

HB3224



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB3224

Introduced 2/18/2025, by Rep. Wayne A Rosenthal

SYNOPSIS AS INTRODUCED:

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

Amends the Line of Duty Compensation Act. Includes emergency medical services personnel within the scope of the Act. Defines terms. Effective immediately.

LRB104 08661 SPS 18715 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 Sections 2, 3, and 4 as follows:

6 (820 ILCS 315/2) (from Ch. 48, par. 282)

7 Sec. 2. As used in this Act, unless the context otherwise
8 requires:

9 (a) "Law enforcement officer" or "officer" means any
10 person employed by the State or a local governmental entity as
11 a policeman, peace officer, auxiliary policeman or in some
12 like position involving the enforcement of the law and
13 protection of the public interest at the risk of that person's
14 life. This includes supervisors, wardens, superintendents and
15 their assistants, guards and keepers, correctional officers,
16 youth supervisors, parole agents, aftercare specialists,
17 school teachers, and correctional counselors in all facilities
18 of both the Department of Corrections and the Department of
19 Juvenile Justice, while within the facilities under the
20 control of the Department of Corrections or the Department of
21 Juvenile Justice or in the act of transporting inmates or
22 wards from one location to another or while performing their
23 official duties, and all other Department of Corrections or

1 Department of Juvenile Justice employees who have daily
2 contact with inmates. For the purposes of this Act, "law
3 enforcement officer" or "officer" also means a probation
4 officer, as defined in Section 9b of the Probation and
5 Probation Officers Act.

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

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

20 (c) "Local governmental entity" includes counties,
21 municipalities, and municipal corporations.

22 (d) "State" means the State of Illinois and its
23 departments, divisions, boards, bureaus, commissions,
24 authorities, and colleges and universities.

25 (e) "Killed in the line of duty" means losing one's life as
26 a result of injury received in the active performance of

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

1 enforcement officer include, but are not limited to, instances
2 when:

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

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

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

20 In the case of an Armed Forces member, "killed in the line
21 of duty" means losing one's life while on active duty in
22 connection with the September 11, 2001 terrorist attacks on
23 the United States, Operation Enduring Freedom, Operation
24 Freedom's Sentinel, Operation Iraqi Freedom, Operation New
25 Dawn, or Operation Inherent Resolve.

26 (f) "Volunteer fireman" means a person having principal

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

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

20 (h) "Civil air patrol member" means any person employed by
21 the State or a local governmental entity as, or otherwise
22 serving as, a member of the organization commonly known as the
23 "Civil Air Patrol", including volunteer members of the
24 organization commonly known as the "Civil Air Patrol".

25 (i) "Paramedic" means an Emergency Medical
26 Technician-Paramedic certified by the Illinois Department of

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

8 (j) "State employee" means any employee as defined in
9 Section 14-103.05 of the Illinois Pension Code.

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

11 (1) is a chaplain of (i) a fire department or (ii) a
12 police department or other agency consisting of law
13 enforcement officers; and

14 (2) has been designated a chaplain by (i) the fire
15 department, police department, or other agency or an
16 officer or body having jurisdiction over the department or
17 agency or (ii) a labor organization representing the
18 firemen or law enforcement officers.

19 (l) "Armed Forces member" means an Illinois resident who
20 is: a member of the Armed Forces of the United States; a member
21 of the Illinois National Guard while on active military
22 service pursuant to an order of the President of the United
23 States; or a member of any reserve component of the Armed
24 Forces of the United States while on active military service
25 pursuant to an order of the President of the United States.

26 (m) "Emergency Medical Services personnel" has the meaning

set forth in Section 3.5 of the Emergency Medical Services (EMS) Systems Act.

(Source: P.A. 102-221, eff. 1-1-22; 103-605, eff. 7-1-24.)

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

Sec. 3. Duty death benefit.

(a) If a claim therefor is made within 2 years of the date of death of a law enforcement officer, civil defense worker, civil air patrol member, paramedic, fireman, chaplain, emergency medical services personnel, or State employee killed in the line of duty, or if a claim therefor is made within 2 years of the date of death of an Armed Forces member killed in the line of duty, compensation shall be paid to the person designated by the law enforcement officer, civil defense worker, civil air patrol member, paramedic, fireman, chaplain, emergency medical services personnel, State employee, or Armed Forces member. However, if the Armed Forces member was killed in the line of duty before October 18, 2004, the claim must be made within one year of October 18, 2004. In addition, if a death occurred after December 31, 2016 and before January 1, 2021, the claim may be made no later than December 31, 2022 notwithstanding any other deadline established under this Act with respect to filing a claim for a duty death benefit.

(b) The amount of compensation, except for an Armed Forces member, shall be \$10,000 if the death in the line of duty occurred prior to January 1, 1974; \$20,000 if such death

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

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

(d) If no beneficiary is designated or if no designated beneficiary survives at the death of the law enforcement officer, civil defense worker, civil air patrol member, paramedic, fireman, chaplain, emergency medical services personnel, or State employee killed in the line of duty, the compensation shall be paid in accordance with a legally binding will left by the law enforcement officer, civil defense worker, civil air patrol member, paramedic, fireman, chaplain, emergency medical services personnel, or State employee. If the law enforcement officer, civil defense worker, civil air patrol member, paramedic, fireman, chaplain, emergency medical services personnel, or State employee did not leave a legally binding will, the compensation shall be paid as follows:

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

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

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

(4) when there is no surviving spouse, descendant or parent of the decedent, but there are surviving brothers or sisters, or descendants of a brother or sister, who

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

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

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

23 (d-2) If no beneficiary is designated or if no designated
24 beneficiary survives at the death of the Armed Forces member
25 killed in the line of duty, the compensation shall be paid in
26 entirety according to the designation made on the most recent

1 version of the Armed Forces member's Servicemembers' Group
2 Life Insurance Election and Certificate ("SGLI").

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

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

11 This subsection (d-2) applies 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 (e) If there is no beneficiary designated or if no
16 designated beneficiary survives at the death of the law
17 enforcement officer, civil defense worker, civil air patrol
18 member, paramedic, fireman, chaplain, emergency medical
19 services personnel, State employee, or Armed Forces member
20 killed in the line of duty and there is no other person or
21 entity to whom compensation is payable under this Section, no
22 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. 102-215, eff. 7-30-21; 103-8, eff. 6-7-23.)

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

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

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

23 (c) a full, factual account of the circumstances
24 resulting in or the course of events causing the death of
25 the officer, civil defense worker, civil air patrol
26 member, paramedic, fireman, chaplain, emergency medical

1 services personnel, State employee, or Armed Forces
2 member; and

3 (d) such other information as the Court of Claims
4 reasonably requires.

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

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

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

26 (2) having met all other preconditions for applying

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

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

16 Section 99. Effective date. This Act takes effect upon
17 becoming law.