



**94TH GENERAL ASSEMBLY**  
**State of Illinois**  
**2005 and 2006**  
**HB5251**

Introduced 1/24/2006, by Rep. Patrick J Verschoore

**SYNOPSIS AS INTRODUCED:**

820 ILCS 315/3

from Ch. 48, par. 283

Amends provisions regarding the payment of compensation under the Line of Duty Compensation Act. Provides that, in the case of a person killed in the line of duty who was born out of wedlock and was not an adoptive child at the time of the person's death, a person shall be deemed to be a parent of the person killed in the line of duty only if that person would be an eligible parent of the person killed in the line of duty under specified criteria in the Probate Act of 1975. Applies to a pending claim if compensation was not paid before the effective date of the amendatory Act. Effective immediately.

LRB094 19248 WGH 54835 b

1 AN ACT concerning certain individuals killed in the line of  
2 duty.

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

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

7 (820 ILCS 315/3) (from Ch. 48, par. 283)

8 Sec. 3. Duty death benefit.

9 (a) If a claim therefor is made within one year of the date  
10 of death of a law enforcement officer, civil defense worker,  
11 civil air patrol member, paramedic, fireman, chaplain, State  
12 employee, or Armed Forces member killed in the line of duty,  
13 compensation shall be paid to the person designated by the law  
14 enforcement officer, civil defense worker, civil air patrol  
15 member, paramedic, fireman, chaplain, State employee, or Armed  
16 Forces member. However, if the Armed Forces member was killed  
17 in the line of duty before October 18, 2004, the claim must be  
18 made within one year of October 18, 2004.

19 (b) The amount of compensation, except for an Armed Forces  
20 member, shall be \$10,000 if the death in the line of duty  
21 occurred prior to January 1, 1974; \$20,000 if such death  
22 occurred after December 31, 1973 and before July 1, 1983;  
23 \$50,000 if such death occurred on or after July 1, 1983 and  
24 before January 1, 1996; \$100,000 if the death occurred on or  
25 after January 1, 1996 and before May 18, 2001; \$118,000 if the  
26 death occurred on or after May 18, 2001 and before July 1,  
27 2002; and \$259,038 if the death occurred on or after July 1,  
28 2002 and before January 1, 2003. For an Armed Forces member  
29 killed in the line of duty (i) at any time before January 1,  
30 2005, the compensation is \$259,038 plus amounts equal to the  
31 increases for 2003 and 2004 determined under subsection (c) and  
32 (ii) on or after January 1, 2005, the compensation is the

1 amount determined under item (i) plus the applicable increases  
2 for 2005 and thereafter determined under subsection (c).

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

15 (d) If no beneficiary is designated or surviving at the  
16 death of the law enforcement officer, civil defense worker,  
17 civil air patrol member, paramedic, fireman, chaplain, State  
18 employee, or Armed Forces member killed in the line of duty,  
19 the compensation shall be paid as follows:

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

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

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

29 (4) when there is no surviving spouse, descendant or  
30 parent of the decedent, but there are surviving brothers or  
31 sisters, or descendants of a brother or sister, who were  
32 receiving their principal support from the decedent at his  
33 death, the entire sum shall be paid, in equal parts, to the  
34 dependent brothers or sisters or dependent descendant of a  
35 brother or sister. Dependency shall be determined by the  
36 Court of Claims based upon the investigation and report of

1 the Attorney General.

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

12 (e) When there is no beneficiary designated or surviving at  
13 the death of the law enforcement officer, civil defense worker,  
14 civil air patrol member, paramedic, fireman, chaplain, State  
15 employee, or Armed Forces member killed in the line of duty and  
16 no surviving spouse, descendant, parent, dependent brother or  
17 sister, or dependent descendant of a brother or sister, no  
18 compensation shall be payable under this Act.

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

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

24 (Source: P.A. 92-3, eff. 5-18-01; 92-609, eff. 7-1-02; 93-1047,  
25 eff. 10-18-04; 93-1073, eff. 1-18-05.)

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