



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB3815

Introduced 2/22/2021, by Rep. Thaddeus Jones

SYNOPSIS AS INTRODUCED:

New Act

820 ILCS 315/2

from Ch. 48, par. 282

820 ILCS 315/3

from Ch. 48, par. 283

820 ILCS 315/4

from Ch. 48, par. 284

Creates the COVID-19 Family Assistance Program. Provides for the Illinois Department of Public Health to administer a program for the payment of \$25,000 to families of persons who die because of COVID-19. Authorizes the Department to adopt rules necessary for the administration of the Program. Requires annual reports to the Governor and General Assembly. Amends the Line of Duty Compensation Act. Creates a benefit of \$50,000 for health care workers who die as a result of COVID-19. Defines terms. Effective immediately.

LRB102 11448 JLS 16782 b

FISCAL NOTE ACT
MAY APPLY

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 1. Short title. This Act may be cited as the
5 COVID-19 Family Assistance Program Act.

6 Section 5. Findings. The General Assembly finds that:

7 (1) the coronavirus first began to impact Illinois in
8 January of 2020;

9 (2) across Illinois, the COVID-19 pandemic has taken
10 countless lives and created unprecedented challenges for
11 many others;

12 (3) there have been over 20,000 deaths in Illinois as
13 of January 2021;

14 (4) payments for current COVID-19 reimbursement
15 legislation will total over \$200,000,000; and

16 (5) this Act will spread the financial burden out over
17 several years.

18 Section 10. Definitions.

19 "COVID-19" means the illness caused by the coronavirus
20 SARS-CoV-2.

21 "Department" means the Illinois Department of Public
22 health.

1 Section 15. COVID-19 Family Assistance Program.

2 (a) There is established within the Department a COVID-19
3 Family Assistance Program, which is charged with the
4 responsibility of providing assistance to families of persons
5 who die as a result of COVID-19.

6 (b) A family is entitled to assistance under this Act if,
7 within one year after the death of a family member resulting
8 from COVID-19, an application is filed, under oath, with the
9 Department on a form prescribed by the Department.

10 Section 20. Amount of assistance. The amount of assistance
11 under this Act is \$25,000 payable in a lump sum. Payments under
12 this Act are subject to appropriation. Payments with respect
13 to persons who died in 2020 shall be made in fiscal year 2022.
14 Payments with respect to persons who die in 2021 shall be made
15 in fiscal year 2023.

16 Section 25. Rules. The Department shall adopt rules
17 necessary for the administration of the COVID-19 Family
18 Assistance Program.

19 Section 30. Annual report. On or before January 1 of each
20 year, the Department shall report to the Governor and to the
21 General Assembly the following information:

22 (1) the number of claims filed with the Department

1 under this Act;

2 (2) the number of claims approved for payment by the
3 Department during the preceding calendar year; and

4 (3) other information as may be requested by the
5 Governor.

6 Section 35. Cessation of payments under the Act.
7 Compensation under this Act shall not be paid with respect to a
8 death that resulted from an exposure to COVID-19 occurring
9 after the expiration of all Executive Orders issued by the
10 Governor declaring an emergency as a result of COVID-19.

11 Section 90. The Line of Duty Compensation Act is amended
12 by changing Sections 2, 3, and 4 as follows:

13 (820 ILCS 315/2) (from Ch. 48, par. 282)

14 Sec. 2. As used in this Act, unless the context otherwise
15 requires:

16 (a) "Law enforcement officer" or "officer" means any
17 person employed by the State or a local governmental entity as
18 a policeman, peace officer, auxiliary policeman or in some
19 like position involving the enforcement of the law and
20 protection of the public interest at the risk of that person's
21 life. This includes supervisors, wardens, superintendents and
22 their assistants, guards and keepers, correctional officers,
23 youth supervisors, parole agents, aftercare specialists,

1 school teachers and correctional counsellors in all facilities
2 of both the Department of Corrections and the Department of
3 Juvenile Justice, while within the facilities under the
4 control of the Department of Corrections or the Department of
5 Juvenile Justice or in the act of transporting inmates or
6 wards from one location to another or while performing their
7 official duties, and all other Department of Correction or
8 Department of Juvenile Justice employees who have daily
9 contact with inmates.

10 The death of the foregoing employees of the Department of
11 Corrections or the Department of Juvenile Justice in order to
12 be included herein must be by the direct or indirect willful
13 act of an inmate, ward, work-releasee, parolee, aftercare
14 releasee, parole violator, aftercare release violator, person
15 under conditional release, or any person sentenced or
16 committed, or otherwise subject to confinement in or to the
17 Department of Corrections or the Department of Juvenile
18 Justice.

19 (b) "Fireman" means any person employed by the State or a
20 local governmental entity as, or otherwise serving as, a
21 member or officer of a fire department either for the purpose
22 of the prevention or control of fire or the underwater
23 recovery of drowning victims, including volunteer firemen.

24 (c) "Local governmental entity" includes counties,
25 municipalities and municipal corporations.

26 (d) "State" means the State of Illinois and its

1 departments, divisions, boards, bureaus, commissions,
2 authorities and colleges and universities.

3 (e) "Killed in the line of duty" means losing one's life as
4 a result of injury received in the active performance of
5 duties as a law enforcement officer, civil defense worker,
6 civil air patrol member, paramedic, fireman, or chaplain if
7 the death occurs within one year from the date the injury was
8 received and if that injury arose from violence or other
9 accidental cause. In the case of health care worker, "killed
10 in the line of duty" means losing one's life as a result of
11 COVID-19. In the case of a State employee, "killed in the line
12 of duty" means losing one's life as a result of injury received
13 in the active performance of one's duties as a State employee,
14 if the death occurs within one year from the date the injury
15 was received and if that injury arose from a willful act of
16 violence by another State employee committed during such other
17 employee's course of employment and after January 1, 1988. The
18 term excludes death resulting from the willful misconduct or
19 intoxication of the officer, civil defense worker, civil air
20 patrol member, paramedic, fireman, chaplain, or State
21 employee. However, the burden of proof of such willful
22 misconduct or intoxication of the officer, civil defense
23 worker, civil air patrol member, paramedic, fireman, chaplain,
24 or State employee is on the Attorney General. Subject to the
25 conditions set forth in subsection (a) with respect to
26 inclusion under this Act of Department of Corrections and

1 Department of Juvenile Justice employees described in that
2 subsection, for the purposes of this Act, instances in which a
3 law enforcement officer receives an injury in the active
4 performance of duties as a law enforcement officer include but
5 are not limited to instances when:

6 (1) the injury is received as a result of a wilful act
7 of violence committed other than by the officer and a
8 relationship exists between the commission of such act and
9 the officer's performance of his duties as a law
10 enforcement officer, whether or not the injury is received
11 while the officer is on duty as a law enforcement officer;

12 (2) the injury is received by the officer while the
13 officer is attempting to prevent the commission of a
14 criminal act by another or attempting to apprehend an
15 individual the officer suspects has committed a crime,
16 whether or not the injury is received while the officer is
17 on duty as a law enforcement officer;

18 (3) the injury is received by the officer while the
19 officer is travelling to or from his employment as a law
20 enforcement officer or during any meal break, or other
21 break, which takes place during the period in which the
22 officer is on duty as a law enforcement officer.

23 In the case of an Armed Forces member, "killed in the line
24 of duty" means losing one's life while on active duty in
25 connection with the September 11, 2001 terrorist attacks on
26 the United States, Operation Enduring Freedom, Operation

1 Freedom's Sentinel, Operation Iraqi Freedom, Operation New
2 Dawn, or Operation Inherent Resolve.

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

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

24 (h) "Civil air patrol member" means any person employed by
25 the State or a local governmental entity as, or otherwise
26 serving as, a member of the organization commonly known as the

1 "Civil Air Patrol", including volunteer members of the
2 organization commonly known as the "Civil Air Patrol".

3 (i) "Paramedic" means an Emergency Medical
4 Technician-Paramedic certified by the Illinois Department of
5 Public Health under the Emergency Medical Services (EMS)
6 Systems Act, and all other emergency medical personnel
7 certified by the Illinois Department of Public Health who are
8 members of an organized body or not-for-profit corporation
9 under the jurisdiction of a city, village, incorporated town,
10 fire protection district or county, that provides emergency
11 medical treatment to persons of a defined geographical area.

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

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

16 (1) is a chaplain of (i) a fire department or (ii) a
17 police department or other agency consisting of law
18 enforcement officers; and

19 (2) has been designated a chaplain by (i) the fire
20 department, police department, or other agency or an
21 officer or body having jurisdiction over the department or
22 agency or (ii) a labor organization representing the
23 firemen or law enforcement officers.

24 (l) "Armed Forces member" means an Illinois resident who
25 is: a member of the Armed Forces of the United States; a member
26 of the Illinois National Guard while on active military

1 service pursuant to an order of the President of the United
2 States; or a member of any reserve component of the Armed
3 Forces of the United States while on active military service
4 pursuant to an order of the President of the United States.

5 (m) "COVID-19" means the illness caused by the coronavirus
6 SARS-CoV-2.

7 (n) "Health care worker" means a person who has the
8 potential to be exposed to patients and infectious materials
9 such as contaminated medical supplies, contaminated equipment,
10 contaminated environmental surfaces, and contaminated air.
11 "Health care worker" includes, but is not limited to,
12 physicians, nurses, nursing assistants, technicians, emergency
13 medical service personnel, laboratory personnel, and persons
14 not directly involved in patient care such as dietary,
15 housekeeping, laundry, security, maintenance, and volunteers,
16 but who are potentially exposed to infectious diseases.

17 (Source: P.A. 100-226, eff. 8-18-17.)

18 (820 ILCS 315/3) (from Ch. 48, par. 283)

19 Sec. 3. Duty death benefit.

20 (a) If a claim therefor is made within one year of the date
21 of death of a law enforcement officer, civil defense worker,
22 civil air patrol member, paramedic, fireman, chaplain, or
23 State employee killed in the line of duty, or if a claim
24 therefor is made within 2 years of the date of death of an
25 Armed Forces member killed in the line of duty, compensation

1 shall be paid to the person designated by the law enforcement
2 officer, civil defense worker, civil air patrol member,
3 paramedic, fireman, chaplain, State employee, or Armed Forces
4 member. However, if the Armed Forces member was killed in the
5 line of duty before October 18, 2004, the claim must be made
6 within one year of October 18, 2004. In the case of a health
7 care worker, if a claim therefor is made within one year of the
8 date of death as a result of COVID-19, compensation shall be
9 paid to the person designated by the deceased.

10 (b) The amount of compensation, except for an Armed Forces
11 member or health care worker, shall be \$10,000 if the death in
12 the line of duty occurred prior to January 1, 1974; \$20,000 if
13 such death occurred after December 31, 1973 and before July 1,
14 1983; \$50,000 if such death occurred on or after July 1, 1983
15 and before January 1, 1996; \$100,000 if the death occurred on
16 or after January 1, 1996 and before May 18, 2001; \$118,000 if
17 the death occurred on or after May 18, 2001 and before July 1,
18 2002; and \$259,038 if the death occurred on or after July 1,
19 2002 and before January 1, 2003. For an Armed Forces member
20 killed in the line of duty (i) at any time before January 1,
21 2005, the compensation is \$259,038 plus amounts equal to the
22 increases for 2003 and 2004 determined under subsection (c)
23 and (ii) on or after January 1, 2005, the compensation is the
24 amount determined under item (i) plus the applicable increases
25 for 2005 and thereafter determined under subsection (c). For a
26 health care worker whose death is the result of COVID-19,

1 compensation shall be \$50,000 and shall not be adjusted as
2 provided in subsection (c). Compensation for the death of a
3 health care worker shall not be paid with respect to a health
4 care worker whose death resulted from an exposure to COVID-19
5 occurring after the expiration of all Executive Orders issued
6 by the Governor declaring an emergency as a result of
7 COVID-19.

8 (c) Except as provided in subsection (b), for deaths
9 occurring on or after January 1, 2003, the death compensation
10 rate for death in the line of duty occurring in a particular
11 calendar year shall be the death compensation rate for death
12 occurring in the previous calendar year (or in the case of
13 deaths occurring in 2003, the rate in effect on December 31,
14 2002) increased by a percentage thereof equal to the
15 percentage increase, if any, in the index known as the
16 Consumer Price Index for All Urban Consumers: U.S. city
17 average, unadjusted, for all items, as published by the United
18 States Department of Labor, Bureau of Labor Statistics, for
19 the 12 months ending with the month of June of that previous
20 calendar year.

21 (d) If no beneficiary is designated or if no designated
22 beneficiary survives at the death of the law enforcement
23 officer, civil defense worker, civil air patrol member,
24 paramedic, fireman, chaplain, or State employee killed in the
25 line of duty or health care worker killed as a result of
26 COVID-19, the compensation shall be paid in accordance with a

1 legally binding will left by the law enforcement officer,
2 civil defense worker, civil air patrol member, paramedic,
3 fireman, chaplain, health care worker, or State employee. If
4 the law enforcement officer, civil defense worker, civil air
5 patrol member, paramedic, fireman, chaplain, health care
6 worker, or State employee did not leave a legally binding
7 will, the compensation shall be paid as follows:

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

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

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

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

26 The changes made to this subsection (d) by this amendatory Act

1 of the 94th General Assembly apply to any pending case as long
2 as compensation has not been paid to any party before the
3 effective date of this amendatory Act of the 94th General
4 Assembly.

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

16 (d-2) If no beneficiary is designated or if no designated
17 beneficiary survives at the death of the Armed Forces member
18 killed in the line of duty, the compensation shall be paid in
19 entirety according to the designation made on the most recent
20 version of the Armed Forces member's Servicemembers' Group
21 Life Insurance Election and Certificate ("SGLI").

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

25 If no SGLI form exists for the Armed Forces member and the
26 Armed Forces member did not leave a legally binding will, the

1 compensation shall be paid to the persons and in the priority
2 as set forth in paragraphs (1) through (4) of subsection (d) of
3 this Section.

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

8 (e) If there is no beneficiary designated or if no
9 designated beneficiary survives at the death of the law
10 enforcement officer, civil defense worker, civil air patrol
11 member, paramedic, fireman, chaplain, State employee, or Armed
12 Forces member killed in the line of duty or health care worker
13 killed as a result of COVID-19, and there is no other person or
14 entity to whom compensation is payable under this Section, no
15 compensation shall be payable under this Act.

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

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

21 (h) In any case for which benefits have not been paid
22 within 6 months of the claim being filed in accordance with
23 this Section, which is pending as of the effective date of this
24 amendatory Act of the 96th General Assembly, and in which
25 there are 2 or more beneficiaries, at least one of whom would
26 receive at least a portion of the total benefit regardless of

1 the manner in which the Court of Claims resolves the claim, the
2 Court shall direct the Comptroller to pay the minimum amount
3 of money which the determinate beneficiary would receive
4 together with all interest payment penalties which have
5 accrued on that portion of the award being paid within 30 days
6 of the effective date of this amendatory Act of the 96th
7 General Assembly. For purposes of this subsection (h),
8 "determinate beneficiary" means the beneficiary who would
9 receive any portion of the total benefit claimed regardless of
10 the manner in which the Court of Claims adjudicates the claim.

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

19 (1) a reliable estimate of when the Court of Claims
20 will adjudicate the claim, or if the Court cannot estimate
21 when it will adjudicate the claim, a full written
22 explanation of the reasons for this inability; and

23 (2) a reliable estimate, based upon consultation with
24 the Comptroller, of when the benefit will be paid to the
25 claimant.

26 (j) The Court of Claims shall send written notice to all

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

17 (Source: P.A. 95-928, eff. 8-26-08; 96-539, eff. 1-1-10;
18 96-923, eff. 1-1-11.)

19 (820 ILCS 315/4) (from Ch. 48, par. 284)

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

25 (a) the name, address and title or designation of the

1 position in which the officer, civil defense worker, civil
2 air patrol member, paramedic, fireman, chaplain, State
3 employee, or Armed Forces member was serving at the time
4 of his death;

5 (b) the names and addresses of person or persons
6 designated by the officer, civil defense worker, civil air
7 patrol member, paramedic, fireman, chaplain, State
8 employee, health care worker, or Armed Forces member to
9 receive the compensation and, if more than one, the
10 percentage or share to be paid to each such person, or if
11 there has been no such designation, the name and address
12 of the personal representative of the estate of the
13 officer, civil defense worker, civil air patrol member,
14 paramedic, fireman, chaplain, State employee, health care
15 worker, or Armed Forces member;

16 (c) a full, factual account of the circumstances
17 resulting in or the course of events causing the death of
18 the officer, civil defense worker, civil air patrol
19 member, paramedic, fireman, chaplain, State employee,
20 health care worker, or Armed Forces member; and

21 (d) such other information as the Court of Claims
22 reasonably requires.

23 When a claim is filed, the Attorney General shall make an
24 investigation for substantiation of matters set forth in such
25 an application.

26 For the 2 years immediately following the effective date

1 of this amendatory act of the 96th General Assembly, the Court
2 of Claims shall direct the Comptroller to pay a
3 "Modified-Eligibility Line of Duty Benefit" to eligible late
4 claimants who file a claim for the benefit. A claim for a
5 Modified-Eligibility Line of Duty Benefit must include all the
6 application materials and documents required for all other
7 claims payable under this Act, except as otherwise provided in
8 this Section 4. For purposes of this Section 4 only, an
9 "eligible late claimant" is a person who would have been
10 eligible, at any time after September 11, 2001, to apply for
11 and receive payment of a claim pursuant to this Act in
12 connection with the death of an Armed Forces member killed in
13 the line of duty or a fireman killed in the line of duty, but
14 did not receive the award payment because:

15 (1) the claim was rejected only because the claim was
16 not filed within the time limitation set forth in
17 subsection (a) of Section 3 of this Act; or

18 (2) having met all other preconditions for applying
19 for and receiving the award payment, the claimant did not
20 file a claim because the claim would not have been filed
21 within the time limitation set forth in subsection (a) of
22 Section 3 of this Act. For purposes of this Section 4 only,
23 the "Modified-Eligibility Line of Duty Benefit" is an
24 amount of money payable to eligible late claimants equal
25 to the amount set forth in Section 3 of this Act payable to
26 claimants seeking payment of awards under Section 3 of

1 this Act for claims made thereunder in the year in which
2 the claim for the Modified-Eligibility Line of Duty
3 Benefit is made. Within 6 months of receiving a complete
4 claim for the Modified-Eligibility Line of Duty Benefit,
5 the Court of Claims must direct the Comptroller to pay the
6 benefit amount to the eligible late claimant.

7 (Source: P.A. 96-539, eff. 1-1-10; 96-923, eff. 1-1-11.)

8 Section 99. Effective date. This Act takes effect upon
9 becoming law.