

1 AN ACT concerning peace officers.

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

4 Section 5. The Illinois Municipal Code is amended by  
5 changing Section 1-4-6 as follows:

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

7 Sec. 1-4-6. In case any injury to the person or property  
8 of another is caused by a member of the police department of  
9 a municipality having a population of less than 500,000 while  
10 the member is engaged in the performance of his or her duties  
11 as a police officer, and without the contributory negligence  
12 of the injured person or the owner of the injured property,  
13 or the agent or servant of the injured person or owner, the  
14 municipality in whose behalf the member of the municipal  
15 police department is performing his or her duties as police  
16 officer shall indemnify the police officer for any judgment  
17 recovered against him or her as the result of such injury,  
18 except where the injury results from the wilful misconduct of  
19 the police officer, ~~to the extent of not to exceed \$500,000~~  
20 ~~including costs of the action.~~ Any police officer, or any  
21 person who, at the time of performing such an act complained  
22 of, was a police officer, who is made a party defendant to  
23 any such action shall, within 10 days of service of process  
24 upon him or her, notify the municipality by whom he or she is  
25 or was employed, of the fact that the action has been  
26 instituted, and that he or she has been made a party  
27 defendant to the same. Such notice shall be in writing, and  
28 shall be filed in the office of the city attorney or  
29 corporation counsel, if there is a city attorney or  
30 corporation counsel, and also in the office of the municipal  
31 clerk, either by himself, his or her agent, or attorney. The

1 notice shall state in substance, that such police officer,  
2 (naming him or her), has been served with process and made a  
3 party defendant to an action wherein it is claimed that a  
4 person has suffered injury to his or her person or property  
5 caused by such police officer; stating the title and number  
6 of the case; the court wherein the same is pending; and the  
7 date such police officer was served with process in such  
8 action, and made a party defendant thereto. The municipality  
9 which is or may be liable to indemnify the police officer  
10 shall have the right to intervene in the suit against the  
11 police officer, and shall be permitted to appear and defend.  
12 The duty of the city to indemnify any such policeman for any  
13 judgment recovered against him shall be conditioned upon  
14 receiving notice of the filing of any such action in the  
15 manner and form hereinabove described.

16 For the purposes of this Section, no civilian defense  
17 worker, nor any member of any agency engaged in any civilian  
18 defense activity, performing services as a part of any  
19 civilian defense program, shall be considered to be a member  
20 of a municipal police department.

21 If any person in obeying the command of any such  
22 policeman to assist in arresting or securing an offender is  
23 killed or injured, or his or her property or that of his or  
24 her employer is damaged, and such death, injury or damage  
25 arises out of and in the course of aiding such policeman in  
26 arresting, or endeavoring to arrest, a person or retaking or  
27 endeavoring to re-take a person who has escaped from legal  
28 custody, the person or employer so injured, or whose property  
29 is so damaged, or the personal representatives of the person  
30 so killed, shall have a cause of action to recover the amount  
31 of such damage or injury against the municipal corporation by  
32 which such police officer is employed at the time such  
33 command is obeyed.

34 If a police officer is acting within a municipality other

1 than his or her employing municipality under an agreement  
2 pursuant to Section 11-1-2.1, the liability or obligation to  
3 indemnify imposed by this Section does not extend to both  
4 municipalities. Only that municipality designated by the  
5 agreement is subject to such liability or obligation to  
6 indemnify, but, if the agreement is silent as to such  
7 liability or obligation, then the municipality by which the  
8 police officer is employed is subject to such liability or  
9 obligation.

10 If a police officer is acting within a municipality other  
11 than his or her employing municipality under the provisions  
12 of Section 1-4-8, the liability or obligation to indemnify  
13 imposed by this Section shall be the liability or obligation  
14 of the requesting municipality only. The notice required in  
15 this Section 1-4-6 shall be given to the municipality in  
16 which he was acting if other than his employing municipality.  
17 (Source: P.A. 86-470.)

18 Section 10. The Local Governmental and Governmental  
19 Employees Tort Immunity Act is amended by changing Section  
20 9-102 as follows:

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 any and  
24 all ~~compensatory~~ damages for which it or an employee while  
25 acting within the scope of his employment is liable in the  
26 manner provided in this Article. All other provisions of this  
27 Article, including but not limited to the payment of  
28 judgments and settlements in installments, the issuance of  
29 bonds, the maintenance of rates and charges, and the levy of  
30 taxes shall be equally applicable to judgments or settlements  
31 relating to both a local public entity or an employee and  
32 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.)