



Sen. Jacqueline Y. Collins

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10200HB2985sam001

LRB102 13837 RLC 37722 a

1 AMENDMENT TO HOUSE BILL 2985

2 AMENDMENT NO. _____. Amend House Bill 2985 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title; references to Act.

5 (a) Short title. This Act may be cited as the Murdered
6 Children Funeral and Burial Assistance Act.

7 (b) References to Act. This Act may be referred to as the
8 Mychal Moultry, Jr. Funeral and Burial Assistance Act.

9 Section 5. Purpose; findings.

10 (a) Gun violence is the leading cause of death for
11 children and teenagers in Illinois.

12 (b) Parents and guardians who experience the death of a
13 child by gun violence face the painful process of bereavement
14 while also bearing the responsibilities of planning a funeral
15 and paying for funeral and burial expenses, usually through
16 some form of debt.

1 (c) While the State assists the families of murdered
2 children with funeral and burial expenses, assistance is
3 primarily in the form of a reimbursement to the family after a
4 formal application is submitted. After submission, the
5 application undergoes a lengthy evaluation process by a review
6 committee and a subsequent hearing before an administrative
7 court. The process takes months, even years, before a final
8 decision is rendered, during which time the victim's family
9 can incur an overwhelming amount of debt.

10 (d) This debt is particularly burdensome for low-income
11 families, who struggle to repay the debt while continuing to
12 provide for the family's basic needs. Many families rely on
13 in-kind donations to support their basic needs while they work
14 to pay off funeral and burial expenses.

15 (e) It is the intent of this Act to assist the families of
16 children murdered in Illinois with funeral and burial expenses
17 by having the State issue direct payments to funeral
18 establishments and cemetery authorities instead of having the
19 victim's family struggle to pay the cost and wait for
20 reimbursement. Direct payments will enable families to secure
21 burial rights and funeral and burial services and merchandise
22 without enduring significant financial hardship and debt.

23 (f) This Act provides for expedited processing and payment
24 of all disbursement requests for child victim funeral and
25 burial expenses.

1 Section 10. Definitions. In this Act:

2 "Burial rights" means rights of internment, inurnment, or
3 entombment.

4 "Cemetery authority" means any individual or legal entity
5 that owns or controls cemetery lands or property that provides
6 burial rights and burial services and merchandise to a child
7 victim consistent with the Cemetery Oversight Act.

8 "Child victim" means a person under 17 years of age killed
9 in this State by a firearm as a result of first degree murder,
10 second degree murder, voluntary manslaughter of an unborn
11 child, involuntary manslaughter, and involuntary manslaughter
12 of an unborn child.

13 "Department" means the Department of Human Services.

14 "Eligible survivor" means the parent or guardian of a
15 child victim, or anyone living in the household of a child
16 victim in a relationship with the victim that is substantially
17 similar to that of a parent, who has a household income of less
18 than 150% of the federal poverty level, qualifies for payment
19 of funeral and burial expenses under this Act, and has or
20 shares the authority to direct the disposition of the remains
21 of the victim pursuant to the Disposition of Remains Act.

22 "Funeral and burial expenses" means expenses that include,
23 but are not limited to, the transport of deceased human
24 remains to a funeral establishment; the preparation of
25 deceased human remains for burial, including cleaning,
26 disinfecting, and embalming; the preparation, direction, and

1 supervision of the burial, cremation, or other disposition of
2 deceased human remains, including furnishing a casket, vault,
3 mausoleum, columbarium, or urn; the administration of funeral
4 arrangements, including providing printed materials, providing
5 transportation of the deceased human remains to the burial
6 site, and furnishing necessary facilities and equipment; and
7 any other service related to the carrying out of funeral or
8 burial services that the Department may allow, if consistent
9 with the law, up to the total allowable amount of disbursement
10 under Section 40.

11 "Funeral establishment" means a State-licensed funeral
12 home, funeral chapel, funeral parlor, or other business that
13 provides funeral and burial services to a child victim.

14 Section 15. Felon as victim or survivor. An eligible
15 survivor's or child victim's criminal history or felony status
16 shall not automatically prevent an award for payment of the
17 child victim's funeral and burial expenses.

18 Section 20. Additional powers; Department of Human
19 Services. In addition to other powers and duties set forth in
20 this Act and other powers exercised by the Department, the
21 Department shall conduct a review of disbursement requests
22 submitted by a funeral establishment or cemetery authority,
23 which includes verification of the eligible survivor's
24 household income, verification of the child victim's death

1 certificate, and a review of the statement of goods and
2 services provided by the funeral establishment or cemetery
3 authority. Upon conclusion of the review, the Department shall
4 provide the funeral establishment or cemetery authority with a
5 payment determination letter. The Department shall disburse
6 payment to a funeral establishment or cemetery authority.

7 Section 25. Right to disbursement.

8 (a) With respect to the provision of burial rights and
9 funeral and burial services and merchandise within the
10 applicable scope of practice, a funeral establishment or
11 cemetery authority is entitled to a disbursement under this
12 Act if within one year of the occurrence of the crime upon
13 which a disbursement request is made, the funeral
14 establishment or cemetery authority submits the request to the
15 Department on a form prescribed in accordance with Section 30
16 as furnished by the Department.

17 (b) The Department may accept a request presented after
18 the period provided in subsection (a) if it determines that
19 the funeral establishment or cemetery authority had a good
20 cause for a delay.

21 Section 30. Disbursement request requirements.

22 (a) A disbursement request shall include:

23 (1) the name and address of the eligible survivor and
24 his or her relationship to the child victim;

1 (2) the date and nature of the crime on which the
2 disbursement request is based;

3 (3) the nature and extent of the injuries sustained by
4 the child victim, and the names and addresses of those
5 giving any medical and hospitalization treatment to the
6 child victim;

7 (4) a copy of the child victim's death certificate;

8 (5) an affidavit of facts of death;

9 (6) documentation verifying an eligible survivor's
10 household income;

11 (7) a copy of the invoice detailing funeral and burial
12 expenses, including any applicable taxes, surcharges, and
13 fees;

14 (8) releases authorizing the surrender to the
15 Department of reports, documents and other information
16 relating to matters specified under this Act and rules
17 adopted in accordance with this Act; and

18 (9) such other information as the Department
19 reasonably requires.

20 (b) The Department may require that materials
21 substantiating the facts stated in the disbursement request be
22 submitted with that request.

23 (c) A funeral establishment or cemetery authority, on its
24 own volition, may file an amended request or additional
25 substantiating materials to correct inadvertent errors or
26 omissions at any time before the original request has been

1 disposed of by the Department. In either case, the filing of
2 additional information or of an amended request shall be
3 considered for the purpose of this Act to have been filed at
4 the same time as the original request.

5 Section 35. Additional materials requested. If a funeral
6 establishment or cemetery authority does not submit all
7 materials substantiating its disbursement request as requested
8 by the Department, the Department shall notify the
9 establishment in writing of the specific additional items of
10 information or materials required and that it has 30 days in
11 which to furnish those items to the Department. No
12 disbursement shall be made for any portion of the request from
13 a funeral establishment or cemetery authority that is not
14 substantiated by the establishment or authority. An
15 establishment or authority may request an extension of time
16 from the Department prior to the expiration of the 30-day
17 period.

18 Section 40. Amount of disbursement.

19 (a) The total amount of disbursement for funeral and
20 burial expenses for a child victim shall be no more than
21 \$10,000, to be apportioned between the funeral establishment
22 and cemetery authority by those eligible survivors authorized
23 to direct the disposition of remains pursuant to the
24 Disposition of Remains Act.

1 (b) Upon submitting a disbursement request to the
2 Department, and upon the Department's review of such request
3 verifying that a survivor is an eligible survivor, a funeral
4 establishment and cemetery authority shall each receive
5 disbursement from the Department in the amount of the total
6 cost of burial rights and funeral services and merchandise
7 provided, up to the allocation amount. The Department shall
8 process all payment vouchers within 30 days of submission of a
9 complete disbursement request, and shall pay all such vouchers
10 within 30 days of receipt. All disbursement requests that are
11 not paid within 60 days shall thereafter accrue interest at
12 the rate set by the Prompt Payment Act.

13 (c) Beginning on July 1, 2024, the maximum allowable
14 disbursement amount shall be increased each year by an amount
15 equal to any increase in the general inflation, as determined
16 by the index published by the Bureau of Labor Statistics of the
17 United States Department of Labor that measures the average
18 change in prices of goods and services purchased by all urban
19 consumers, United States city average, all items, 1982-84 =
20 100.

21 Section 45. Prohibition against double payment;
22 recordkeeping; payment recapture.

23 (a) If any funeral and burial expenses are paid under this
24 Act, no award for such assistance shall be granted to any party
25 in relation to funeral and burial expenses for the same child

1 victim under the Crime Victims Compensation Act or the
2 Department of Human Services Funeral and Burial Benefits
3 Program.

4 (b) No person or entity receiving assistance under this
5 Act shall receive or retain a duplicate award for funeral and
6 burial expenses for a child victim from any State agency or
7 agencies. For the purposes of this Section, a duplicate award
8 is one that results in a total award from the State for the
9 cost of funeral and burial expenses for a child victim in
10 excess of that authorized by the Department. To prevent such
11 duplicate awards, the Department shall maintain an electronic
12 record of each disbursement to a funeral establishment or
13 cemetery authority and provide access to such records to any
14 State agency providing funeral or burial assistance to
15 Illinois residents.

16 (c) The Department is authorized to contract with
17 third-party entities to conduct payment recapture audits to
18 detect and recapture payments made in error or as a result of
19 fraud or abuse. A payment recapture audit shall include the
20 process of identifying improper payments paid to a funeral
21 establishment or cemetery authority or to an eligible survivor
22 whereby accounting specialists examine payment records and
23 uncover duplicate payments, payments for services not
24 rendered, overpayments, payments for unauthorized services,
25 and fictitious vendors. This audit may include the use of
26 professional and specialized auditors on a contingency basis,

1 with compensation tied to the identification of misspent
2 funds.

3 Section 50. Notice to public of available assistance.

4 (a) The Department shall develop a brochure informing the
5 public of the existence of funeral and burial assistance for
6 the families of murdered children under this Act and make the
7 brochure available on its website.

8 (b) Any law enforcement agency that investigates an
9 offense committed in this State shall inform the parent or
10 guardian of the child victim concerning the availability of
11 assistance for funeral and burial expenses under this Act and
12 advise such persons that any information concerning this Act
13 may be obtained from the Department.

14 Section 900. The Illinois Public Aid Code is amended by
15 adding Section 12-4.11-5 as follows:

16 (305 ILCS 5/12-4.11-5 new)

17 Sec. 12-4.11-5. Murdered Children Funeral and Burial
18 Assistance Program. The Department of Human Services shall by
19 rule administer the Murdered Children Funeral and Burial
20 Assistance Program. Eligibility for the Murdered Children
21 Funeral and Burial Assistance Program shall be limited to
22 those individuals as described in the Murdered Children
23 Funeral and Burial Assistance Act.

1 Beginning July 1, 2023, the Department of Human Services
2 shall make eligibility determinations for the Murdered
3 Children Funeral and Burial Assistance Program and, subject to
4 appropriation, shall make disbursements for eligible cases to
5 a funeral establishment or cemetery authority as provided
6 under the Murdered Children Funeral and Burial Assistance Act.

7 Section 999. Effective date. This Act takes effect upon
8 becoming law."