

SB3097



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB3097

Introduced 2/6/2020, by Sen. Chapin Rose

SYNOPSIS AS INTRODUCED:

820 ILCS 315/3

from Ch. 48, par. 283

Amends the Line of Duty Compensation Act. Provides that a claim for a death benefit for a death occurring after December 31, 2016 and before January 1, 2021 may be filed no later than December 31, 2021. Effective immediately.

LRB101 16853 JLS 66252 b

A BILL FOR

1 AN ACT concerning employment.

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

4 Section 5. The Line of Duty Compensation Act is amended by
5 changing Section 3 as follows:

6 (820 ILCS 315/3) (from Ch. 48, par. 283)

7 Sec. 3. Duty death benefit.

8 (a) If a claim therefor is made within one year of the date
9 of death of a law enforcement officer, civil defense worker,
10 civil air patrol member, paramedic, fireman, chaplain, or State
11 employee killed in the line of duty, or if a claim therefor is
12 made within 2 years of the date of death of an Armed Forces
13 member killed in the line of duty, compensation shall be paid
14 to the person designated by the law enforcement officer, civil
15 defense worker, civil air patrol member, paramedic, fireman,
16 chaplain, State employee, or Armed Forces member. However, if
17 the Armed Forces member was killed in the line of duty before
18 October 18, 2004, the claim must be made within one year of
19 October 18, 2004. In addition, if a death occurred after
20 December 31, 2016 and before January 1, 2021, the claim may be
21 made no later than December 31, 2021 notwithstanding any other
22 deadline established under this Act with respect to filing a
23 claim for a duty death benefit.

1 (b) The amount of compensation, except for an Armed Forces
2 member, shall be \$10,000 if the death in the line of duty
3 occurred prior to January 1, 1974; \$20,000 if such death
4 occurred after December 31, 1973 and before July 1, 1983;
5 \$50,000 if such death occurred on or after July 1, 1983 and
6 before January 1, 1996; \$100,000 if the death occurred on or
7 after January 1, 1996 and before May 18, 2001; \$118,000 if the
8 death occurred on or after May 18, 2001 and before July 1,
9 2002; and \$259,038 if the death occurred on or after July 1,
10 2002 and before January 1, 2003. For an Armed Forces member
11 killed in the line of duty (i) at any time before January 1,
12 2005, the compensation is \$259,038 plus amounts equal to the
13 increases for 2003 and 2004 determined under subsection (c) and
14 (ii) on or after January 1, 2005, the compensation is the
15 amount determined under item (i) plus the applicable increases
16 for 2005 and thereafter determined under subsection (c).

17 (c) Except as provided in subsection (b), for deaths
18 occurring on or after January 1, 2003, the death compensation
19 rate for death in the line of duty occurring in a particular
20 calendar year shall be the death compensation rate for death
21 occurring in the previous calendar year (or in the case of
22 deaths occurring in 2003, the rate in effect on December 31,
23 2002) increased by a percentage thereof equal to the percentage
24 increase, if any, in the index known as the Consumer Price
25 Index for All Urban Consumers: U.S. city average, unadjusted,
26 for all items, as published by the United States Department of

1 Labor, Bureau of Labor Statistics, for the 12 months ending
2 with the month of June of that previous calendar year.

3 (d) If no beneficiary is designated or if no designated
4 beneficiary survives at the death of the law enforcement
5 officer, civil defense worker, civil air patrol member,
6 paramedic, fireman, chaplain, or State employee killed in the
7 line of duty, the compensation shall be paid in accordance with
8 a legally binding will left by the law enforcement officer,
9 civil defense worker, civil air patrol member, paramedic,
10 fireman, chaplain, or State employee. If the law enforcement
11 officer, civil defense worker, civil air patrol member,
12 paramedic, fireman, chaplain, or State employee did not leave a
13 legally binding will, the compensation shall be paid as
14 follows:

15 (1) when there is a surviving spouse, the entire sum
16 shall be paid to the spouse;

17 (2) when there is no surviving spouse, but a surviving
18 descendant of the decedent, the entire sum shall be paid to
19 the decedent's descendants per stirpes;

20 (3) when there is neither a surviving spouse nor a
21 surviving descendant, the entire sum shall be paid to the
22 parents of the decedent in equal parts, allowing to the
23 surviving parent, if one is dead, the entire sum; and

24 (4) when there is no surviving spouse, descendant or
25 parent of the decedent, but there are surviving brothers or
26 sisters, or descendants of a brother or sister, who were

1 receiving their principal support from the decedent at his
2 death, the entire sum shall be paid, in equal parts, to the
3 dependent brothers or sisters or dependent descendant of a
4 brother or sister. Dependency shall be determined by the
5 Court of Claims based upon the investigation and report of
6 the Attorney General.

7 The changes made to this subsection (d) by this amendatory Act
8 of the 94th General Assembly apply to any pending case as long
9 as compensation has not been paid to any party before the
10 effective date of this amendatory Act of the 94th General
11 Assembly.

12 (d-1) For purposes of subsection (d), in the case of a
13 person killed in the line of duty who was born out of wedlock
14 and was not an adoptive child at the time of the person's
15 death, a person shall be deemed to be a parent of the person
16 killed in the line of duty only if that person would be an
17 eligible parent, as defined in Section 2-2 of the Probate Act
18 of 1975, of the person killed in the line of duty. This
19 subsection (d-1) applies to any pending claim if compensation
20 was not paid to the claimant of the pending claim before the
21 effective date of this amendatory Act of the 94th General
22 Assembly.

23 (d-2) If no beneficiary is designated or if no designated
24 beneficiary survives at the death of the Armed Forces member
25 killed in the line of duty, the compensation shall be paid in
26 entirety according to the designation made on the most recent

1 version of the Armed Forces member's Servicemembers' Group Life
2 Insurance Election and Certificate ("SGLI").

3 If no SGLI form exists at the time of the Armed Forces
4 member's death, the compensation shall be paid in accordance
5 with a legally binding will left by the Armed Forces member.

6 If no SGLI form exists for the Armed Forces member and the
7 Armed Forces member did not leave a legally binding will, the
8 compensation shall be paid to the persons and in the priority
9 as set forth in paragraphs (1) through (4) of subsection (d) of
10 this Section.

11 This subsection (d-2) applies to any pending case as long
12 as compensation has not been paid to any party before the
13 effective date of this amendatory Act of the 94th General
14 Assembly.

15 (e) If there is no beneficiary designated or if no
16 designated beneficiary survives at the death of the law
17 enforcement officer, civil defense worker, civil air patrol
18 member, paramedic, fireman, chaplain, State employee, or Armed
19 Forces member killed in the line of duty and there is no other
20 person or entity to whom compensation is payable under this
21 Section, no compensation shall be payable under this Act.

22 (f) No part of such compensation may be paid to any other
23 person for any efforts in securing such compensation.

24 (g) This amendatory Act of the 93rd General Assembly
25 applies to claims made on or after October 18, 2004 with
26 respect to an Armed Forces member killed in the line of duty.

1 (h) In any case for which benefits have not been paid
2 within 6 months of the claim being filed in accordance with
3 this Section, which is pending as of the effective date of this
4 amendatory Act of the 96th General Assembly, and in which there
5 are 2 or more beneficiaries, at least one of whom would receive
6 at least a portion of the total benefit regardless of the
7 manner in which the Court of Claims resolves the claim, the
8 Court shall direct the Comptroller to pay the minimum amount of
9 money which the determinate beneficiary would receive together
10 with all interest payment penalties which have accrued on that
11 portion of the award being paid within 30 days of the effective
12 date of this amendatory Act of the 96th General Assembly. For
13 purposes of this subsection (h), "determinate beneficiary"
14 means the beneficiary who would receive any portion of the
15 total benefit claimed regardless of the manner in which the
16 Court of Claims adjudicates the claim.

17 (i) The Court of Claims shall ensure that all individuals
18 who have filed an application to claim the duty death benefit
19 for a deceased member of the Armed Forces pursuant to this
20 Section or for a fireman pursuant to this Section, or their
21 designated representative, shall have access, on a timely basis
22 and in an efficient manner, to all information related to the
23 court's consideration, processing, or adjudication of the
24 claim, including, but not limited to, the following:

25 (1) a reliable estimate of when the Court of Claims
26 will adjudicate the claim, or if the Court cannot estimate

1 when it will adjudicate the claim, a full written
2 explanation of the reasons for this inability; and

3 (2) a reliable estimate, based upon consultation with
4 the Comptroller, of when the benefit will be paid to the
5 claimant.

6 (j) The Court of Claims shall send written notice to all
7 claimants within 2 weeks of the initiation of a claim
8 indicating whether or not the application is complete. For
9 purposes of this subsection (j), an application is complete if
10 a claimant has submitted to the Court of Claims all documents
11 and information the Court requires for adjudicating and paying
12 the benefit amount. For purposes of this subsection (j), a
13 claim for the duty death benefit is initiated when a claimant
14 submits any of the application materials required for
15 adjudicating the claim to the Court of Claims. In the event a
16 claimant's application is incomplete, the Court shall include
17 in its written notice a list of the information or documents
18 which the claimant must submit in order for the application to
19 be complete. In no case may the Court of Claims deny a claim
20 and subsequently re-adjudicate the same claim for the purpose
21 of evading or reducing the interest penalty payment amount
22 payable to any claimant.

23 (Source: P.A. 95-928, eff. 8-26-08; 96-539, eff. 1-1-10;
24 96-923, eff. 1-1-11.)

25 Section 99. Effective date. This Act takes effect upon
26 becoming law.