

1 the police officer, to the extent of not to exceed \$1,000,000
2 \$500,000 including costs of the action. Any police officer,
3 or any person who, at the time of performing such an act
4 complained of, was a police officer, who is made a party
5 defendant to any such action shall, within 20 10 days of
6 service of process upon him or her, notify the municipality
7 by whom he or she is or was employed, of the fact that the
8 action has been instituted, and that he or she has been made
9 a party defendant to the same. Such notice shall be in
10 writing, and shall be filed in the office of the city
11 attorney or corporation counsel, if there is a city attorney
12 or corporation counsel, and also in the office of the
13 municipal clerk, either by himself, his or her agent, or
14 attorney. The notice shall state in substance, that such
15 police officer, (naming him or her), has been served with
16 process and made a party defendant to an action wherein it is
17 claimed that a person has suffered injury to his or her
18 person or property caused by such police officer; stating the
19 title and number of the case; the court wherein the same is
20 pending; and the date such police officer was served with
21 process in such action, and made a party defendant thereto.
22 The municipality which is or may be liable to indemnify the
23 police officer shall have the right to intervene in the suit
24 against the police officer, and shall be permitted to appear
25 and defend. The duty of the city to indemnify any such
26 policeman for any judgment recovered against him shall be
27 conditioned upon receiving notice of the filing of any such
28 action in the manner and form hereinabove described.

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

34 If any person in obeying the command of any such

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

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

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

31 Section 10. The Local Governmental and Governmental
32 Employees Tort Immunity Act is amended by changing Section
33 9-102 as follows:

1 (745 ILCS 10/9-102) (from Ch. 85, par. 9-102)

2 Sec. 9-102. A local public entity is empowered and
3 directed to pay any tort judgment or settlement for
4 compensatory damages, including attorney fees and costs, for
5 which it or an employee while acting within the scope of his
6 employment is liable in the manner provided in this Article.
7 All other provisions of this Article, including but not
8 limited to the payment of judgments and settlements in
9 installments, the issuance of bonds, the maintenance of rates
10 and charges, and the levy of taxes shall be equally
11 applicable to judgments or settlements relating to both a
12 local public entity or an employee and those undertakings
13 assumed by a local public entity in intergovernmental joint
14 self-insurance contracts. A local public entity may make
15 payments to settle or compromise a claim or action which has
16 been or might be filed or instituted against it when the
17 governing body or person vested by law or ordinance with
18 authority to make over-all policy decisions for such entity
19 considers it advisable to enter into such a settlement or
20 compromise.

21 (Source: P.A. 84-1431.)".