



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB4160

by Rep. Norine K. Hammond

SYNOPSIS AS INTRODUCED:

5 ILCS 375/6.17 new
820 ILCS 315/2

from Ch. 48, par. 282

Amends the State Employees Group Insurance Act of 1971. Provides that the participation of a dependent in the program of health benefits shall not be suspended or terminated upon the death of the member from whom the dependent derived health benefits coverage until the dependent begins to receive an annuity as a survivor of an employee or annuitant and receives survivor health benefits. Amends the Line of Duty Compensation Act. In provisions concerning definitions, provides that, in the case of employees of the Department of Corrections or the Department of Juvenile Justice, "killed in the line of duty" means losing one's life after contracting COVID-19 on or after January 1 of 2020 or losing one's life after contracting a disease for which a State or federal emergency is declared during the period of the declaration. Effective immediately.

LRB103 34506 SPS 64340 b

1 AN ACT concerning government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The State Employees Group Insurance Act of 1971
5 is amended by adding Section 6.17 as follows:

6 (5 ILCS 375/6.17 new)

7 Sec. 6.17. Survivor health benefits continuing coverage.
8 Notwithstanding any rule or provision of law to the contrary,
9 the participation of a dependent in the program of health
10 benefits shall not be suspended or terminated upon the death
11 of the member from whom the dependent derived health benefits
12 coverage under this Act until the dependent begins to receive
13 an annuity as a survivor of an employee or annuitant and
14 receives survivor health benefits.

15 Section 10. The Line of Duty Compensation Act is amended
16 by changing Section 2 as follows:

17 (820 ILCS 315/2) (from Ch. 48, par. 282)

18 Sec. 2. As used in this Act, unless the context otherwise
19 requires:

20 (a) "Law enforcement officer" or "officer" means any
21 person employed by the State or a local governmental entity as

1 a policeman, peace officer, auxiliary policeman or in some
2 like position involving the enforcement of the law and
3 protection of the public interest at the risk of that person's
4 life. This includes supervisors, wardens, superintendents and
5 their assistants, guards and keepers, correctional officers,
6 youth supervisors, parole agents, aftercare specialists,
7 school teachers and correctional counsellors in all facilities
8 of both the Department of Corrections and the Department of
9 Juvenile Justice, while within the facilities under the
10 control of the Department of Corrections or the Department of
11 Juvenile Justice or in the act of transporting inmates or
12 wards from one location to another or while performing their
13 official duties, and all other Department of Correction or
14 Department of Juvenile Justice employees who have daily
15 contact with inmates. For the purposes of this Act, "law
16 enforcement officer" or "officer" also means a probation
17 officer, as defined in Section 9b of the Probation and
18 Probation Officers Act.

19 The death of the foregoing employees of the Department of
20 Corrections or the Department of Juvenile Justice in order to
21 be included herein must be by the direct or indirect willful
22 act of an inmate, ward, work-releasee, parolee, aftercare
23 releasee, parole violator, aftercare release violator, person
24 under conditional release, or any person sentenced or
25 committed, or otherwise subject to confinement in or to the
26 Department of Corrections or the Department of Juvenile

1 Justice.

2 (b) "Fireman" means any person employed by the State or a
3 local governmental entity as, or otherwise serving as, a
4 member or officer of a fire department either for the purpose
5 of the prevention or control of fire or the underwater
6 recovery of drowning victims, including volunteer firemen.

7 (c) "Local governmental entity" includes counties,
8 municipalities and municipal corporations.

9 (d) "State" means the State of Illinois and its
10 departments, divisions, boards, bureaus, commissions,
11 authorities and colleges and universities.

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

1 worker, civil air patrol member, paramedic, fireman, chaplain,
2 or State employee. However, the burden of proof of such
3 willful misconduct or intoxication of the officer, civil
4 defense worker, civil air patrol member, paramedic, fireman,
5 chaplain, or State employee is on the Attorney General.
6 Subject to the conditions set forth in subsection (a) with
7 respect to inclusion under this Act of Department of
8 Corrections and Department of Juvenile Justice employees
9 described in that subsection, for the purposes of this Act,
10 instances in which a law enforcement officer receives an
11 injury in the active performance of duties as a law
12 enforcement officer include but are not limited to instances
13 when:

14 (1) the injury is received as a result of a wilful act
15 of violence committed other than by the officer and a
16 relationship exists between the commission of such act and
17 the officer's performance of his duties as a law
18 enforcement officer, whether or not the injury is received
19 while the officer is on duty as a law enforcement officer;

20 (2) the injury is received by the officer while the
21 officer is attempting to prevent the commission of a
22 criminal act by another or attempting to apprehend an
23 individual the officer suspects has committed a crime,
24 whether or not the injury is received while the officer is
25 on duty as a law enforcement officer;

26 (3) the injury is received by the officer while the

1 officer is travelling to or from his employment as a law
2 enforcement officer or during any meal break, or other
3 break, which takes place during the period in which the
4 officer is on duty as a law enforcement officer.

5 In the case of an Armed Forces member, "killed in the line
6 of duty" means losing one's life while on active duty in
7 connection with the September 11, 2001 terrorist attacks on
8 the United States, Operation Enduring Freedom, Operation
9 Freedom's Sentinel, Operation Iraqi Freedom, Operation New
10 Dawn, or Operation Inherent Resolve.

11 In the case of employees of the Department of Corrections
12 or the Department of Juvenile Justice, "killed in the line of
13 duty" means losing one's life after contracting COVID-19 on or
14 after January 1 of 2020 or losing one's life after contracting
15 a disease for which a State or federal emergency is declared
16 during the period of the declaration.

17 (f) "Volunteer fireman" means a person having principal
18 employment other than as a fireman, but who is carried on the
19 rolls of a regularly constituted fire department either for
20 the purpose of the prevention or control of fire or the
21 underwater recovery of drowning victims, the members of which
22 are under the jurisdiction of the corporate authorities of a
23 city, village, incorporated town, or fire protection district,
24 and includes a volunteer member of a fire department organized
25 under the "General Not for Profit Corporation Act", approved
26 July 17, 1943, as now or hereafter amended, which is under

1 contract with any city, village, incorporated town, fire
2 protection district, or persons residing therein, for fire
3 fighting services. "Volunteer fireman" does not mean an
4 individual who volunteers assistance without being regularly
5 enrolled as a fireman.

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

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

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

26 (j) "State employee" means any employee as defined in

1 Section 14-103.05 of the Illinois Pension Code, as now or
2 hereafter amended.

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

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

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

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

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

20 Section 99. Effective date. This Act takes effect upon
21 becoming law.