

HB4673



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB4673

by Rep. Kelly Burke

SYNOPSIS AS INTRODUCED:

820 ILCS 315/2

from Ch. 48, par. 282

Amends the Line of Duty Compensation Act. Provides that with respect to a law enforcement officer an injury in the active performance of duty includes a self-inflicted injury when a mental health professional establishes that the injury was a result of the officer's active duty service. Effective immediately.

LRB098 18631 JLS 53772 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 person
10 employed by the State or a local governmental entity as a
11 policeman, peace officer, auxiliary policeman or in some like
12 position involving the enforcement of the law and protection of
13 the public interest at the risk of that person's life. This
14 includes supervisors, wardens, superintendents and their
15 assistants, guards and keepers, correctional officers, youth
16 supervisors, parole agents, aftercare specialists, school
17 teachers and correctional counsellors in all facilities of both
18 the Department of Corrections and the Department of Juvenile
19 Justice, while within the facilities under the control of the
20 Department of Corrections or the Department of Juvenile Justice
21 or in the act of transporting inmates or wards from one
22 location to another or while performing their official duties,
23 and all other Department of Correction or Department of

1 Juvenile Justice employees who have daily contact with inmates.

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

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

16 (c) "Local governmental entity" includes counties,
17 municipalities and municipal corporations.

18 (d) "State" means the State of Illinois and its
19 departments, divisions, boards, bureaus, commissions,
20 authorities and colleges and universities.

21 (e) "Killed in the line of duty" means losing one's life as
22 a result of injury received in the active performance of duties
23 as a law enforcement officer, civil defense worker, civil air
24 patrol member, paramedic, fireman, or chaplain if the death
25 occurs within one year from the date the injury was received
26 and if that injury arose from violence or other accidental

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

22 (1) the injury is received as a result of a wilful act
23 of violence committed other than by the officer and a
24 relationship exists between the commission of such act and
25 the officer's performance of his duties as a law
26 enforcement officer, whether or not the injury is received

1 while the officer is on duty as a law enforcement officer;

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

8 (3) the injury is received by the officer while the
9 officer is travelling to or from his employment as a law
10 enforcement officer or during any meal break, or other
11 break, which takes place during the period in which the
12 officer is on duty as a law enforcement officer;

13 (4) the injury received by the officer is
14 self-inflicted and a mental health professional
15 establishes that the injury was a result of the officer's
16 active duty service.

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

22 (f) "Volunteer fireman" means a person having principal
23 employment other than as a fireman, but who is carried on the
24 rolls of a regularly constituted fire department either for the
25 purpose of the prevention or control of fire or the underwater
26 recovery of drowning victims, the members of which are under

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

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

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

22 (i) "Paramedic" means an Emergency Medical
23 Technician-Paramedic certified by the Illinois Department of
24 Public Health under the Emergency Medical Services (EMS)
25 Systems Act, and all other emergency medical personnel
26 certified by the Illinois Department of Public Health who are

1 members of an organized body or not-for-profit corporation
2 under the jurisdiction of a city, village, incorporated town,
3 fire protection district or county, that provides emergency
4 medical treatment to persons of a defined geographical area.

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

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

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

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

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

24 (Source: P.A. 98-558, eff. 1-1-14.)

25 Section 99. Effective date. This Act takes effect upon
26 becoming law.