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ATTORNEY GENERAL
STATE OF ILLINOIS
SPRINGFIELD

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FILE NO. 82-018

COUNTIES:

Disability Benefits for Law
Enforcement and Corrections
Officers Injured in the Line of Duty

Honorable Robert J. Morrow
State's Attorney, Kane County
719 Batavia Avenue
Geneva, Illinois 60134

Dear Mr. Morrow:

I have your letter in which you ask the following questions regarding the interpretation of section 1 of "AN ACT to provide for the continuation of compensation for law enforcement officers, correctional officers and firemen who suffer disabling injury in the line of duty" [hereinafter the Act] (Ill. Rev. Stat. 1981, ch. 70, par. 91) :

1. Does section 1 of the Act apply to all law enforcement officers and corrections officers employed in a county sheriff's department?

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2. If so, does section 1 of the Act apply to any disabling injury suffered by such officers in the line of duty, or only to injuries suffered as a result of violence by inmates of a penal institution?

For the reasons hereinafter stated, it is my opinion that section 1 of the Act applies to all full-time law enforcement or corrections officers employed by a non-home-rule county, who suffer any disabling injury in the line of duty.

Section 1 of the Act provides, in pertinent part:

"Whenever any law enforcement officer, correctional officer or fireman or any other employee of the Department of Corrections working within a penal institution who is employed on a full time basis by the State of Illinois, any unit of local government, any State supported college or university, or any other public entity granted the power to employ persons for such purposes by law suffers any injury in the line of duty which causes him to be unable to perform his duties, he shall continue to be paid by the employing public entity on the same basis as he was paid before the injury, with no deduction from his sick leave credits, compensatory time for overtime accumulations or vacation, or service credits in a public employee pension fund during the time he is unable to perform his duties due to the result of the injury but not longer than one year in relation to the same injury
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(Emphasis added.)

The principal object in construing a statute is to ascertain and give effect to the intent of the General Assembly. (Ill. Central R.R.Co. v. Vil. of So. Pekin (1940), 374 Ill. 431, 434.) Where the intent of the General Assembly is clearly expressed, the plain meaning of the statute must be given effect. Finley v. Finley (1980), 81 Ill. 2d 317, 326.

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The language of section 1 of the Act is plain and unambiguous. Section 1 of the Act is clearly intended to apply to all law enforcement and corrections officers employed on a full time basis by any unit of local government (other than home rule units), a term which includes counties. (Ill. Const. 1970, art. VII, § 1.) Furthermore, the benefits provided by section 1 of the Act extend to any injury suffered in the line of duty by such employees.

This conclusion is supported by reference to the legislative history of section 1 of the Act. In construing a statute to ascertain its purpose and intent, consideration of the history and course of legislation is always proper. People ex rel. Cason v. Ring (1968), 41 Ill. 2d 305, 310.

Section 1 of the Act, as originally enacted by Public Act 78-526, effective October 1, 1973 (Ill. Rev. Stat. 1975, ch. 70, par. 91), provided, in pertinent part:

"Whenever any law enforcement officer, correctional officer or fireman employed on a full time basis by the State of Illinois, any unit of local government, any State supported college or university, or any other public entity granted the power to employ persons for such purposes by law suffers any injury in the line of duty which causes him to be unable to perform his duties, he shall continue to be paid by the employing public entity on the same basis as he was paid before the injury, with no deduction from his sick leave credits, compensatory time for overtime accumulations or vacation, or service credits in a public employee pension fund during the time he is unable to perform his duties due to the result of the

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injury but not longer than one year in relation to the same injury.

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Public Act 79-1156, effective July 1, 1976, amended section 1 to add that language which relates specifically to employees of the Department of Corrections, and the following proviso:

"* * *provided, however, no injury to employees of the Department of Corrections working within a penal institution shall qualify such employee for benefits under this section unless such injury is the direct or indirect result of violence by inmates of the penal institutions.

* * *

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Comparison of section 1 of the Act as originally enacted, with its provisions as amended by Public Act 79-1156, clearly demonstrates the intent of the General Assembly to extend the disability benefits provided by the statute to certain employees of the Illinois Department of Corrections not already within its coverage. Nothing contained in the amendatory language indicates a legislative intent to restrict the coverage of the Act as it applies to full-time law enforcement and corrections officers employed by units of local government.

Thus, the proviso added to section 1 of the Act by Public Act 79-1156 has no application to persons other than employees of the Department of Corrections. A proviso is intended to qualify what is affirmed in the body of the act,

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section or paragraph preceding it. (Illinois Chiropractic Society v. Giello (1960), 18 Ill. 2d 306, 312.) Since the purpose of a proviso is to restrict the general language used, it is to be limited to the objects fairly within its terms. Stafford v. Wessel (1943), 321 Ill. App. 183, 185.

The plain language of the proviso contained in section 1 of the Act limits its terms to persons employed by the Department of Corrections working within a penal institution. It conditions the qualification for disability benefits for such persons to situations in which disabling injuries are suffered as a result of inmate violence. County law enforcement officers and corrections officers are not employees of the Department of Corrections, and therefore the terms of the proviso do not affect the application of the general provisions of section 1 of the Act to such employees.

Therefore, it is my opinion that the provisions of section 1 of the Act apply to all law enforcement and corrections officers employed in a non-home-rule county sheriff's department. Any law enforcement or corrections officer employed by a non-home-rule county who suffers a disabling injury in the line of duty qualifies for benefits under its provisions.

Very truly yours,


ATTORNEY GENERAL