

1 AMENDMENT TO SENATE BILL 1668

2 AMENDMENT NO. _____. Amend Senate Bill 1668 by replacing
3 the title with the following:

4 "AN ACT concerning veterans' affairs."; and

5 by replacing everything after the enacting clause with the
6 following:

7 "Section 5. The Illinois National Guardsman's
8 Compensation Act is amended by changing Section 3 as follows:

9 (20 ILCS 1825/3) (from Ch. 129, par. 403)

10 Sec. 3. If a claim therefor is made within one year of
11 the date of the death of the guardsman, compensation shall be
12 paid to the person designated by such guardsman killed while
13 on duty. The amount of compensation shall be equal to the
14 greater of (i) \$100,000 or (ii) the amount of compensation
15 payable under Section 3 of the Line of Duty Law-Enforcement
16 Officers, Civil-Defense-Workers, Civil--Air--Patrol--Members,
17 Paramedics,---Firemen,---Chaplains,---and---State---Employees
18 Compensation Act when an individual to whom that Act applies
19 is killed in the line of duty. If no beneficiary is
20 designated or surviving at the death of the guardsman killed
21 while on duty, the compensation shall be paid as follows:

1 (a) When there is a surviving spouse, the entire
2 sum shall be paid to the spouse.

3 (b) When there is no surviving spouse, but a
4 surviving descendant of the decedent, the entire sum
5 shall be paid to the decedent's descendants per stirpes.

6 (c) When there is neither a surviving spouse nor a
7 surviving descendant, the entire sum shall be paid to the
8 parents of the decedent in equal parts, allowing to the
9 surviving parent, if one is dead, the entire sum.

10 (d) When there is no surviving spouse, descendant
11 or parent of the decedent, but there are surviving
12 brothers or sisters, or descendants of a brother or
13 sister, who were receiving their principal support from
14 the decedent at his death, the entire sum shall be paid,
15 in equal parts, to the dependent brothers or sisters or
16 dependent descendant of a brother or sister. Dependency
17 shall be determined by the Court of Claims based upon the
18 investigation and report of the Attorney General.

19 When there is no beneficiary designated or surviving at
20 the death of the guardsman killed while on duty and no
21 surviving spouse, descendant, parent, dependent brother or
22 sister, or dependent descendant of a brother or sister, no
23 compensation shall be payable under this Act.

24 No part of such compensation may be paid to any other
25 person for any efforts in securing such compensation.

26 (Source: P.A. 91-357, eff. 7-29-99.)

27 Section 10. The Court of Claims Act is amended by
28 changing Sections 8 and 21 as follows:

29 (705 ILCS 505/8) (from Ch. 37, par. 439.8)

30 Sec. 8. Court of Claims jurisdiction. The court shall
31 have exclusive jurisdiction to hear and determine the
32 following matters:

1 (a) All claims against the State founded upon any law of
2 the State of Illinois or upon any regulation adopted
3 thereunder by an executive or administrative officer or
4 agency; provided, however, the court shall not have
5 jurisdiction (i) to hear or determine claims arising under
6 the Workers' Compensation Act or the Workers' Occupational
7 Diseases Act, or claims for expenses in civil litigation, or
8 (ii) to review administrative decisions for which a statute
9 provides that review shall be in the circuit or appellate
10 court.

11 (b) All claims against the State founded upon any
12 contract entered into with the State of Illinois.

13 (c) All claims against the State for time unjustly
14 served in prisons of this State where the persons imprisoned
15 shall receive a pardon from the governor stating that such
16 pardon is issued on the ground of innocence of the crime for
17 which they were imprisoned; provided, the court shall make no
18 award in excess of the following amounts: for imprisonment of
19 5 years or less, not more than \$15,000; for imprisonment of
20 14 years or less but over 5 years, not more than \$30,000; for
21 imprisonment of over 14 years, not more than \$35,000; and
22 provided further, the court shall fix attorney's fees not to
23 exceed 25% of the award granted. On December 31, 1996, the
24 court shall make a one-time adjustment in the maximum awards
25 authorized by this subsection (c), to reflect the increase in
26 the cost of living from the year in which these maximum
27 awards were last adjusted until 1996, but with no annual
28 increment exceeding 5%. Thereafter, the court shall annually
29 adjust the maximum awards authorized by this subsection (c)
30 to reflect the increase, if any, in the Consumer Price Index
31 For All Urban Consumers for the previous calendar year, as
32 determined by the United States Department of Labor, except
33 that no annual increment may exceed 5%. For both the
34 one-time adjustment and the subsequent annual adjustments, if

1 the Consumer Price Index decreases during a calendar year,
2 there shall be no adjustment for that calendar year. The
3 changes made by Public Act 89-689 apply to all claims filed
4 on or after January 1, 1995 that are pending on December 31,
5 1996 and all claims filed on or after December 31, 1996.

6 (d) All claims against the State for damages in cases
7 sounding in tort, if a like cause of action would lie against
8 a private person or corporation in a civil suit, and all like
9 claims sounding in tort against the Medical Center
10 Commission, the Board of Trustees of the University of
11 Illinois, the Board of Trustees of Southern Illinois
12 University, the Board of Trustees of Chicago State
13 University, the Board of Trustees of Eastern Illinois
14 University, the Board of Trustees of Governors State
15 University, the Board of Trustees of Illinois State
16 University, the Board of Trustees of Northeastern Illinois
17 University, the Board of Trustees of Northern Illinois
18 University, the Board of Trustees of Western Illinois
19 University, or the Board of Trustees of the Illinois
20 Mathematics and Science Academy; provided, that an award for
21 damages in a case sounding in tort, other than certain cases
22 involving the operation of a State vehicle described in this
23 paragraph, shall not exceed the sum of \$100,000 to or for the
24 benefit of any claimant. The \$100,000 limit prescribed by
25 this Section does not apply to an award of damages in any
26 case sounding in tort arising out of the operation by a State
27 employee of a vehicle owned, leased or controlled by the
28 State. The defense that the State or the Medical Center
29 Commission or the Board of Trustees of the University of
30 Illinois, the Board of Trustees of Southern Illinois
31 University, the Board of Trustees of Chicago State
32 University, the Board of Trustees of Eastern Illinois
33 University, the Board of Trustees of Governors State
34 University, the Board of Trustees of Illinois State

1 University, the Board of Trustees of Northeastern Illinois
2 University, the Board of Trustees of Northern Illinois
3 University, the Board of Trustees of Western Illinois
4 University, or the Board of Trustees of the Illinois
5 Mathematics and Science Academy is not liable for the
6 negligence of its officers, agents, and employees in the
7 course of their employment is not applicable to the hearing
8 and determination of such claims.

9 (e) All claims for recoupment made by the State of
10 Illinois against any claimant.

11 (f) All claims pursuant to the Line of Duty Law
12 Enforcement-Officers, Civil-Defense-Workers, Civil-Air-Patrol
13 Members, Paramedics, Firemen, Chaplains, and State--Employees
14 Compensation Act.

15 (g) All claims filed pursuant to the Crime Victims
16 Compensation Act.

17 (h) All claims pursuant to the Illinois National
18 Guardsman's Compensation Act.

19 (i) All claims authorized by subsection (a) of Section
20 10-55 of the Illinois Administrative Procedure Act for the
21 expenses incurred by a party in a contested case on the
22 administrative level.

23 (Source: P.A. 89-4, eff. 1-1-96; 89-689, eff. 12-31-96;
24 90-492, eff. 8-17-97.)

25 (705 ILCS 505/21) (from Ch. 37, par. 439.21)

26 Sec. 21. The court is authorized to impose, by uniform
27 rules, a fee of \$15 for the filing of a petition in any case
28 in which the award sought is more than \$50 and less than
29 \$1,000 and \$35 in any case in which the award sought is
30 \$1,000 or more; and to charge and collect for copies of
31 opinions or other documents filed in the Court of Claims such
32 fees as may be prescribed by the rules of the Court. All fees
33 and charges so collected shall be forthwith paid into the

1 State Treasury.

2 A petitioner who is a prisoner in an Illinois Department
3 of Corrections facility who files a pleading, motion, or
4 other filing that purports to be a legal document against the
5 State, the Illinois Department of Corrections, the Prisoner
6 Review Board, or any of their officers or employees in which
7 the court makes a specific finding that it is frivolous shall
8 pay all filing fees and court costs in the manner provided in
9 Article XXII of the Code of Civil Procedure.

10 In claims based upon lapsed appropriations or lost
11 warrant or in claims filed under the Line of Duty Law
12 Enforcement-Officers, Civil-Defense-Workers, Civil-Air-Patrol
13 Members, Paramedics, Firemen, Chaplains, and State--Employees
14 Compensation Act, the Illinois National Guardsman's
15 Compensation Act, or the Crime Victims Compensation Act or in
16 claims filed by medical vendors for medical services rendered
17 by the claimant to persons eligible for Medical Assistance
18 under programs administered by the Illinois Department of
19 Public Aid, no filing fee shall be required.

20 (Source: P.A. 90-492, eff. 8-17-97; 90-505, eff. 8-19-97;
21 90-655, eff. 7-30-98.)

22 Section 15. The Good Samaritan Act is amended by
23 changing Section 70 as follows:

24 (745 ILCS 49/70)

25 Sec. 70. Law enforcement officers or firemen; exemption
26 from civil liability for emergency care. Any law
27 enforcement officer or fireman as defined in Section 2 of the
28 Line of Duty Law-Enforcement-Officers, Civil-Defense-Workers,
29 Civil-Air-Patrol-Members, Paramedics, Firemen, Chaplains, and
30 State-Employees Compensation Act, who in good faith provides
31 emergency care without fee to any person shall not, as a
32 result of his or her acts or omissions, except willful and

1 wanton misconduct on the part of the person, in providing the
2 care, be liable to a person to whom such care is provided for
3 civil damages.

4 (Source: P.A. 89-607, eff. 1-1-97; 90-742, eff. 8-13-98.)

5 Section 20. The Law Enforcement Officers, Civil Defense
6 Workers, Civil Air Patrol Members, Paramedics, Firemen,
7 Chaplains, and State Employees Compensation Act is amended by
8 changing Sections 1, 2, 3, and 4 as follows:

9 (820 ILCS 315/1) (from Ch. 48, par. 281)

10 Sec. 1. This Act shall be known and may be cited as the
11 Line of Duty "~~Law--Enforcement--Officers,--Civil---Defense~~
12 ~~Workers,--Civil--Air--Patrol--Members,--Paramedics,--Firemen,~~
13 ~~Chaplains,--and--State--Employees~~ Compensation Act".

14 (Source: P.A. 89-323, eff. 1-1-96.)

15 (820 ILCS 315/2) (from Ch. 48, par. 282)

16 Sec. 2. As used in this Act, unless the context
17 otherwise requires:

18 (a) "Law enforcement officer" or "officer" means any
19 person employed by the State or a local governmental entity
20 as a policeman, peace officer, auxiliary policeman or in some
21 like position involving the enforcement of the law and
22 protection of the public interest at the risk of that
23 person's life. This includes supervisors, wardens,
24 superintendents and their assistants, guards and keepers,
25 correctional officers, youth supervisors, parole agents,
26 school teachers and correctional counsellors in all
27 facilities of both the Juvenile and Adult Divisions of the
28 Department of Corrections, while within the facilities under
29 the control of the Department of Corrections or in the act of
30 transporting inmates or wards from one location to another or
31 while performing their official duties, and all other

1 Department of Correction employees who have daily contact
2 with inmates.

3 The death of the foregoing employees of the Department of
4 Corrections in order to be included herein must be by the
5 direct or indirect willful act of an inmate, ward,
6 work-releasee, parolee, parole violator, person under
7 conditional release, or any person sentenced or committed, or
8 otherwise subject to confinement in or to the Department of
9 Corrections.

10 (b) "Fireman" means any person employed by the State or
11 a local governmental entity as, or otherwise serving as, a
12 member or officer of a fire department either for the purpose
13 of the prevention or control of fire or the underwater
14 recovery of drowning victims, including volunteer firemen.

15 (c) "Local governmental entity" includes counties,
16 municipalities and municipal corporations.

17 (d) "State" means the State of Illinois and its
18 departments, divisions, boards, bureaus, commissions,
19 authorities and colleges and universities.

20 (e) "Killed in the line of duty" means losing one's life
21 as a result of injury received in the active performance of
22 duties as a law enforcement officer, civil defense worker,
23 civil air patrol member, paramedic, fireman, or chaplain if
24 the death occurs within one year from the date the injury was
25 received and if that injury arose from violence or other
26 accidental cause. In the case of a State employee, "killed
27 in the line of duty" means losing one's life as a result of
28 injury received in the active performance of one's duties as
29 a State employee, if the death occurs within one year from
30 the date the injury was received and if that injury arose
31 from a willful act of violence by another State employee
32 committed during such other employee's course of employment
33 and after January 1, 1988. The term excludes death resulting
34 from the willful misconduct or intoxication of the officer,

1 civil defense worker, civil air patrol member, paramedic,
2 fireman, chaplain, or State employee. However, the burden of
3 proof of such willful misconduct or intoxication of the
4 officer, civil defense worker, civil air patrol member,
5 paramedic, fireman, chaplain, or State employee is on the
6 Attorney General. Subject to the conditions set forth in
7 subsection (a) with respect to inclusion under this Act of
8 Department of Corrections employees described in that
9 subsection, for the purposes of this Act, instances in which
10 a law enforcement officer receives an injury in the active
11 performance of duties as a law enforcement officer include
12 but are not limited to instances when:

13 (1) the injury is received as a result of a wilful
14 act of violence committed other than by the officer and a
15 relationship exists between the commission of such act
16 and the officer's performance of his duties as a law
17 enforcement officer, whether or not the injury is
18 received while the officer is on duty as a law
19 enforcement officer;

20 (2) the injury is received by the officer while the
21 officer is attempting to prevent the commission of a
22 criminal act by another or attempting to apprehend an
23 individual the officer suspects has committed a crime,
24 whether or not the injury is received while the officer
25 is on duty as a law enforcement officer;

26 (3) the injury is received by the officer while the
27 officer is travelling to or from his employment as a law
28 enforcement officer or during any meal break, or other
29 break, which takes place during the period in which the
30 officer is on duty as a law enforcement officer.

31 In the case of an Armed Forces member, "killed in the
32 line of duty" means losing one's life while on active duty in
33 the Iraq and Arabian Peninsula Combat Zone between January 1,
34 2003 and the date that all United States Armed Forces have

1 been redeployed from Iraq.

2 (f) "Volunteer fireman" means a person having principal
3 employment other than as a fireman, but who is carried on the
4 rolls of a regularly constituted fire department either for
5 the purpose of the prevention or control of fire or the
6 underwater recovery of drowning victims, the members of which
7 are under the jurisdiction of the corporate authorities of a
8 city, village, incorporated town, or fire protection
9 district, and includes a volunteer member of a fire
10 department organized under the "General Not for Profit
11 Corporation Act", approved July 17, 1943, as now or hereafter
12 amended, which is under contract with any city, village,
13 incorporated town, fire protection district, or persons
14 residing therein, for fire fighting services. "Volunteer
15 fireman" does not mean an individual who volunteers
16 assistance without being regularly enrolled as a fireman.

17 (g) "Civil defense worker" means any person employed by
18 the State or a local governmental entity as, or otherwise
19 serving as, a member of a civil defense work force, including
20 volunteer civil defense work forces engaged in serving the
21 public interest during periods of disaster, whether natural
22 or man-made.

23 (h) "Civil air patrol member" means any person employed
24 by the State or a local governmental entity as, or otherwise
25 serving as, a member of the organization commonly known as
26 the "Civil Air Patrol", including volunteer members of the
27 organization commonly known as the "Civil Air Patrol".

28 (i) "Paramedic" means an Emergency Medical
29 Technician-Paramedic certified by the Illinois Department of
30 Public Health under the Emergency Medical Services (EMS)
31 Systems Act, and all other emergency medical personnel
32 certified by the Illinois Department of Public Health who are
33 members of an organized body or not-for-profit corporation
34 under the jurisdiction of a city, village, incorporated town,

1 fire protection district or county, that provides emergency
2 medical treatment to persons of a defined geographical area.

3 (j) "State employee" means any employee as defined in
4 Section 14-103.05 of the Illinois Pension Code, as now or
5 hereafter amended.

6 (k) "Chaplain" means an individual who:

7 (1) is a chaplain of (i) a fire department or (ii)
8 a police department or other agency consisting of law
9 enforcement officers; and

10 (2) has been designated a chaplain by (i) the fire
11 department, police department, or other agency or an
12 officer or body having jurisdiction over the department
13 or agency or (ii) a labor organization representing the
14 firemen or law enforcement officers.

15 (l) "Armed Forces member" means an Illinois resident who
16 is: a member of the Armed Forces of the United States; a
17 member of the Illinois National Guard while on active
18 military service pursuant to an order of the President of the
19 United States; or a member of any reserve component of the
20 Armed Forces of the United States while on active military
21 service pursuant to an order of the President of the United
22 States.

23 (m) "Iraq and Arabian Peninsula Combat Zone" means the
24 Arabian Peninsula Areas, Airspace, and Adjacent Waters
25 designated as a Combat Zone in Presidential Executive Order
26 12744 of January 21, 1991, consisting of the following
27 locations, including the airspace above such locations: the
28 Persian Gulf; the Red Sea; the Gulf of Oman; that portion of
29 the Arabian Sea that lies north of 10 degrees north latitude
30 and west of 68 degrees east longitude; the Gulf of Aden; and
31 the total land areas of Iraq, Kuwait, Saudi Arabia, Oman,
32 Bahrain, Qatar, and the United Arab Emirates.

33 (Source: P.A. 89-323, eff. 1-1-96.)

1 (820 ILCS 315/3) (from Ch. 48, par. 283)

2 Sec. 3. Duty death benefit. If a claim therefor is made
3 within one year of the date of death of a law enforcement
4 officer, civil defense worker, civil air patrol member,
5 paramedic, fireman, chaplain, ~~or~~ State employee, or Armed
6 Forces member killed in the line of duty, compensation shall
7 be paid to the person designated by the law enforcement
8 officer, civil defense worker, civil air patrol member,
9 paramedic, fireman, chaplain, ~~or~~ State employee, or Armed
10 Forces member.

11 The amount of compensation shall be \$10,000 if the death
12 in the line of duty occurred prior to January 1, 1974;
13 \$20,000 if such death occurred after December 31, 1973 and
14 before July 1, 1983; \$50,000 if such death occurred on or
15 after July 1, 1983 and before January 1, 1996; \$100,000 if
16 the death occurred on or after January 1, 1996 and before May
17 18, 2001; \$118,000 if the death occurred on or after May 18,
18 2001 and before the effective date of this amendatory Act of
19 the 92nd General Assembly; and \$259,038 if the death occurs
20 on or after the effective date of this amendatory Act of the
21 92nd General Assembly and before January 1, 2003.

22 For deaths occurring on or after January 1, 2003, the
23 death compensation rate for death in the line of duty
24 occurring in a particular calendar year shall be the death
25 compensation rate for death occurring in the previous
26 calendar year (or in the case of deaths occurring in 2003,
27 the rate in effect on December 31, 2002) increased by a
28 percentage thereof equal to the percentage increase, if any,
29 in the index known as the Consumer Price Index for All Urban
30 Consumers: U.S. city average, unadjusted, for all items, as
31 published by the United States Department of Labor, Bureau of
32 Labor Statistics, for the 12 months ending with the month of
33 June of that previous calendar year.

34 If no beneficiary is designated or surviving at the death

1 of the law enforcement officer, civil defense worker, civil
2 air patrol member, paramedic, fireman, chaplain, ~~or~~ State
3 employee, or Armed Forces member killed in the line of duty,
4 the compensation shall be paid as follows:

5 (a) when there is a surviving spouse, the entire
6 sum shall be paid to the spouse;

7 (b) when there is no surviving spouse, but a
8 surviving descendant of the decedent, the entire sum
9 shall be paid to the decedent's descendants per stirpes;

10 (c) when there is neither a surviving spouse nor a
11 surviving descendant, the entire sum shall be paid to the
12 parents of the decedent in equal parts, allowing to the
13 surviving parent, if one is dead, the entire sum; and

14 (d) when there is no surviving spouse, descendant
15 or parent of the decedent, but there are surviving
16 brothers or sisters, or descendants of a brother or
17 sister, who were receiving their principal support from
18 the decedent at his death, the entire sum shall be paid,
19 in equal parts, to the dependent brothers or sisters or
20 dependent descendant of a brother or sister. Dependency
21 shall be determined by the Court of Claims based upon the
22 investigation and report of the Attorney General.

23 When there is no beneficiary designated or surviving at
24 the death of the law enforcement officer, civil defense
25 worker, civil air patrol member, paramedic, fireman,
26 chaplain, ~~or~~ State employee, or Armed Forces member killed in
27 the line of duty and no surviving spouse, descendant, parent,
28 dependent brother or sister, or dependent descendant of a
29 brother or sister, no compensation shall be payable under
30 this Act.

31 No part of such compensation may be paid to any other
32 person for any efforts in securing such compensation.

33 (Source: P.A. 92-3, eff. 5-18-01; 92-609, eff. 7-1-02.)

1 (820 ILCS 315/4) (from Ch. 48, par. 284)

2 Sec. 4. Notwithstanding Section 3, no compensation is
3 payable under this Act unless a claim therefor is filed,
4 within the time specified by that Section with the Court of
5 Claims on an application prescribed and furnished by the
6 Attorney General and setting forth:

7 (a) the name, address and title or designation of the
8 position in which the officer, civil defense worker, civil
9 air patrol member, paramedic, fireman, chaplain, or State
10 employee, or Armed Forces member was serving at the time of
11 his death;

12 (b) the names and addresses of person or persons
13 designated by the officer, civil defense worker, civil air
14 patrol member, paramedic, fireman, chaplain, or State
15 employee, or Armed Forces member to receive the compensation
16 and, if more than one, the percentage or share to be paid to
17 each such person, or if there has been no such designation,
18 the name and address of the personal representative of the
19 estate of the officer, civil defense worker, civil air patrol
20 member, paramedic, fireman, chaplain, or State employee, or
21 Armed Forces member;

22 (c) a full, factual account of the circumstances
23 resulting in or the course of events causing the death of the
24 officer, civil defense worker, civil air patrol member,
25 paramedic, fireman, chaplain, or State employee, or Armed
26 Forces member; and

27 (d) such other information as the Court of Claims
28 reasonably requires.

29 When a claim is filed, the Attorney General shall make an
30 investigation for substantiation of matters set forth in such
31 an application.

32 (Source: P.A. 89-323, eff. 1-1-96.)

33 Section 99. Effective date. This Act takes effect upon

1 becoming law.".