

**102ND GENERAL ASSEMBLY****State of Illinois****2021 and 2022****SB2986**

Introduced 1/5/2022, by Sen. Jacqueline Y. Collins

**SYNOPSIS AS INTRODUCED:**

New Act  
30 ILCS 105/5.970 new

Creates the Funeral and Burial Assistance Program for Murdered Children Act. Provides that a parent or guardian of a child victim under 17 years of age or anyone living in the household of a child victim in relationship to the victim that is substantially similar to a parent who has a household income of less than 150% of the federal poverty level who is killed as a result of a firearm may apply for funeral and burial assistance from the Department of Human Services in an amount not to exceed \$10,000, indexed to inflation, beginning January 1, 2023, according to the Consumer Price Index. Provides that the Office of Firearm Violence Prevention shall review disbursement requirements by funeral establishments and upon conclusion of the review, provide a funeral establishment with a payment determination letter. Provides that the delinquent or criminal history of a child victim or an eligible survivor, or his or her status as a justice-involved individual, shall not automatically prevent an award for payment of a child victim's funeral and burial expenses. Establishes criteria for disbursement. Defines "justice-involved individual" as an individual who is imprisoned, on parole, probation, conditional discharge, mandatory supervised release, aftercare release, or any other release from custody, and supervised by or under the jurisdiction of a county or the Department of Corrections. Provides that every hospital licensed under the laws of the State shall display prominently in its emergency room posters giving notification of the existence and general provisions of the Act. Provides that any law enforcement agency that investigates an offense committed in the State shall inform the parent or guardian of the child victim concerning the availability of assistance for funeral and burial expenses under the Act and advise such persons that any information concerning the Act may be obtained from the Office of Firearm Violence Prevention. Defines various terms. Amends the State Finance Act to make conforming changes. Effective immediately.

LRB102 22322 RLC 31459 b

1 AN ACT concerning firearm violence.

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

4 Section 1. Short title. This Act may be cited as the  
5 Funeral and Burial Assistance Program for Murdered Children  
6 Act.

7 Section 5. Purpose; findings.

8 (a) Firearm violence is the leading cause of death for  
9 children and teenagers in this State.

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

15 (c) While the State assists the families of murdered  
16 children with funeral and burial expenses, assistance is  
17 primarily in the form of a reimbursement to the family after a  
18 formal application is submitted. After submission, the  
19 application undergoes a lengthy evaluation process by a review  
20 committee and a subsequent hearing before an administrative  
21 court. The process takes months, even years, before a final  
22 decision is rendered, during which time the victim's family  
23 can incur an overwhelming amount of debt.

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

6           (e) It is the intent of this Act to assist the families of  
7 children murdered in this State with funeral and burial  
8 expenses by having the State issue direct payments to funeral  
9 establishments instead of having the victim's family struggle  
10 to pay the cost and wait for reimbursement. Direct payments  
11 will enable families to conduct proper funeral and burial  
12 services without enduring significant financial hardship and  
13 debt.

14           Section 10. Definitions. In this Act:

15           "Child victim" means:

16           (1) a person under 17 years of age killed in this State  
17 by a firearm as a result of a first degree or second degree  
18 murder, as defined in Section 9-1 or 9-2, respectively, of  
19 the Criminal the Criminal Code of 2012, perpetrated  
20 against him or her;

21           (2) a person under 17 years of age killed in this State  
22 as a result of attempting to assist a person against whom a  
23 first degree or second degree murder by a firearm is being  
24 perpetrated or attempted, if that attempt of assistance  
25 would be expected of a reasonable person under the

1 circumstances;

2 (3) a person under 17 years of age killed in this State  
3 while assisting a law enforcement official apprehend a  
4 person who has perpetrated a first degree or second degree  
5 murder by a firearm or prevent the perpetration of any  
6 such crime; or

7 (4) a resident of this State under 17 years of age who  
8 is a victim of a first degree or second degree murder by a  
9 firearm except, if the crime occurred outside this State,  
10 the victim's survivors who are residents of this State  
11 have the same rights under this Act as if the crime had  
12 occurred in this State upon a showing that the state,  
13 territory, country, or political subdivision of a country  
14 in which the crime occurred does not have a compensation  
15 of victims of homicide for which the survivors are  
16 eligible.

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

23 "Funeral and burial expenses" means payments to a funeral  
24 establishment for funeral and burial services. Funeral and  
25 burial services include but are not limited to the transport  
26 of deceased human remains to a funeral establishment; the

1 preparation of deceased human remains for burial, including  
2 cleaning, disinfecting, and embalming; the preparation,  
3 direction, and supervision of the burial, cremation, or other  
4 disposition of deceased human remains, including furnishing a  
5 casket, vault, mausoleum or urn; and the administration of  
6 funeral arrangements, including providing printed materials,  
7 providing transportation of the deceased human remains to the  
8 burial site, and furnishing necessary facilities and  
9 equipment.

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

13 "Justice-involved individual" means an individual who is  
14 imprisoned, on parole, probation, conditional discharge,  
15 mandatory supervised release, aftercare release, or any other  
16 release from custody, and supervised by or under the  
17 jurisdiction of a county or the Department of Corrections.

18 Section 15. Justice-involved individual as victim or  
19 survivor. The delinquent or criminal history of a child victim  
20 or an eligible survivor, or his or her status as a  
21 justice-involved individual, shall not automatically prevent  
22 an award for payment of a child victim's funeral and burial  
23 expenses.

24 Section 20. Additional powers; Office of Firearm Violence

1 Prevention. In addition to other powers and duties set forth  
2 in this Act and other powers exercised by the Office of Firearm  
3 Violence Prevention, the Office shall review disbursement  
4 requests submitted by a funeral establishment, including a  
5 verification of the eligible survivor's household income and  
6 of the child victim's death certificate or of the autopsy  
7 report or pathology report, and upon conclusion of the review,  
8 provide a funeral establishment with a payment determination  
9 letter.

10 Section 25. Additional powers; Department of Human  
11 Services. In addition to other powers and duties set forth in  
12 this Act and other powers exercised by the Department of Human  
13 Services, the Department shall disburse payment to a funeral  
14 establishment from the Funeral and Burial Assistance Program  
15 for Murdered Children Fund which is created in the State  
16 treasury.

17 Section 30. Right to disbursement. A funeral establishment  
18 is entitled to disbursement under this Act if:

19 (a) Within one year after the occurrence of the crime upon  
20 which a disbursement request is made, the funeral  
21 establishment shall submit the request to the Office of  
22 Firearm Violence Prevention on a form prescribed in accordance  
23 with Section 35 furnished by the Office of Firearm Violence  
24 Prevention.

1           (b) The Office of Firearm Violence Prevention may accept a  
2 request presented after the period provided in subsection (a)  
3 if it determines that the funeral establishment had a good  
4 cause for a delay.

5           Section 35. Disbursement request requirements.

6           (a) A disbursement request shall include:

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

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

11                (3) the nature and extent of the injuries sustained by  
12 the child victim, and the names and addresses of those  
13 giving any medical and hospitalization treatment to the  
14 child victim;

15                (4) a copy of the child victim's death certificate or  
16 of the autopsy report or pathology report;

17                (5) documentation verifying an eligible survivor's  
18 household income;

19                (6) a copy of the invoice detailing funeral and burial  
20 expenses, including any applicable taxes, surcharges and  
21 fees;

22                (7) releases authorizing the surrender to the Office  
23 of Firearm Violence Prevention of reports, documents and  
24 other information relating to the matters specified under  
25 this Act and rules adopted in accordance with this Act;

1           and

2                   (8) such other information as the Office of Firearm  
3           Prevention reasonably requires.

4           (b) The Office of Firearm Violence Prevention may require  
5           that material substantiating the facts stated in the  
6           disbursement request be submitted with that request.

7           (c) A funeral establishment, on its own volition, may file  
8           an amended request or additional substantiating materials to  
9           correct inadvertent errors or omissions at any time before the  
10          original request has been disposed of by the Office of Firearm  
11          Prevention. In either case, the filing of additional  
12          information or of an amended request shall be considered for  
13          the purpose of this Act to have been filed at the same time as  
14          the original request.

15          Section 40. Additional materials requested. If a funeral  
16          establishment does not submit all materials substantiating its  
17          disbursement request as requested by the Office of Firearm  
18          Violence Prevention, the Office shall notify the establishment  
19          in writing of the specific additional items of information or  
20          materials required and that it has 30 days in which to furnish  
21          those items to the Office. No disbursement shall be made for  
22          any portion of the establishment's request that is not  
23          substantiated by the establishment. An establishment may  
24          request an extension of time from the Office of Firearm  
25          Violence Prevention prior to the expiration of the 30-day



1 period.

2 Section 45. Amount of disbursement. Upon submitting a  
3 disbursement request to the Office of Firearm Violence  
4 Prevention and upon the Office's review of the request  
5 verifying that a survivor is an eligible survivor, a funeral  
6 establishment shall receive disbursement from the Department  
7 of Human Services in the amount of the total cost of funeral  
8 services provided, up to \$10,000. Beginning on January 1,  
9 2023, the maximum allowable disbursement amount shall be  
10 increased by an amount equal to any increase in the general  
11 inflation, as determined by the Consumer Price Index For All  
12 Urban Consumers as determined by the United States Department  
13 of Labor, for each subsequent year of the program.

14 Section 50. Prohibition against double payment;  
15 recordkeeping; payment recapture.

16 (a) An eligible survivor receiving an award for funeral  
17 and burial assistance for a child victim under this Act shall  
18 not receive an award for such assistance under the Crime  
19 Victims Compensation Act or the Department of Human Services  
20 Funeral and Burial Benefits Program, except for an amount in  
21 excess of the maximum award permitted under this Act, up to the  
22 total cost of funeral and burial expenses.

23 (b) Except as provided in subsection (a), any individual,  
24 eligible survivor, or funeral establishment under this Act

1 shall not retain a duplicate award for funeral and burial  
2 expenses for a child victim from any State agency or agencies.  
3 For the purposes of this Section, a duplicate award is one that  
4 results in a total award from the State for the cost of funeral  
5 and burial expenses for a child victim in excess of that  
6 authorized by the Office of Firearm Violence Prevention. To  
7 prevent such duplicate awards, the Office of Firearm Violence  
8 Prevention shall maintain an electronic record of each  
9 disbursement to a funeral establishment and provide access to  
10 such records to any State agency providing funeral or burial  
11 assistance to residents of this State.

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

25 Section 55. Hospital and law enforcement notification.

1           (a) Every hospital licensed under the laws of this State  
2 shall display prominently in its emergency room posters giving  
3 notification of the existence and general provisions of this  
4 Act. The posters may be displayed by physical or electronic  
5 means. Such posters shall be provided by the Office of Firearm  
6 Violence Prevention.

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

14           Section 90. The State Finance Act is amended by adding  
15 Section 5.970 as follows:

16           (30 ILCS 105/5.970 new)

17           Sec. 5.970. The Funeral and Burial Assistance Program for  
18 Murdered Children Fund.

19           Section 99. Effective date. This Act takes effect upon  
20 becoming law.