



Rep. Martin McLaughlin

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LRB104 09764 SPS 23777 a

1 AMENDMENT TO HOUSE BILL 2644

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 2644 on page 1,  
3 line 5, by replacing "Section 2" with "Sections 2, 3, and 4";  
4 and

5 on page 3, line 4, by replacing "or chaplain" with "~~or~~  
6 chaplain, animal control officer, or animal warden"; and

7 on page 3, line 16, after "chaplain,", by inserting "animal  
8 control officer, animal warden,"; and

9 on page 3, line 20, after "chaplain,", by inserting "animal  
10 control officer, animal warden,"; and

11 on page 6, immediately below line 25, by inserting the  
12 following:

13 "(m) "Animal control officer" or "animal warden" means an  
14 employee of a State or local governmental entity appointed or

1 employed to enforce State and local animal regulation statutes  
2 and protect public health and safety."; and

3 on page 6, immediately below line 26, by inserting the  
4 following:

5 "(820 ILCS 315/3) (from Ch. 48, par. 283)

6 Sec. 3. Duty death benefit.

7 (a) If a claim therefor is made within 2 years of the date  
8 of death of a law enforcement officer, civil defense worker,  
9 civil air patrol member, paramedic, fireman, chaplain, animal  
10 control officer, animal warden, or State employee killed in  
11 the line of duty, or if a claim therefor is made within 2 years  
12 of the date of death of an Armed Forces member killed in the  
13 line of duty, compensation shall be paid to the person  
14 designated by the law enforcement officer, civil defense  
15 worker, civil air patrol member, paramedic, fireman, chaplain,  
16 animal control officer, animal warden, State employee, or  
17 Armed Forces member. However, if the Armed Forces member was  
18 killed in the line of duty before October 18, 2004, the claim  
19 must be made within one year of October 18, 2004. In addition,  
20 if a death occurred after December 31, 2016 and before January  
21 1, 2021, 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.

24 (b) The amount of compensation, except for an Armed Forces

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

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

1 the 12 months ending with the month of June of that previous  
2 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, animal control officer, animal  
7 warden, or State employee killed in the line of duty, the  
8 compensation shall be paid in accordance with a legally  
9 binding will left by the law enforcement officer, civil  
10 defense worker, civil air patrol member, paramedic, fireman,  
11 chaplain, animal control officer, animal warden, or State  
12 employee. If the law enforcement officer, civil defense  
13 worker, civil air patrol member, paramedic, fireman, chaplain,  
14 animal control officer, animal warden, or State employee did  
15 not leave a legally binding will, the compensation shall be  
16 paid as follows:

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

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

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

26 (4) when there is no surviving spouse, descendant or

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

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

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

25 (d-2) If no beneficiary is designated or if no designated  
26 beneficiary survives at the death of the Armed Forces member

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

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

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

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

17 (e) If there is no beneficiary designated or if no  
18 designated beneficiary survives at the death of the law  
19 enforcement officer, civil defense worker, civil air patrol  
20 member, paramedic, fireman, chaplain, animal control officer,  
21 animal warden, State employee, or Armed Forces member killed  
22 in the line of duty and there is no other person or entity to  
23 whom compensation is payable under this Section, no  
24 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           (h) In any case for which benefits have not been paid  
5 within 6 months of the claim being filed in accordance with  
6 this Section, which is pending as of the effective date of this  
7 amendatory Act of the 96th General Assembly, and in which  
8 there are 2 or more beneficiaries, at least one of whom would  
9 receive at least a portion of the total benefit regardless of  
10 the manner in which the Court of Claims resolves the claim, the  
11 Court shall direct the Comptroller to pay the minimum amount  
12 of money which the determinate beneficiary would receive  
13 together with all interest payment penalties which have  
14 accrued on that portion of the award being paid within 30 days  
15 of the effective date of this amendatory Act of the 96th  
16 General Assembly. For purposes of this subsection (h),  
17 "determinate beneficiary" means the beneficiary who would  
18 receive any portion of the total benefit claimed regardless of  
19 the manner in which the Court of Claims adjudicates the claim.

20           (i) The Court of Claims shall ensure that all individuals  
21 who have filed an application to claim the duty death benefit  
22 for a deceased member of the Armed Forces pursuant to this  
23 Section or for a fireman pursuant to this Section, or their  
24 designated representative, shall have access, on a timely  
25 basis and in an efficient manner, to all information related  
26 to the court's consideration, processing, or adjudication of

1 the claim, including, but not limited to, the following:

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

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

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

26 (Source: P.A. 102-215, eff. 7-30-21; 103-8, eff. 6-7-23.)

1 (820 ILCS 315/4) (from Ch. 48, par. 284)

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

7 (a) the name, address and title or designation of the  
8 position in which the officer, civil defense worker, civil  
9 air patrol member, paramedic, fireman, chaplain, animal  
10 control officer, animal warden, State employee, or Armed  
11 Forces member was serving at the time of his death;

12 (b) the names and addresses of person or persons  
13 designated by the officer, civil defense worker, civil air  
14 patrol member, paramedic, fireman, chaplain, animal  
15 control officer, animal warden, State employee, or Armed  
16 Forces member to receive the compensation and, if more  
17 than one, the percentage or share to be paid to each such  
18 person, or if there has been no such designation, the name  
19 and address of the personal representative of the estate  
20 of the officer, civil defense worker, civil air patrol  
21 member, paramedic, fireman, chaplain, animal control  
22 officer, animal warden, State employee, or Armed Forces  
23 member;

24 (c) a full, factual account of the circumstances  
25 resulting in or the course of events causing the death of

1 the officer, civil defense worker, civil air patrol  
2 member, paramedic, fireman, chaplain, animal control  
3 officer, animal warden, State employee, or Armed Forces  
4 member; and

5 (d) such other information as the Court of Claims  
6 reasonably requires.

7 When a claim is filed, the Attorney General shall make an  
8 investigation for substantiation of matters set forth in such  
9 an application.

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

25 (1) the claim was rejected only because the claim was  
26 not filed within the time limitation set forth in

1 subsection (a) of Section 3 of this Act; or

2 (2) having met all other preconditions for applying  
3 for and receiving the award payment, the claimant did not  
4 file a claim because the claim would not have been filed  
5 within the time limitation set forth in subsection (a) of  
6 Section 3 of this Act. For purposes of this Section 4 only,  
7 the "Modified-Eligibility Line of Duty Benefit" is an  
8 amount of money payable to eligible late claimants equal  
9 to the amount set forth in Section 3 of this Act payable to  
10 claimants seeking payment of awards under Section 3 of  
11 this Act for claims made thereunder in the year in which  
12 the claim for the Modified-Eligibility Line of Duty  
13 Benefit is made. Within 6 months of receiving a complete  
14 claim for the Modified-Eligibility Line of Duty Benefit,  
15 the Court of Claims must direct the Comptroller to pay the  
16 benefit amount to the eligible late claimant.

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