



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB4109

by Rep. Martin McLaughlin

SYNOPSIS AS INTRODUCED:

820 ILCS 315/2

from Ch. 48, par. 282

Amends the Line of Duty Compensation Act. Expands the definition of "law enforcement officer" or "officer" to include any person working as a volunteer for the State or a local governmental entity in some position involving the enforcement of the law and protection of the public interest at the risk of that person's life, including, but not limited to, volunteers assisting with parking and traffic.

LRB103 33051 SPS 62858 b

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, or working as a volunteer for, the State or
11 a local governmental entity as a policeman, peace officer,
12 auxiliary policeman or in some like position involving the
13 enforcement of the law and protection of the public interest
14 at the risk of that person's life, and includes, but is not
15 limited to, volunteers assisting with parking and traffic.

16 This includes supervisors, wardens, superintendents and their
17 assistants, guards and keepers, correctional officers, youth
18 supervisors, parole agents, aftercare specialists, school
19 teachers and correctional counsellors in all facilities of
20 both the Department of Corrections and the Department of
21 Juvenile Justice, while within the facilities under the
22 control of the Department of Corrections or the Department of
23 Juvenile Justice or in the act of transporting inmates or

1 wards from one location to another or while performing their
2 official duties, and all other Department of Correction or
3 Department of Juvenile Justice employees who have daily
4 contact with inmates. For the purposes of this Act, "law
5 enforcement officer" or "officer" also means a probation
6 officer, as defined in Section 9b of the Probation and
7 Probation Officers Act.

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

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

22 (c) "Local governmental entity" includes counties,
23 municipalities and municipal corporations.

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

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

1 enforcement officer include but are not limited to instances
2 when:

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

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

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

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

26 (f) "Volunteer fireman" means a person having principal

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

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

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

26 (i) "Paramedic" means an Emergency Medical

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

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

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

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

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

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

1 pursuant to an order of the President of the United States.

2 (Source: P.A. 102-221, eff. 1-1-22.)