

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 State Prompt Payment Act is amended by
6 changing Section 3-1 as follows:

7 (30 ILCS 540/3-1) (from Ch. 127, par. 132.403-1)

8 Sec. 3-1. The Illinois Court of Claims shall, in its
9 investigation of payments due claimants, provide for interest
10 penalties as prescribed in this Act; however, interest
11 penalties in claims pursuant to the Line of Duty Compensation
12 Act shall be paid in accordance with subsection (3) of Section
13 24 of the Court of Claims Act.

14 (Source: P.A. 87-773; 87-1232.)

15 Section 10. The Court of Claims Act is amended by changing
16 Sections 22 and 24 as follows:

17 (705 ILCS 505/22) (from Ch. 37, par. 439.22)

18 Sec. 22. Every claim cognizable by the Court and not
19 otherwise sooner barred by law shall be forever barred from
20 prosecution therein unless it is filed with the Clerk of the
21 Court within the time set forth as follows:

1 (a) All claims arising out of a contract must be filed
2 within 5 years after it first accrues, saving to minors, and
3 persons under legal disability at the time the claim accrues,
4 in which cases the claim must be filed within 5 years from the
5 time the disability ceases.

6 (b) All claims cognizable against the State by vendors of
7 goods or services under "The Illinois Public Aid Code",
8 approved April 11, 1967, as amended, must file within one year
9 after the accrual of the cause of action, as provided in
10 Section 11-13 of that Code.

11 (c) All claims arising under paragraph (c) of Section 8 of
12 this Act must be filed within 2 years after the person
13 asserting such claim is discharged from prison, or is granted a
14 pardon by the Governor, whichever occurs later, except as
15 otherwise provided by the Crime Victims Compensation Act.

16 (d) All claims arising under paragraph (f) of Section 8 of
17 this Act must be filed within the time set forth ~~one year of~~
18 ~~the date of the death of the law enforcement officer or fireman~~
19 ~~as provided~~ in Section 3 of the Line of Duty ~~"Law Enforcement~~
20 ~~Officers and Firemen Compensation Act", approved September 30,~~
21 ~~1969, as amended.~~

22 (e) All claims arising under paragraph (h) of Section 8 of
23 this Act must be filed within one year of the date of the death
24 of the guardsman or militiaman as provided in Section 3 of the
25 "Illinois National Guardsman's and Naval Militiaman's
26 Compensation Act", approved August 12, 1971, as amended.

1 (f) All claims arising under paragraph (g) of Section 8 of
2 this Act must be filed within one year of the crime on which a
3 claim is based as provided in Section 6.1 of the "Crime Victims
4 Compensation Act", approved August 23, 1973, as amended.

5 (g) All claims arising from the Comptroller's refusal to
6 issue a replacement warrant pursuant to Section 10.10 of the
7 State Comptroller Act must be filed within 5 years after the
8 issue date of such warrant.

9 (h) All other claims must be filed within 2 years after it
10 first accrues, saving to minors, and persons under legal
11 disability at the time the claim accrues, in which case the
12 claim must be filed within 2 years from the time the disability
13 ceases.

14 (i) The changes made by this amendatory Act of 1989 shall
15 apply to all warrants issued within the 5 year period preceding
16 the effective date of this amendatory Act of 1989.

17 (j) All time limitations established under this Act and the
18 rules promulgated under this Act shall be binding and
19 jurisdictional, except upon extension authorized by law or rule
20 and granted pursuant to a motion timely filed.

21 (Source: P.A. 86-458.)

22 (705 ILCS 505/24) (from Ch. 37, par. 439.24)

23 Sec. 24. Payment of awards.

24 (1) From funds appropriated by the General Assembly for the
25 purposes of this Section the Court may direct immediate payment

1 of:

2 (a) All claims arising solely as a result of the
3 lapsing of an appropriation out of which the obligation
4 could have been paid.

5 (b) All claims pursuant to the Line of Duty ~~"Law~~
6 ~~Enforcement Officers and Firemen Compensation Act",~~
7 ~~approved September 30, 1969, as amended.~~

8 (c) All claims pursuant to the "Illinois National
9 Guardsman's and Naval Militiaman's Compensation Act",
10 approved August 12, 1971, as amended.

11 (d) All claims pursuant to the "Crime Victims
12 Compensation Act", approved August 23, 1973, as amended.

13 (e) All other claims wherein the amount of the award of
14 the Court is less than \$5,000.

15 (2) The court may, from funds specifically appropriated
16 from the General Revenue Fund for this purpose, direct the
17 payment of awards less than \$50,000 solely as a result of the
18 lapsing of an appropriation originally made from any fund held
19 by the State Treasurer. For any such award paid from the
20 General Revenue Fund, the court shall thereafter seek an
21 appropriation from the fund from which the liability originally
22 accrued in reimbursement of the General Revenue Fund.

23 (3) In directing payment of a claim pursuant to the Line of
24 Duty Compensation Act, the Court must direct the Comptroller to
25 add an interest penalty if payment of a claim is not made
26 within 6 months after a claim is filed in accordance with

1 Section 3 of the Line of Duty Compensation Act and all
2 information has been submitted as required under Section 4 of
3 the Line of Duty Compensation Act. If payment is not issued
4 within the 6-month period, an interest penalty of 1% of the
5 amount of the award shall be added for each month or fraction
6 thereof after the end of the 6-month period, until final
7 payment is made. This interest penalty shall be added
8 regardless of whether the payment is not issued within the
9 6-month period because of the appropriation process, the
10 consideration of the matter by the Court, or any other reason.
11 (Source: P.A. 92-357, eff. 8-15-01.)

12 Section 15. The Line of Duty Compensation Act is amended by
13 changing Section 3 as follows:

14 (820 ILCS 315/3) (from Ch. 48, par. 283)

15 Sec. 3. Duty death benefit.

16 (a) If a claim therefor is made within one year of the date
17 of death of a law enforcement officer, civil defense worker,
18 civil air patrol member, paramedic, fireman, chaplain, or State
19 employee, ~~or Armed Forces member~~ killed in the line of duty, or
20 if a claim therefor is made within 2 years of the date of death
21 of an Armed Forces member killed in the line of duty,
22 compensation shall be paid to the person designated by the law
23 enforcement officer, civil defense worker, civil air patrol
24 member, paramedic, fireman, chaplain, State employee, or Armed

1 Forces member. However, if the Armed Forces member was killed
2 in the line of duty before October 18, 2004, the claim must be
3 made within one year of October 18, 2004.

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

20 (c) Except as provided in subsection (b), for deaths
21 occurring on or after January 1, 2003, the death compensation
22 rate for death in the line of duty occurring in a particular
23 calendar year shall be the death compensation rate for death
24 occurring in the previous calendar year (or in the case of
25 deaths occurring in 2003, the rate in effect on December 31,
26 2002) increased by a percentage thereof equal to the percentage

1 increase, if any, in the index known as the Consumer Price
2 Index for All Urban Consumers: U.S. city average, unadjusted,
3 for all items, as published by the United States Department of
4 Labor, Bureau of Labor Statistics, for the 12 months ending
5 with the month of June of that previous calendar year.

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

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

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

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

1 (4) when there is no surviving spouse, descendant or
2 parent of the decedent, but there are surviving brothers or
3 sisters, or descendants of a brother or sister, who were
4 receiving their principal support from the decedent at his
5 death, the entire sum shall be paid, in equal parts, to the
6 dependent brothers or sisters or dependent descendant of a
7 brother or sister. Dependency shall be determined by the
8 Court of Claims based upon the investigation and report of
9 the Attorney General.

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

26 (d-2) If no beneficiary is designated or if no designated

1 beneficiary survives at the death of the Armed Forces member
2 killed in the line of duty, the compensation shall be paid in
3 entirety according to the designation made on the most recent
4 version of the Armed Forces member's Servicemembers' Group Life
5 Insurance Election and Certificate ("SGLI").

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

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

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

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

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

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

4 (Source: P.A. 93-1047, eff. 10-18-04; 93-1073, eff. 1-18-05;
5 94-843, eff. 6-8-06; 94-844, eff. 6-8-06.)

6 Section 99. Effective date. This Act takes effect upon
7 becoming law.