

1 AN ACT in relation to local governmental employees.

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

4 Section 5. The Counties Code is amended by changing
5 Section 5-1002 as follows:

6 (55 ILCS 5/5-1002) (from Ch. 34, par. 5-1002)

7 Sec. 5-1002. Indemnity of sheriff or deputy. If any
8 injury to the person or property of another is caused by a
9 sheriff or any deputy sheriff, while the sheriff or deputy is
10 engaged in the performance of his or her duties as such, and
11 without the contributory negligence of the injured person or
12 the owner of the injured property, or the agent or servant of
13 the injured person or owner, the county shall indemnify the
14 sheriff or deputy, as the case may be, for any judgment
15 recovered against him or her as the result of that injury,
16 except where the injury results from the wilful misconduct of
17 the sheriff or deputy, as the case may be, to the extent of
18 not to exceed \$1,000,000 ~~\$500,000~~, including costs of action.
19 Any sheriff or deputy, as the case may be, or any person who,
20 at the time of performing such an act complained of, was a
21 sheriff or deputy sheriff, who is made a party defendant to
22 any such action shall, within 10 days of service of process
23 upon him or her, notify the county, of the fact that the
24 action has been instituted, and that he or she has been made
25 a party defendant to the action. The notice must be in
26 writing, and be filed in the office of the State's Attorney
27 and also in the office of the county clerk, either by himself
28 or herself, his or her agent or attorney. The notice shall
29 state in substance, that the sheriff or deputy sheriff, as
30 the case may be, (naming him or her), has been served with
31 process and made a party defendant to an action wherein it is

1 claimed that a person has suffered injury to his or her
2 person or property caused by that sheriff or deputy sheriff
3 stating the title and number of the case; the Court wherein
4 the action is pending; and the date the sheriff or deputy
5 sheriff was served with process in the action, and made a
6 party defendant thereto. The county which is or may be
7 liable to indemnify the sheriff or deputy sheriff, as the
8 case may be, may intervene in the action against the sheriff
9 or deputy sheriff, as the case may be, and shall be permitted
10 to appear and defend. The duty of the county to indemnify any
11 sheriff or deputy sheriff for any judgment recovered against
12 him or her is conditioned upon receiving notice of the filing
13 of any such action in the manner and form hereinabove
14 described.

15 (Source: P.A. 86-962; 87-1141.)

16 Section 10. The Illinois Municipal Code is amended by
17 changing Section 1-4-6 as follows:

18 (65 ILCS 5/1-4-6) (from Ch. 24, par. 1-4-6)

19 Sec. 1-4-6. In case any injury to the person or property
20 of another is caused by a member of the police department of
21 a municipality having a population of less than 500,000 while
22 the member is engaged in the performance of his or her duties
23 as a police officer, and without the contributory negligence
24 of the injured person or the owner of the injured property,
25 or the agent or servant of the injured person or owner, the
26 municipality in whose behalf the member of the municipal
27 police department is performing his or her duties as police
28 officer shall indemnify the police officer for any judgment
29 recovered against him or her as the result of such injury,
30 except where the injury results from the wilful misconduct of
31 the police officer, to the extent of not to exceed \$1,000,000
32 ~~\$500,000~~ including costs of the action. Any police officer,

1 or any person who, at the time of performing such an act
2 complained of, was a police officer, who is made a party
3 defendant to any such action shall, within 10 days of service
4 of process upon him or her, notify the municipality by whom
5 he or she is or was employed, of the fact that the action
6 has been instituted, and that he or she has been made a party
7 defendant to the same. Such notice shall be in writing, and
8 shall be filed in the office of the city attorney or
9 corporation counsel, if there is a city attorney or
10 corporation counsel, and also in the office of the municipal
11 clerk, either by himself, his or her agent, or attorney. The
12 notice shall state in substance, that such police officer,
13 (naming him or her), has been served with process and made a
14 party defendant to an action wherein it is claimed that a
15 person has suffered injury to his or her person or property
16 caused by such police officer; stating the title and number
17 of the case; the court wherein the same is pending; and the
18 date such police officer was served with process in such
19 action, and made a party defendant thereto. The municipality
20 which is or may be liable to indemnify the police officer
21 shall have the right to intervene in the suit against the
22 police officer, and shall be permitted to appear and defend.
23 The duty of the city to indemnify any such policeman for any
24 judgment recovered against him shall be conditioned upon
25 receiving notice of the filing of any such action in the
26 manner and form hereinabove described.

27 For the purposes of this Section, no civilian defense
28 worker, nor any member of any agency engaged in any civilian
29 defense activity, performing services as a part of any
30 civilian defense program, shall be considered to be a member
31 of a municipal police department.

32 If any person in obeying the command of any such
33 policeman to assist in arresting or securing an offender is
34 killed or injured, or his or her property or that of his or

1 her employer is damaged, and such death, injury or damage
 2 arises out of and in the course of aiding such policeman in
 3 arresting, or endeavoring to arrest, a person or retaking or
 4 endeavoring to re-take a person who has escaped from legal
 5 custody, the person or employer so injured, or whose property
 6 is so damaged, or the personal representatives of the person
 7 so killed, shall have a cause of action to recover the amount
 8 of such damage or injury against the municipal corporation by
 9 which such police officer is employed at the time such
 10 command is obeyed.

11 If a police officer is acting within a municipality other
 12 than his or her employing municipality under an agreement
 13 pursuant to Section 11-1-2.1, the liability or obligation to
 14 indemnify imposed by this Section does not extend to both
 15 municipalities. Only that municipality designated by the
 16 agreement is subject to such liability or obligation to
 17 indemnify, but, if the agreement is silent as to such
 18 liability or obligation, then the municipality by which the
 19 police officer is employed is subject to such liability or
 20 obligation.

21 If a police officer is acting within a municipality other
 22 than his or her employing municipality under the provisions
 23 of Section 1-4-8, the liability or obligation to indemnify
 24 imposed by this Section shall be the liability or obligation
 25 of the requesting municipality only. The notice required in
 26 this Section 1-4-6 shall be given to the municipality in
 27 which he was acting if other than his employing municipality.
 28 (Source: P.A. 86-470.)

29 Section 15. The Local Governmental and Governmental
 30 Employees Tort Immunity Act is amended by changing Sections
 31 2-302 and 9-102 as follows:

32 (745 ILCS 10/2-302) (from Ch. 85, par. 2-302)

1 Sec. 2-302. If any claim or action is instituted against
2 an employee of a local public entity based on an injury
3 allegedly arising out of an act or omission occurring within
4 the scope of his employment as such employee, the entity may
5 elect to do any one or more of the following:

6 (a) appear and defend against the claim or action;

7 (b) indemnify the employee or former employee for
8 his court costs or reasonable attorney's fees, or both,
9 incurred in the defense of such claim or action;

10 (c) pay, or indemnify the employee or former
11 employee for a judgment based on such claim or action;
12 or

13 (d) pay, or indemnify the employee or former
14 employee for, a compromise or settlement of such a claim
15 or action.

16 It is hereby declared to be the public policy of this
17 State, however, that no local public entity may elect to
18 indemnify an employee for any portion of a judgment
19 representing an award of punitive or exemplary damages.

20 (Source: P.A. 84-1431.)

21 (745 ILCS 10/9-102) (from Ch. 85, par. 9-102)

22 Sec. 9-102. A local public entity is empowered and
23 directed to pay any tort judgment or settlement for
24 compensatory damages (and may pay any associated attorney's
25 fees and costs) for which it or an employee while acting
26 within the scope of his employment is liable in the manner
27 provided in this Article. All other provisions of this
28 Article, including but not limited to the payment of
29 judgments and settlements in installments, the issuance of
30 bonds, the maintenance of rates and charges, and the levy of
31 taxes shall be equally applicable to judgments or settlements
32 relating to both a local public entity or an employee and
33 those undertakings assumed by a local public entity in

1 intergovernmental joint self-insurance contracts. A local
2 public entity may make payments to settle or compromise a
3 claim or action which has been or might be filed or
4 instituted against it when the governing body or person
5 vested by law or ordinance with authority to make over-all
6 policy decisions for such entity considers it advisable to
7 enter into such a settlement or compromise.

8 (Source: P.A. 84-1431.)

9 Section 99. Effective date. This Act takes effect upon
10 becoming law.