) battered in retaliation for performing his
5 or her official duties.

6 (3) Discharges a firearm, other than a machine gun or a
7 firearm equipped with a silencer, and causes any injury to
8 a person he or she knows to be emergency medical services
9 personnel:

10 (i) performing his or her official duties;

11 (ii) battered to prevent performance of his or her
12 official duties; or

13 (iii) battered in retaliation for performing his
14 or her official duties.

15 (4) Discharges a firearm and causes any injury to a
16 person he or she knows to be a teacher, a student in a
17 school, or a school employee, and the teacher, student, or
18 employee is upon school grounds or grounds adjacent to a
19 school or in any part of a building used for school
20 purposes.

21 (5) Discharges a machine gun or a firearm equipped with
22 a silencer, and causes any injury to another person.

23 (6) Discharges a machine gun or a firearm equipped with
24 a silencer, and causes any injury to a person he or she
25 knows to be a peace officer, community policing volunteer,
26 person summoned by a police officer, fireman, private

1 security officer, correctional institution employee or
2 emergency management worker:

3 (i) performing his or her official duties;

4 (ii) battered to prevent performance of his or her
5 official duties; or

6 (iii) battered in retaliation for performing his
7 or her official duties.

8 (7) Discharges a machine gun or a firearm equipped with
9 a silencer, and causes any injury to a person he or she
10 knows to be emergency medical services personnel:

11 (i) performing his or her official duties;

12 (ii) battered to prevent performance of his or her
13 official duties; or

14 (iii) battered in retaliation for performing his
15 or her official duties.

16 (8) Discharges a machine gun or a firearm equipped with
17 a silencer, and causes any injury to a person he or she
18 knows to be a teacher, or a student in a school, or a
19 school employee, and the teacher, student, or employee is
20 upon school grounds or grounds adjacent to a school or in
21 any part of a building used for school purposes.

22 (f) Offense based on use of a weapon or device. A person
23 commits aggravated battery when, in committing a battery, he or
24 she does any of the following:

25 (1) Uses a deadly weapon other than by discharge of a
26 firearm, or uses an air rifle as defined in Section

1 24.8-0.1 of this Code.

2 (2) Wears a hood, robe, or mask to conceal his or her
3 identity.

4 (3) Knowingly and without lawful justification shines
5 or flashes a laser gunsight or other laser device attached
6 to a firearm, or used in concert with a firearm, so that
7 the laser beam strikes upon or against the person of
8 another.

9 (4) Knowingly video or audio records the offense with
10 the intent to disseminate the recording.

11 (g) Offense based on certain conduct. A person commits
12 aggravated battery when, other than by discharge of a firearm,
13 he or she does any of the following:

14 (1) Violates Section 401 of the Illinois Controlled
15 Substances Act by unlawfully delivering a controlled
16 substance to another and any user experiences great bodily
17 harm or permanent disability as a result of the injection,
18 inhalation, or ingestion of any amount of the controlled
19 substance.

20 (2) Knowingly administers to an individual or causes
21 him or her to take, without his or her consent or by threat
22 or deception, and for other than medical purposes, any
23 intoxicating, poisonous, stupefying, narcotic, anesthetic,
24 or controlled substance, or gives to another person any
25 food containing any substance or object intended to cause
26 physical injury if eaten.

1 (3) Knowingly causes or attempts to cause a
2 correctional institution employee or Department of Human
3 Services employee to come into contact with blood, seminal
4 fluid, urine, or feces by throwing, tossing, or expelling
5 the fluid or material, and the person is an inmate of a
6 penal institution or is a sexually dangerous person or
7 sexually violent person in the custody of the Department of
8 Human Services.

9 (h) Sentence. Unless otherwise provided, aggravated
10 battery is a Class 3 felony.

11 Aggravated battery as defined in subdivision (a)(4),
12 (d)(4), or (g)(3) is a Class 2 felony.

13 Aggravated battery as defined in subdivision (a)(3) or
14 (g)(1) is a Class 1 felony.

15 Aggravated battery as defined in subdivision (a)(1) is a
16 Class 1 felony when the aggravated battery was intentional and
17 involved the infliction of torture, as defined in paragraph
18 (14) of subsection (b) of Section 9-1 of this Code, as the
19 infliction of or subjection to extreme physical pain, motivated
20 by an intent to increase or prolong the pain, suffering, or
21 agony of the victim.

22 Aggravated battery as defined in subdivision (a)(1) is a
23 Class 2 felony when the person causes great bodily harm or
24 permanent disability to an individual whom the person knows to
25 be a member of a congregation engaged in prayer or other
26 religious activities at a church, synagogue, mosque, or other

1 building, structure, or place used for religious worship.

2 Aggravated battery under subdivision (a)(5) is a Class 1
3 felony if:

4 (A) the person used or attempted to use a dangerous
5 instrument while committing the offense; ~~or~~

6 (B) the person caused great bodily harm or permanent
7 disability or disfigurement to the other person while
8 committing the offense; or

9 (C) the person has been previously convicted of a
10 violation of subdivision (a)(5) under the laws of this
11 State or laws similar to subdivision (a)(5) of any other
12 state.

13 Aggravated battery as defined in subdivision (e)(1) is a
14 Class X felony.

15 Aggravated battery as defined in subdivision (a)(2) is a
16 Class X felony for which a person shall be sentenced to a term
17 of imprisonment of a minimum of 6 years and a maximum of 45
18 years.

19 Aggravated battery as defined in subdivision (e)(5) is a
20 Class X felony for which a person shall be sentenced to a term
21 of imprisonment of a minimum of 12 years and a maximum of 45
22 years.

23 Aggravated battery as defined in subdivision (e)(2),
24 (e)(3), or (e)(4) is a Class X felony for which a person shall
25 be sentenced to a term of imprisonment of a minimum of 15 years
26 and a maximum of 60 years.

1 Aggravated battery as defined in subdivision (e)(6),
2 (e)(7), or (e)(8) is a Class X felony for which a person shall
3 be sentenced to a term of imprisonment of a minimum of 20 years
4 and a maximum of 60 years.

5 Aggravated battery as defined in subdivision (b)(1) is a
6 Class X felony, except that:

7 (1) if the person committed the offense while armed
8 with a firearm, 15 years shall be added to the term of
9 imprisonment imposed by the court;

10 (2) if, during the commission of the offense, the
11 person personally discharged a firearm, 20 years shall be
12 added to the term of imprisonment imposed by the court;

13 (3) if, during the commission of the offense, the
14 person personally discharged a firearm that proximately
15 caused great bodily harm, permanent disability, permanent
16 disfigurement, or death to another person, 25 years or up
17 to a term of natural life shall be added to the term of
18 imprisonment imposed by the court.

19 (i) Definitions. In this Section:

20 "Building or other structure used to provide shelter" has
21 the meaning ascribed to "shelter" in Section 1 of the Domestic
22 Violence Shelters Act.

23 "Domestic violence" has the meaning ascribed to it in
24 Section 103 of the Illinois Domestic Violence Act of 1986.

25 "Domestic violence shelter" means any building or other
26 structure used to provide shelter or other services to victims

1 or to the dependent children of victims of domestic violence
2 pursuant to the Illinois Domestic Violence Act of 1986 or the
3 Domestic Violence Shelters Act, or any place within 500 feet of
4 such a building or other structure in the case of a person who
5 is going to or from such a building or other structure.

6 "Firearm" has the meaning provided under Section 1.1 of the
7 Firearm Owners Identification Card Act, and does not include an
8 air rifle as defined by Section 24.8-0.1 of this Code.

9 "Machine gun" has the meaning ascribed to it in Section
10 24-1 of this Code.

11 "Merchant" has the meaning ascribed to it in Section 16-0.1
12 of this Code.

13 "Strangle" means intentionally impeding the normal
14 breathing or circulation of the blood of an individual by
15 applying pressure on the throat or neck of that individual or
16 by blocking the nose or mouth of that individual.

17 (Source: P.A. 101-223, eff. 1-1-20; revised 9-24-19.)

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