

1 AN ACT concerning civil immunities.

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

4 Section 5. The Local Governmental and Governmental  
5 Employees Tort Immunity Act is amended by changing Section  
6 2-302 as follows:

7 (745 ILCS 10/2-302) (from Ch. 85, par. 2-302)

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

- 13 (a) Appear and defend against the claim or action;
- 14 (b) Indemnify the employee or former employee for his  
15 court costs incurred in the defense of such claim or action;
- 16 (c) Pay, or indemnify the employee or former employee  
17 for a judgment based on such claim or action, or
- 18 (d) Pay, or indemnify the employee or former employee  
19 for, a compromise or settlement of such a claim or action.

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

24 In addition, if any claim or action is instituted against  
25 an employee of a local public entity based on an injury  
26 allegedly arising out of an act or omission occurring within  
27 the scope of his or her employment as such employee, the  
28 entity must indemnify the employee or former employee for his  
29 or her reasonable attorney's fees incurred in connection with  
30 the claim or action, except any portion incurred that relates  
31 to punitive or exemplary damages.

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

2 Section 90. The State Mandates Act is amended by adding  
3 Section 8.26 as follows:

4 (30 ILCS 805/8.26 new)

5 Sec. 8.26. Exempt mandate. Notwithstanding Sections 6  
6 and 8 of this Act, no reimbursement by the State is required  
7 for the implementation of any mandate created by this  
8 amendatory Act of the 92nd General Assembly.

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