

SB1650



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB1650

Introduced 2/26/2021, 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, 2022. Effective immediately.

LRB102 16182 JLS 21561 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
11 State employee killed in the line of duty, or if a claim
12 therefor is made within 2 years of the date of death of an
13 Armed Forces member killed in the line of duty, compensation
14 shall be paid to the person designated by the law enforcement
15 officer, civil defense worker, civil air patrol member,
16 paramedic, fireman, chaplain, State employee, or Armed Forces
17 member. However, if the Armed Forces member was killed in the
18 line of duty before October 18, 2004, the claim must be made
19 within one year of October 18, 2004. In addition, if a death
20 occurred after December 31, 2016 and before January 1, 2021,
21 the claim may be made no later than December 31, 2022
22 notwithstanding any other deadline established under this Act
23 with respect to filing a 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)
14 and (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
24 percentage increase, if any, in the index known as the
25 Consumer Price Index for All Urban Consumers: U.S. city
26 average, unadjusted, for all items, as published by the United

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

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

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

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

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

25 (4) when there is no surviving spouse, descendant or
26 parent of the decedent, but there are surviving brothers

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

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

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

24 (d-2) If no beneficiary is designated or if no designated
25 beneficiary survives at the death of the Armed Forces member
26 killed in the line of duty, the compensation shall be paid in

1 entirety according to the designation made on the most recent
2 version of the Armed Forces member's Servicemembers' Group
3 Life Insurance Election and Certificate ("SGLI").

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

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

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

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

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

25 (g) This amendatory Act of the 93rd General Assembly
26 applies to claims made on or after October 18, 2004 with

1 respect to an Armed Forces member killed in the line of duty.

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

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

26 (1) a reliable estimate of when the Court of Claims

1 will adjudicate the claim, or if the Court cannot estimate
2 when it will adjudicate the claim, a full written
3 explanation of the reasons for this inability; and

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

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

24 (Source: P.A. 95-928, eff. 8-26-08; 96-539, eff. 1-1-10;
25 96-923, eff. 1-1-11.)

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

1 becoming law.