



Sen. Jacqueline Y. Collins

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10200SB2986sam001

LRB102 22322 RLC 35909 a

1 AMENDMENT TO SENATE BILL 2986

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2986 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 Funeral and  
6 Burial Assistance Program for Murdered Children 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 proper funeral and burial services and  
22 merchandise without enduring significant financial hardship  
23 and debt.

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

1 Section 10. Definitions. In this Act:

2 "Burial rights" means rights of internment, inurment, 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:

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

13 (2) a person under 17 years of age killed in this State  
14 as a result of attempting to assist a person against whom a  
15 first degree or second degree murder by a firearm is being  
16 perpetrated or attempted, if that attempt of assistance  
17 would be expected of a reasonable person under the  
18 circumstances;

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

24 (4) a resident of this State under 17 years of age who  
25 is a victim of a first degree or second degree murder by a

1 firearm except, if the crime occurred outside this State,  
2 the victim's survivors who are residents of this State  
3 have the same rights under this Act as if the crime had  
4 occurred in this State upon a showing that the state,  
5 territory, country, or political subdivision of a country  
6 in which the crime occurred does not have a compensation  
7 of victims of homicide for which the survivors are  
8 eligible.

9 "Eligible survivor" means the parent or guardian of a  
10 child victim, or anyone living in the household of a child  
11 victim in a relationship with the victim that is substantially  
12 similar to that of a parent, who has a household income of less  
13 than 150% of the federal poverty level and qualifies for  
14 payment of funeral and burial expenses under this Act.

15 "Funeral and burial expenses" means expenses that include,  
16 but are not limited to, the transport of deceased human  
17 remains to a funeral establishment; the preparation of  
18 deceased human remains for burial, including cleaning,  
19 disinfecting, and embalming; the preparation, direction, and  
20 supervision of the burial, cremation, or other disposition of  
21 deceased human remains, including furnishing a casket, vault,  
22 mausoleum or urn; the administration of funeral arrangements,  
23 including providing printed materials, providing  
24 transportation of the deceased human remains to the burial  
25 site, and furnishing necessary facilities and equipment; and  
26 any other service related to the carrying out of funeral or

1 burial services that the State Comptroller may allow, if  
2 consistent with the law, up to the total allowable amount of  
3 disbursement under Section 45.

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

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

11 Section 20. Additional powers; State Comptroller. In  
12 addition to other powers and duties set forth in this Act and  
13 other powers exercised by the State Comptroller, the State  
14 Comptroller shall conduct a review of disbursement requests  
15 submitted by a funeral establishment or cemetery authority,  
16 which includes verification of the eligible survivor's  
17 household income, verification of the child victim's death  
18 certificate and autopsy or pathology report, and a review of  
19 the statement of goods and services provided by the funeral  
20 establishment or cemetery authority pursuant to the Cemetery  
21 Oversight Act. Upon conclusion of the review, the State  
22 Comptroller shall provide the funeral establishment or  
23 cemetery authority with a payment determination letter. The  
24 State Comptroller shall disburse payment to a funeral

1 establishment or cemetery authority from the Illinois Funeral  
2 and Burial Assistance Program for Murdered Children Fund.

3 Section 25. Funding of the Funeral and Burial Assistance  
4 Program for Murdered Children.

5 The Funeral and Burial Assistance Program for Murdered  
6 Children shall be funded by grants awarded by the Office of  
7 Firearm Violence Prevention to the State Comptroller and  
8 placed in the Funeral and Burial Assistance Program for  
9 Murdered Children Fund, to be managed by the State  
10 Comptroller.

11 Section 30. Right to disbursement.

12 (a) With respect to the provision of burial rights and  
13 funeral and burial services and merchandise within the  
14 applicable scope of practice, a funeral establishment or  
15 cemetery authority is entitled to disbursement under this Act  
16 if within one year of the occurrence of the crime upon which a  
17 disbursement request is made, the funeral establishment or  
18 cemetery authority submits the request to the State  
19 Comptroller on a form prescribed in accordance with Section 35  
20 as furnished by the State Comptroller.

21 (b) The State Comptroller may accept a request presented  
22 after the period provided in subsection (a) if it determines  
23 that the funeral establishment or cemetery authority had a  
24 good cause for a delay.

1           Section 35. Disbursement request requirements.           (a) A  
2 disbursement request shall include:

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

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

7           (3) the nature and extent of the injuries sustained by  
8 the child victim, and the names and addresses of those  
9 giving any medical and hospitalization treatment to the  
10 child victim;

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

13           (5) documentation verifying an eligible survivor's  
14 household income;

15           (6) a copy of the invoice detailing funeral and burial  
16 expenses, including any applicable taxes, surcharges and  
17 fees;

18           (7) releases authorizing the surrender to the State  
19 Comptroller of reports, documents and other information  
20 relating to matters specified under this Act and rules  
21 adopted in accordance with this Act; and

22           (8) such other information as the State Comptroller  
23 reasonably requires.

24           (b) The State Comptroller may require that material  
25 substantiating the facts stated in the disbursement request be

1 submitted with that request.

2 (c) A funeral establishment or cemetery authority, on its  
3 own volition, may file an amended request or additional  
4 substantiating materials to correct inadvertent errors or  
5 omissions at any time before the original request has been  
6 disposed of by the State Comptroller. In either case, the  
7 filing of additional information or of an amended request  
8 shall be considered for the purpose of this Act to have been  
9 filed at the same time as the original request.

10 Section 40. Additional materials requested. If a funeral  
11 establishment or cemetery authority does not submit all  
12 materials substantiating its disbursement request as requested  
13 by the State Comptroller, the State Comptroller shall notify  
14 the establishment in writing of the specific additional items  
15 of information or materials required and that it has 30 days in  
16 which to furnish those items to the State Comptroller. No  
17 disbursement shall be made for any portion of the request from  
18 a funeral establishment or cemetery authority that is not  
19 substantiated by the establishment or authority. An  
20 establishment or authority may request an extension of time  
21 from the State Comptroller prior to the expiration of the  
22 30-day period.

23 Section 45. Amount of disbursement.

24 (a) The total amount of disbursement for funeral and



1 burial expenses for a child victim shall be \$10,000, to be  
2 apportioned between the funeral establishment and cemetery  
3 authority by those eligible survivors authorized to direct the  
4 disposition of remains pursuant to the Disposition of Remains  
5 Act.

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

19 (c) Beginning on January 1, 2023, the maximum allowable  
20 disbursement amount shall be increased by an amount equal to  
21 any increase in the general inflation, as determined by the  
22 consumer price index, for each subsequent year of the program.

23 Section 50. Prohibition against double payment;  
24 recordkeeping; payment recapture.

25 (a) An eligible survivor receiving an award for funeral

1 and burial assistance for a child victim under this Act shall  
2 not receive an award for such assistance under the Crime  
3 Victims Compensation Act or the Department of Human Services  
4 Funeral and Burial Benefits Program, except for an amount in  
5 excess of the award received under this Act up to the total  
6 cost of funeral and burial expenses.

7 (b) Except as provided in subsection (a), any individual,  
8 eligible survivor, funeral establishment, or cemetery  
9 authority under this Act shall not retain a duplicate award  
10 for funeral and burial expenses for a child victim from any  
11 State agency or agencies. For the purposes of this Section, a  
12 duplicate award is one which results in a total award from the  
13 State for the cost of funeral and burial expenses for a child  
14 victim in excess of that authorized by the State Comptroller.  
15 To prevent such duplicate awards, the State Comptroller shall  
16 maintain an electronic record of each disbursement to a  
17 funeral establishment or cemetery authority and provide access  
18 to such records to any State agency providing funeral or  
19 burial assistance to Illinois residents.

20 (c) The State Comptroller is authorized to contract with  
21 third-party entities to conduct payment recapture audits to  
22 detect and recapture payments made in error or as a result of  
23 fraud or abuse. A payment recapture audit shall include the  
24 process of identifying improper payments paid to a funeral  
25 establishment or cemetery authority or to an eligible survivor  
26 whereby accounting specialists examine payment records and

1 uncover duplicate payments, payments for services not  
2 rendered, overpayments, payments for unauthorized services,  
3 and fictitious vendors. This audit may include the use of  
4 professional and specialized auditors on a contingency basis,  
5 with compensation tied to the identification of misspent  
6 funds.

7 Section 55. Hospital and law enforcement notification.

8 (a) Every hospital licensed under the laws of this State  
9 shall display prominently in its emergency room posters giving  
10 notification of the existence and general provisions of this  
11 Act.

12 The posters may be displayed by physical or electronic  
13 means. The posters shall be provided by the State Comptroller.

14 (b) Any law enforcement agency that investigates an  
15 offense committed in this State shall inform the parent or  
16 guardian of the child victim concerning the availability of  
17 assistance for funeral and burial expenses under this Act and  
18 advise such persons that any information concerning this Act  
19 may be obtained from the State Comptroller.

20 Section 90. The State Finance Act is amended by adding  
21 Section 5.970 as follows:

22 (30 ILCS 105/5.970 new)

23 Sec. 5.970. The Funeral and Burial Assistance Program for

1 Murdered Children Fund.

2 Section 95. The Reimagine Public Safety Act is amended by  
3 changing Section 35-20 as follows:

4 (430 ILCS 69/35-20)

5 Sec. 35-20. Office of Firearm Violence Prevention.

6 (a) On or before October 1, 2021, an Office of Firearm  
7 Violence Prevention is established within the Illinois  
8 Department of Human Services. The Assistant Secretary of  
9 Violence Prevention shall report his or her actions to the  
10 Secretary of Human Services and the Office of the Governor.  
11 The Office shall have the authority to coordinate and  
12 integrate all programs and services listed in this Act and  
13 other programs and services the Governor establishes by  
14 executive order to maximize an integrated approach to reducing  
15 Illinois' firearm violence epidemic and ultimately ending this  
16 public health crisis.

17 (b) The Department of Human Services and the Office of  
18 Firearm Violence Prevention shall have grant making,  
19 operational, and procurement authority to distribute funds to  
20 violence prevention organizations, youth development  
21 organizations, high-risk youth intervention organizations,  
22 approved technical assistance and training providers,  
23 evaluation and assessment organizations, and other entities  
24 necessary to execute the functions established in this Act and

1 other programs and services the Governor establishes by  
2 executive order for the Department and the Office. The Office  
3 of Firearm Violence Prevention shall also provide grants to  
4 the State Comptroller to administer the Funeral and Burial  
5 Assistance Program for Murdered Children. The grants shall be  
6 deposited into the Funeral and Burial Assistance Program for  
7 Murdered Children Fund.

8 (c) The Assistant Secretary of Firearm Violence Prevention  
9 shall be appointed by the Governor with the advice and consent  
10 of the Senate. The Assistant Secretary of Firearm Violence  
11 Prevention shall report to the Secretary of Human Services and  
12 also report his or her actions to the Office of the Governor.

13 (d) For Illinois municipalities with a 1,000,000 or more  
14 population, the Office of Firearm Violence Prevention shall  
15 determine the 10 most violent neighborhoods. When possible,  
16 this shall be determined by measuring the number of per capita  
17 fatal and nonfatal firearm-shot victims, excluding  
18 self-inflicted incidents, from January 1, 2016 through  
19 December 31, 2020. These 10 communities shall qualify for  
20 grants under this Act and coordination of other State services  
21 from the Office of Firearm Violence Prevention. The Office  
22 shall, after identifying the top 10 neighborhoods, identify an  
23 additional 7 eligible neighborhoods by considering the number  
24 of victims in rank order in addition to the per capita rate. If  
25 appropriate, and subject to appropriation, the Office shall  
26 have the authority to consider adding up to 5 additional

1 eligible neighborhoods or clusters of contiguous neighborhoods  
2 utilizing the same data sets so as to maximize the potential  
3 impact for firearm violence reduction. For Illinois  
4 municipalities with less than 1,000,000 residents and more  
5 than 35,000 residents, the Office of Firearm Violence  
6 Prevention shall identify the 10 municipalities or contiguous  
7 geographic areas that have the greatest concentrated firearm  
8 violence victims. When possible, this shall be determined by  
9 measuring the number of fatal and nonfatal firearm-shot  
10 victims, excluding self-inflicted incidents, from January 1,  
11 2016 through December 31, 2020 divided by the number of  
12 residents for each municipality or area. These 10  
13 municipalities or contiguous geographic areas and up to 5  
14 additional municipalities or contiguous geographic areas  
15 identified by the Office of Firearm Violence Prevention shall  
16 qualify for grants under this Act and coordination of other  
17 State services from the Office of Firearm Violence Prevention.  
18 The Office of Firearm Violence Prevention shall consider  
19 factors listed in subsection (a) of Section 35-40 to determine  
20 up to 5 additional municipalities or contiguous geographic  
21 areas that qualify for grants under this Act. The Office of  
22 Firearm Violence Prevention may, subject to appropriation,  
23 identify up to 5 additional neighborhoods, municipalities,  
24 contiguous geographic areas, or other local  
25 government-identified boundary areas to receive funding under  
26 this Act after considering additional risk factors that

1 contribute to community firearm violence. The data analysis to  
2 identify new eligible neighborhoods and municipalities shall  
3 be updated to reflect eligibility based on the most recently  
4 available 5 full years of data no more frequently than once  
5 every 3 years.

6 (e) The Office of Firearm Violence Prevention shall issue  
7 a report to the General Assembly no later than January 1 of  
8 each year that identifies communities within Illinois  
9 municipalities of 1,000,000 or more residents and  
10 municipalities with less than 1,000,000 residents and more  
11 than 35,000 residents that are experiencing concentrated  
12 firearm violence, explaining the investments that are being  
13 made to reduce concentrated firearm violence, and making  
14 further recommendations on how to end Illinois' firearm  
15 violence epidemic.

16 (Source: P.A. 102-16, eff. 6-17-21; 102-679, eff. 12-10-21.)

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