

SB1681



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB1681

Introduced 2/26/2021, by Sen. Scott M. Bennett

SYNOPSIS AS INTRODUCED:

820 ILCS 315/2

from Ch. 48, par. 282

Amends the Line of Duty Compensation Act. Includes probation officers within the scope of the Act.

LRB102 14162 KMF 19514 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
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,
17 school teachers and correctional counsellors in all facilities
18 of both the Department of Corrections and the Department of
19 Juvenile Justice, while within the facilities under the
20 control of the Department of Corrections or the Department of
21 Juvenile Justice or in the act of transporting inmates or
22 wards from one location to another or while performing their
23 official duties, and all other Department of Correction or

1 Department of Juvenile Justice employees who have daily
2 contact with inmates. For the purposes of this Act, "Law
3 enforcement officer" or "officer" also means a probation
4 officer, as defined in Section 9b of the Probation and
5 Probation Officers Act.

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

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

20 (c) "Local governmental entity" includes counties,
21 municipalities and municipal corporations.

22 (d) "State" means the State of Illinois and its
23 departments, divisions, boards, bureaus, commissions,
24 authorities and colleges and universities.

25 (e) "Killed in the line of duty" means losing one's life as
26 a result of injury received in the active performance of

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

1 (1) the injury is received as a result of a wilful act
2 of violence committed other than by the officer and a
3 relationship exists between the commission of such act and
4 the officer's performance of his duties as a law
5 enforcement officer, whether or not the injury is received
6 while the officer is on duty as a law enforcement officer;

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

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

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

24 (f) "Volunteer fireman" means a person having principal
25 employment other than as a fireman, but who is carried on the
26 rolls of a regularly constituted fire department either for

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

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

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

24 (i) "Paramedic" means an Emergency Medical
25 Technician-Paramedic certified by the Illinois Department of
26 Public Health under the Emergency Medical Services (EMS)

1 Systems Act, and all other emergency medical personnel
2 certified by the Illinois Department of Public Health who are
3 members of an organized body or not-for-profit corporation
4 under the jurisdiction of a city, village, incorporated town,
5 fire protection district or county, that provides emergency
6 medical treatment to persons of a defined geographical area.

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

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

11 (1) is a chaplain of (i) a fire department or (ii) a
12 police department or other agency consisting of law
13 enforcement officers; and

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

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

26 (Source: P.A. 100-226, eff. 8-18-17.)